FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

CENTRAL AREA SPECIFIC PLAN

OCTOBER 16, 2020

Prepared for:

City of Salinas
Community Development Department
65 West Alisal Street (Second Floor)
Salinas, CA 93901

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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Chapter **Page Number**

Table **Page Number**

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1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This Final Environmental Impact Report (FEIR) for the proposed Central Area Specific Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- The Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental issues raised in the review and consultation process; and
- Any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose a proposed project's expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its significant adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize significant environmental impacts of proposed development, and creates an obligation for such agencies to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Salinas has determined that a program-level EIR was required for the proposed Central Area Specific Plan (herein the Specific Plan) Project (proposed project) pursuant to the requirements of CEQA. The Draft EIR focuses on the environmental effects related to air quality, biological resources, cultural and tribal resources, greenhouse gases, climate change and energy, hazards and hazardous material, hydrology and water quality, noise, population and housing, public services, transportation and circulation, and utilities.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend potentially feasible methods to eliminate or reduce potential significant adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding or lessening significant adverse environmental effects, the lead agency must balance such significant adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This document and the Draft EIR, as amended herein, constitute the FEIR, which will be used as the primary environmental document to evaluate all subsequent planning and permitting actions

associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION AND INITIAL STUDY

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on September 8, 2017 to responsible and trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on September 27, 2017 at 2:00 p.m., at the City of Salinas Rotunda (located at 200 Lincoln Avenue, Salinas, CA 93901) in Salinas to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in **Appendix A** of the Draft EIR (seven comment letters were received).

NOTICE OF AVAILABILITY AND DRAFT EIR

The City published a public Notice of Availability (NOA) for the Draft EIR on June 26, 2020, thereby soliciting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017091022) and the County Clerk, and was published in a regional newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from June 26, 2020 through August 11, 2020. The Draft EIR contains a description of the project, descriptions of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies environmental subject areas for which the City determined that there would be no impacts or less than significant impacts, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOA and Draft EIR were considered in preparing the analysis in the FEIR.

RESPONSE TO COMMENTS/FINAL EIR

The City of Salinas received ten (13) comment letters during the Draft EIR public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City Council of Salinas will review and consider the Draft EIR together with the Final EIR. In order to take actions based upon the Final EIR (such as approving the proposed project or an alternative), the City Council must first "certify" the document under State CEQA Guidelines section 15090.

Certification consists of three separate findings to the effect that "(1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis." In addressing the first of these three issues, the City Council may find that the Final EIR complies with CEQA if the Council finds that the Final EIR is "adequate and complete." The rule of adequacy generally holds that a Final EIR can be certified if:

1) The EIR shows a good faith effort at full disclosure of environmental information; and

2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the certified Final EIR, the City Council may take action to approve, revise, or reject the proposed project. A decision to approve the proposed project, for which this FEIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and a statement of overriding considerations in accordance with State CEQA Guidelines Section 15093. A Mitigation Monitoring Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the proposed project to reduce or avoid significant effects on the environment. The City has prepared a Mitigation Monitoring Program to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR. It is found in Chapter 4 of this document.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 (this chapter) briefly describes the purpose of the environmental evaluation, identifies the lead agency (the City), summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commentors, copies of written comments made on the Draft EIR (coded for reference), and responses to significant environmental issues raised in those written comments.

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

CHAPTER 4.0 – FINAL MMRP

Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

CHAPTER 5.0 - REPORT PREPARERS

Chapter 5.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

2.1 INTRODUCTION

The City of Salinas received thirteen (13) comment letters on the Draft EIR during the EIR 45-day public review period. Acting as lead agency, the City of Salinas has prepared responses to the Draft EIR comments. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTORS

Table 2-1 lists the comments on the Draft EIR that were submitted to the City of Salinas. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

TABLE 2-1 LIST OF COMMENTORS

RESPONSE LETTER	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE OF LETTER
A	Heather Adamson	Association of Monterey Bay Area Governments (AMBAG)	07/08/2020
B	Monique Wilber	California Department of Conservation	07/29/2020
C	Debra L. Hale	Transportation Agency for Monterey County (TAMC)	8/11/2020
D	Fred Watson	California State University Monterey Bay	8/10/2020
E	Michael D. DeLapa	LandWatch	8/10/2020
F	Julie A. Vance	California Department of Fish & Wildlife (CDFW)	8/11/2020
G	Kate Roberts	Monterey Bay Economic Partnership (MBEP)	8/11/2020
H	Chris Bjornstad	California Department of Transportation (Caltrans)	8/11/2020
I	Devon B. Lincoln	Lozano Smith Attorneys at Law representing Alisal Union School District	8/11/2020
J	Devon B. Lincoln	Lozano Smith Attorneys at Law representing Salinas Union School District	8/11/2020
K	Devon B. Lincoln	Lozano Smith Attorneys at Law representing Santa Rita Union School District	8/11/2020
L	Hanna Muegge	Monterey Bay Air Resources District (MBARD)	8/11/2020
M	Kate McKenna	Local Agency Formation Commission of Monterey County (LAFCo)	8/11/2020

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088(a) requires that lead agencies evaluate and respond to all comments on the Draft EIR that raise significant environmental issues. Section 15008(b) provides that "[t]he written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment." Section 15204 adds that "[w]hen responding to comments, lead agencies need only respond to significant

environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

In addressing how commenters on draft EIRs should focus their comments, CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064(f)(5), an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR is an Errata that identifies all revisions to the Draft EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

Errata

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (<u>underline</u> for new text, ~~strike out~~ for deleted text).

From: Heather Adamson <hadamson@ambag.org>
Sent: Wednesday, July 8, 2020 9:13 AM
To: Jill Miller <jill.miller@ci.salinas.ca.us>
Cc: Heather Adamson <hadamson@ambag.org>; William Condon <wcondon@ambag.org>; Miranda Taylor <mtaylor@ambag.org>
Subject: Comment on the Central Area Specific Plan Draft EIR
Importance: High

Jill-

We had a correction on the Draft EIR for the Central Area Specific Plan. The 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) is a document prepared and approved by the Association of Monterey Bay Area Governments (AMBAG), not MBARD. Please correct in the final EIR.

5.0 Alternatives to the Proposed Project

- Page 5.0-20: "The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the Monterey Bay Air Resources Board's (MBARD) 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to the proposed project."

A-1

Please let me know if you have any questions.

Thanks,
Heather

Heather Adamson, AICP
Director of Planning
AMBAG
(831) 264-5086
hadamson@ambag.org

Response to Letter A: Heather Adamson, Association of Monterey Bay Area Governments (AMBAG)

Response A-1: This comment identifies a transcription error in Chapter 5.0 (Alternatives) of the Draft EIR. This comment is noted. Based on this comment, we have updated page 5.0-20 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

> The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the ~~Monterey Bay Air Resources Board's (MBARD)~~AMBAG's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to the proposed project.

No further response is required.

California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
David Shabazian, Director

JULY 29, 2020

VIA EMAIL: JILL.MILLER@CI.SALINAS.CA.US
Jill Miller, Senior Planner
City of Salinas
65 W. Alisal Street
Salinas, CA 93901

Dear Ms. Miller:

NOTICE OF AVAILABILITY OF THE CENTRAL AREA SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT, SCH# 2017091022

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Central Area Specific Plan Draft Environmental Impact Report (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The Central Area Specific Plan will establish the land use planning and regulatory guidance for the approximately 760-acre Specific Plan Area. The Specific Plan will serve as a bridge between the Salinas General Plan and individual development applications in the Specific Plan Area, applying and adding greater specificity to the goals, policies and concepts of the General Plan for that area. The Specific Plan has been crafted to be consistent with overall community goals as expressed in the General Plan.

B-1

The Salinas Zoning Code requirements will apply to development applications and property within the Specific Plan Area unless specifically superseded by the development regulations or design standards contained in the Specific Plan. The underlying purpose of the proposed project is the approval and subsequent implementation of the proposed Central Area Specific Plan and related entitlements. Proposed land uses in the approximately 760-acre Specific Plan Area include residential, mixed-use commercial, neighborhood parks, small parks, schools and open space including supplemental storm water detention/retention basins.

State of California Natural Resources Agency | Department of Conservation
801 K Street, MS 14-15, Sacramento, CA 95814
conservation.ca.gov | T: (916) 324-0850 | F: (916) 327-3430

Currently, the project site is in agricultural use and contains Prime, Statewide, and Unique Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program[1].

B-1 (continued)

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.[2] All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

B-2

As the courts have shown[3], agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

http://www.calandtrusts.org/resources/conserving-californias-harvest/

B-3

Conclusion

Prior to approval of the proposed project the Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.

B-4

[1] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, https://maps.conservation.ca.gov/DLRP/CIFF/
[2] Public Resources Code section 21002.
[3] *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with, or, potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Potential impacts, and proposed mitigation for lands held under agricultural easements.

Thank you for giving us the opportunity to comment on the Central Area Specific Plan Draft Environmental Impact Report. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

B-4 (continued)

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

Response to Letter B: Monique Wilber, California Department of Conservation

Response B-1: This comment is an introduction to the comment letter, which includes a summary of the project description. No response to this comment is required.

Response B-2: The commentor states:

> *"The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.*

This comment is noted. It should be noted that the Draft EIR relies on analysis previously provided in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). The analysis of the project's potential to convert agricultural land was addressed on page 1.0-17 of the Draft EIR.

The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that General Plan buildout would result in the conversion of 3,525 acres designated for agriculture to urban uses. The *Final Environmental Impact Report* also indicates that General Plan buildout would result in agricultural activity in proximity to residential and other urban uses, which may result in conflicts between the uses. It is noted that agricultural activity can cause nuisances related to air quality and noise that may disturb surrounding development. Urban activities may also negatively affect nearby agricultural uses, as increased vandalism often occurs and the introduction of domestic animals may disturb certain agricultural activities.

The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of Mitigation Measures AG1 through AG4, the impacts on potential compatibility issues would be reduced to a **less than significant** level; however, while the impacts on agricultural conversion would be reduced to the extent feasible, a **significant and unavoidable** impact would remain related to the loss of important farmland. Mitigation AG5 specifically addressed Agricultural Land Conservation Easement Program, which states that the City will work with the County of Monterey and other local jurisdictions to create and implement an agricultural land conservation easement program, including such measures as securing the dedication of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank. Additionally, in 2006, the City Council adopted Resolution No. 19422, approving the Agricultural Land Preservation Program. The resolution adopted a $750.00 per acre mitigation fee for agricultural lands currently designated by the California Department of Conservation's Farmland Mapping Program as "Prime" or "of Statewide Importance".

The City of Salinas certified the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), adopted a statement of overriding considerations relative to this significant and unavoidable impact, and approved the Salinas General Plan.

Subsequently, the *Final Supplement for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that agricultural impacts associated with the FGAs, which includes the Specific Plan, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002).

Any future development under the approved General Plan, which includes all development under the proposed project, would be required to comply with the above-referenced regulations, policies, and standards. Implementation of the proposed project would not result in any new significant adverse impacts beyond those addressed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplement for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). Therefore, this topic does not warrant additional analysis and was not addressed further in the EIR. In compliance with CEQA, no new mitigation measures relating to this issue are required. No further response is warranted.

Response B-3: The commentor states:

> *"As the courts have shown, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.*
>
> *A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance."*

The comment makes the statement that "[a]s the courts have shown, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370." (Footnote omitted.) In support of this statement, the letter cites Masonite Corp. v. County of Mendocino (2013) 218 Cal.App.4th 230, 238.

However, in contrast to the above-cited court case, a more recent court case, King & Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814, 875-876, decided by the Court of Appeals for the Fifth Appellate District, held that conservation easements that simply protect existing farmland are not effective CEQA mitigation insofar as they cannot not reduce the loss of agricultural land to a less than significant level. At most, any mitigation is "partial." (*Id*. at p. 873.) The court stated that "an agricultural conservation easement merely prevents the future conversion of the agricultural land subject to the easement. Because the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project's impact on agricultural land." (*Id*. at p. 875.) On

the other hand, a measure requiring the *restoration* of agricultural land devoted to oil and gas uses *was* an effective CEQA mitigation measure, as such approach *compensated* for lost agricultural land. (*Id*. at pp. 876.) A fee-based system for buying credits might be effective mitigation if it involves restoration rather than just pure preservation. (*Id*. at pp. 877-878.).

Moreover, as provided in Response B-2, this topic does not warrant additional analysis and was not addressed further in the EIR. In compliance with CEQA, no new mitigation measures relating to this issue are required. No further response is warranted.

Response B-4: The commentor provides a list of agricultural-related issues recommended for further discussion, prior to approval of the proposed project. However, as described above under Response B-2, environmental issues relating to the conversion of agricultural land were previously addressed in the Final Environmental Impact Report for the Salinas General Plan (Cotton Bridges Associates 2002), pursuant to the tiering requirements of CEQA. There are no new impacts or mitigation measures associated with the proposed project relating to this topic to be considered. Therefore, pursuant to CEQA, no additional discussion of these issues in the Draft EIR is required.

TRANSPORTATION AGENCY FOR MONTEREY COUNTY
55-B PLAZA CIRCLE, SALINAS, CA, 93901
(831) 775-0903
TAMCMONTEREY.ORG

August 11, 2020

via email: jill.miller@ci.salinas.ca.us

Jill Miller
Senior Planner
City of Salinas, Community Development Department
65 West Alisal Street
Salinas, CA 93901

SUBJECT: Comments on the Draft Central Area Specific Plan Draft Environmental Impact Report

Dear Ms. Miller:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. TAMC staff have reviewed the Draft Environmental Impact Report (DEIR) for the Central Area Specific Plan.

C-1

The Central Area Specific Plan is located in the City of Salinas' Sphere of Influence, bound by Natividad Road on the west, Boronda Road to the south, Old Stage Road to the east. The Specific Plan proposes up to 3,911 residential units, up to 489,700 square feet of commercial space, three schools, a fire station and public library.

The Transportation Agency staff offers the following comments regarding the DEIR:

1. TAMC predicts that the trip distribution analysis underestimates the percentage of trips going to the Monterey Peninsula through State Route 68 and State Route 183 and requests justification for the proposed distribution along those key regional routes.

C-2

2. TAMC predicts that the total applied reductions to the trip generation model are optimistic, unless all the proposed bicycle and pedestrian improvements identified in the draft Specific Plan are built with this project. TAMC recommends that some of the bicycle and pedestrian improvements, such as sidewalk infrastructure, public benches, bicycle lanes, and bicycle parking be conditioned as mitigations for the development projects in order to ensure they are built and contribute to overall trip reduction. Consideration should also be given to providing new housing tenants transit passes to access Monterey-Salinas Transit's services.

C-3

3. TAMC and Caltrans consider payment of the Regional Development Impact Fee as mitigation for a development's cumulative impacts to the regional transportation network. Our Agency supports mitigation measure 3.10-6 providing that all new development within the specific plan area will be conditioned to pay their fair share of regional fees to address cumulative impacts.

C-4

4. TAMC supports the intention to slow vehicular movement in the neighborhood areas through principles of complete streets. TAMC's Complete Streets Guidebook can serve as a resource for implementation of complete streets, available here: https://www.tamcmonterey.org/programs/complete-streets/ C-5

5. To accomplish the Specific Plan's Circulation Goal #1, the development should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities and provide access to transit stops. As per Caltrans standards, bicycle lanes should be constructed to the left of any right-hand turn lanes included in the development or constructed off-site as mitigation. Also, the document should address the need for any new roadways be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials. C-6

6. TAMC supports the mitigation measures 3.1-2, 3.1-6 and 3.1-7 intent to incorporate effective methods of cleaner alternative fuels and alternative transportation such as electric vehicle charging infrastructure, secure bicycle parking locations, and park-and-ride lots. The Agency advises the project applicant to consider pursing funding for secure bicycle parking through TAMC's Bicycle Secure Program, and Monterey Bay Air Resources District's grant programs to support installation of electric vehicle charging infrastructure. C-7

7. TAMC encourages the use of Monterey-Salinas Transit's *Designing for Transit* Manual as a resource to support current and potential future transit access to the project site. Monterey Salinas Transit is in the process of updating their 2006 manual; the 2020 draft *Designing for Transit* manual is available here: https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf C-8

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Madilyn Jacobsen of my staff at 831-775-4402 or madilyn@tamcmonterey.org. C-9

Sincerely,

Debra L. Hale
Executive Director

https://tamcmonterey.sharepoint.com/Shared Documents/Work Program/Env Doc Review/2020 Documents/Miller - Salinas Central Area Specific Plan/Miller- Central Area SP DEIR.docx

Response to Letter C: Debra L. Hale, Transportation Agency for Monterey County

Response C-1: This comment serves an introduction to the comment letter. No further response is required.

Response C-2: The commentor states:

> *"TAMC predicts that the trip distribution analysis underestimates the percentage of trips going to the Monterey Peninsula through State Route 68 and State Route 183 and requests justification for the proposed distribution along those key regional routes."*

The project's trip distribution pattern was developed based on information (specifically, a "select zone" analysis) from the City of Salinas' travel demand model. The City's travel demand model is a subarea model of the Association of Monterey Bay Area Government's (AMBAG) regional travel demand model. As such, it includes all roadways of regional significance within the County, with additional land use and roadway network granularity added within the City of Salinas. State Routes 68 and 183 are included within the models and traffic is assigned to both facilities within the project's trip distribution pattern and subsequent analyses. As noted by the comment, the model predicts that fairly low levels of project-related peak hour vehicular traffic would travel on these roadways. This result is likely driven by the proximity and size of complementary land-uses being served by the roadways.

Response C-3: The commentor states:

> *"TAMC predicts that the total applied reductions to the trip generation model are optimistic, unless all the proposed bicycle and pedestrian improvements identified in the draft Specific Plan are built with this project. TAMC recommends that some of the bicycle and pedestrian improvements, such as sidewalk infrastructure, public benches, bicycle lanes, and bicycle parking be conditioned as mitigations for the development projects in order to ensure they are built and contribute to overall trip reduction. Consideration should also be given to providing new housing tenants transit passes to access Monterey-Salinas Transit's services."*

All of the proposed bicycle and pedestrian improvements identified in the Specific Plan would be developed by the project. Therefore, it is not applicable to include these project characteristics as mitigation. A large number of recommended conditions of approval relating to transportation have been included in the *Section 3.10: Transportation and Circulation* section of the Draft EIR. Ultimately, the mitigation proposed by this comment is not needed, since the Draft EIR did not identify any significant LOS impacts. No further response is warranted.

Response C-4: The commentor states:

> *"TAMC and Caltrans consider payment of the Regional Development Impact Fee as mitigation for a development's cumulative impacts to the regional transportation network. Our Agency supports mitigation measure 3.10-6 providing that all new development within*

the specific plan area will be conditioned to pay their fair share of regional fees to address cumulative impacts."

The commentor states their support for Mitigation Measure 3.10-6 (i.e. Recommended Condition of Approval 3.10-6) of the Draft EIR. No further response is required.

Response C-5: The commentor states:

"TAMC supports the intention to slow vehicular movement in the neighborhood areas through principles of complete streets. TAMC's Complete Streets Guidebook can serve as a resource for implementation of complete streets, available here:

https://www.tamcmonterey.org/programs/complete-streets/"

This comment is noted. The commentor states their support for the 'complete streets' characteristics of the proposed project. No further response is required.

Response C-6: The commentor states:

"To accomplish the Specific Plan's Circulation Goal #1, the development should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities and provide access to transit stops. As per Caltrans standards, bicycle lanes should be constructed to the left of any right-hand turn lanes included in the development or constructed off-site as mitigation. Also, the document should address the need for any new roadways be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials."

This comment is noted. The proposed Specific Plan has already been designed to place a premium on safe and accessible bicycle and pedestrian access, including with sidewalks that connect to external facilities that also provide access to transit stops. Overall, the proposed Specific Plan has been designed in accordance with Caltrans standards, as applicable. Moreover, the Specific Plan provides specifications for the new roadways that accommodate bicycles. No further response is required.

Response C-7: The commentor states:

"TAMC supports the mitigation measures 3.1-2, 3.1-6 and 3.1-7 intent to incorporate effective methods of cleaner alternative fuels and alternative transportation such as electric vehicle charging infrastructure, secure bicycle parking locations, and park-and-ride lots. The Agency advises the project applicant to consider pursing funding for secure bicycle parking through TAMC's Bicycle Secure Program, and Monterey Bay Air Resources District's grant programs to support installation of electric vehicle charging infrastructure."

This comment is noted. The commentor states their support for Mitigation Measures 3.1-2, 3.1-6, and 3.1-7 of the Draft EIR. No further response is required.

Response C-8: The commentor states:

> *"TAMC encourages the use of Monterey-Salinas Transit's Designing for Transit Manual as a resource to support current and potential future transit access to the project site. Monterey Salinas Transit is in the process of updating their 2006 manual; the 2020 draft Designing for Transit manual is available here: https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf"*

This comment is noted. No further response is required.

Response C-9: The comment serves as a concluding statement. No response is required.

Gmail Josh Smith <jsmith@denovoplanning.com>

FW: Comments on Central Area Specific Plan DEIR and DSP

1 message

Jill Miller <jill.miller@ci.salinas.ca.us> Mon, Aug 10, 2020 at 2:49 PM
To: Steve McMurtry <smcmurtry@denovoplanning.com>, Josh Smith <jsmith@denovoplanning.com>

See comment email below on CASP

-----Original Message-----
From: Fred Watson <fwatson@csumb.edu>
Sent: Monday, August 10, 2020 1:36 PM
To: Jill Miller <jill.miller@ci.salinas.ca.us>
Subject: Comments on Central Area Specific Plan DEIR and DSP

Dear Jill,

I have two comments on the City of Salinas Central Area Specific Plan DEIR and DSP:

1. On Figure 1-6, the "Pedestrian Paths" should also be bike paths - just like the ones that already exist primarily along Gabilan & Natividad Creeks. D-1

2. The bike/ped circulation system should include a connection between the Gabilan Creek drainage and the Natividad Creek drainage that is buffered by a greenway (i.e. an open space corridor) and not directly adjacent to roads. I'm a runner who lives in Marina but runs in Salinas from time to time. I think my experience with City trails is representative of many folks using the existing bike/ped paths in the City. Currently in the City, I can run a loop, say, from Natividad Creek Park down toward Carr Lake, across past the Vietnam Memorial to the Constitution Sports Complex, up Gabilan Creek, and across through streets back to Natividad Creek Park. The whole loop is buffered by open space EXCEPT THE CONNECTION FROM GABILAN CREEK TO NATIVIDAD CREEK (roughly along Nuntucket Blvd). When properly managed, open space corridors beside trails promote a safe and peaceful experience for people of all ages. An open-space / greenway connection between the two creek systems would be a wonderful asset to the community because of the trail LOOPS it would facilitate. At present, almost all Salinas trails run along watercourses, which is an obvious and beneficial design choice available to planners. Making the loop connections BETWEEN creek systems requires a little more initiative, but will be worth it because of the many benefits loops create with respect to frequency of use and and minimization of public safety problems trail dead-ends. D-2

The scope of my review of the documents was limited to trails only, and not any other aspects of the plan.

Thank you.

Fred Watson, PhD
Professor. Department of Applied Environmental Science, California State Univ. Monterey Bay.
Bldg 53, Rm E112, 100 Campus Center, Seaside, CA, 93955, USA.
fwatson@csumb.edu. http://science.csumb.edu/~fwatson.

Response to Letter D: Fred Watson, California State University Monterey Bay

Response D-1: The commentor states:

> *"In Figure 1-6, the "Pedestrian Paths" should also be bike paths - just like the ones that already exist primarily along Gabilan & Natividad Creeks."*

This comment is directed at a figure developed as part of the Specific Plan. It is noted that the Specific Plan allows for most pedestrian paths to be utilized for bicycle travel, which is consistent with existing paths in the City. This comment does not warrant any edits to the EIR; however, this comment is being provided to the Specific Plan team to consider. No further response is required.

Response D-2: The commentor states:

> *"The bike/ped circulation system should include a connection between the Gabilan Creek drainage and the Natividad Creek drainage that is buffered by a greenway (i.e. an open space corridor) and not directly adjacent to roads. I'm a runner who lives in Marina but runs in Salinas from time to time. I think my experience with City trails is representative of many folks using the existing bike/ped paths in the City. Currently in the City, I can run a loop, say, from Natividad Creek Park down toward Carr Lake, across past the Vietnam Memorial to the Constitution Sports Complex, up Gabilan Creek, and across through streets back to Natividad Creek Park. The whole loop is buffered by open space EXCEPT THE CONNECTION FROM GABILAN CREEK TO NATIVIDAD CREEK (roughly along Nuntucket Blvd). When properly managed, open space corridors beside trails promote a safe and peaceful experience for people of all ages. An open-space / greenway connection between the two creek systems would be a wonderful asset to the community because of the trail LOOPS it would facilitate. At present, almost all Salinas trails run along watercourses, which is an obvious and beneficial design choice available to planners. Making the loop connections BETWEEN creek systems requires a little more initiative, but will be worth it because of the many benefits loops create with respect to frequency of use and minimization of public safety problems trail dead-ends."*

This comment is directed as the Specific Plan, and does not warrant any edits or response regarding the EIR. This comment is being provided to the Specific Plan team to consider and will be provided to the Planning Commission and City Council as part of this Final EIR. No further response is required.

August 10, 2020

Jill Miller, Senior Planner
City of Salinas Community Development Department
65 West Alisal Street, Salinas, California 93901
email: jill.miller@ci.salinas.ca.us

Subject: DEIR for Central Area Specific Plan

Dear Ms Miller:

LandWatch Monterey County submits the following comments on the Draft EIR for Salinas' Central Area Specific Plan:

Project Description

The Specific Plan Area includes 23 parcels. All of the parcels are located within the boundaries of the Central Area Specific Plan, although two of the parcels are located within unincorporated Monterey County. The current zoning within the Specific Plan Area is New Urbanism Interim (NI) with a Specific Plan Overlay District, except for the Settrini/Garcia/Igaz properties, which are currently zoned F/40 (Farmlands, 40 acres per unit).

The General Plan Land Use Designations for the proposed Specific Plan include Mixed Use, Residential Low Density, Residential Medium Density, Residential High Density, Public/Semipublic, Open Space, and Park. (p. 2.0-4) The quantifiable objectives of the proposed project include the development of up to 3,911 residential dwelling units, up to 489,700 square feet of commercial uses, approximately 61 net acres of public facilities (including one elementary school, one middle school, one combined elementary and middle school, a fire station, a public library, utility facilities, and a prominent site reserved for public/semipublic use [e.g. religious assembly), and approximately 148 net acres dedicated to parks and open space uses. (p. 2.0-5)

E-1

The Specific Plan includes a variety of residential densities:

Neighborhood	Density Net units per residential acre (nra)	Acres	Percentage
Neighborhood Edge	Low 6 to 8 du/nra	208	57%
Neighborhood General	Medium 8 to 10 du/nra High 14 to 16 du/nra	109.7	30%
Village Center	High/Mixed Use 18 to 31 du/nra	50.5	13%

Data from DEIR p. 2.0-23

Agricultural Land

The DEIR fails to evaluate the effect of the Central Area Specific Plan on loss of agricultural land, treating it as a topic that does not warrant further discussion because it was addressed in the General Plan EIR. (DEIR p. 1.0-17.) The DEIR's brief reference to agricultural land loss states that the General Plan EIR adequately addressed the loss of agricultural land and found the impact to be significant and unavoidable. Even if that were the case, CEQA requires that the City adopt feasible mitigation or an alternative that would lessen the impact as long as it remains significant and unavoidable. Here, the Reduced Land Area Project Alternative *would* lessen the loss of agricultural land. The EIR should be revised to disclose this fact. Furthermore, the comparison of alternatives in Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project. The public and decision makers cannot evaluate alternatives adequately without this disclosure. E-2

Air Quality

The DEIR finds the proposed project would not conflict with or obstruct the latest air quality plan (DEIR p. 3.1-27) This conclusion is based on the finding that the City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The latest AQMP is for 2014-2015 and includes the 2014 AMBAG population forecasts, not the 2018 forecasts. The project is inconsistent with the adopted AQMP. E-3

Further, the DEIR finds operation of the Specific Plan would have a significant and unavoidable impact on regional air quality (p. 3.1-30). This finding is contrary to the DEIR finding that the project would not conflict with the latest air quality plan.

Greenhouse Gas Emissions

The DEIR finds cumulative impacts on climate change from increased project-related greenhouse gas emissions to be significant and unavoidable. The operational emissions would be a long-term release totaling approximately 45,347 MT CO2e without mitigation and 40,134 MT CO2e with mitigation (DEIR p. 4.0-11).

Although the DEIR states that "the proposed project would be required to implement mitigation measures that are intended to reduce GHG emissions to the maximum extent feasible," the DEIR fails to consider, evaluate, and propose those mitigation measures. Instead it relies on Mitigation Measure 3.4-1, calling for the applicant to prepare a Greenhouse Gas Reduction Plan at some point in the future, "pursuant to CEQA Guidelines section 15183.5(b)." (DEIR p. 3.4-40). This deferred mitigation does not comply with CEQA for several reasons. E-4

First, an agency may not defer formulation of mitigation unless it provides a sufficient reason. The DEIR provides no reason for deferral of the Greenhouse Gas Reduction Plan.

Second, the DEIR does not simply require the future formulation of the Greenhouse Gas Reduction Plan, but also purports to rely on this future plan in its determination of the significance of the Specific Plan's impacts. For example, the DEIR finds that the Specific Plan would not conflict with plans for reducing GHG emissions because of Mitigation Measure 3.4-1:

> The Specific Plan would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as described above. With

Page 2

> implementation of the mitigation measures provided within Section 3.1: Air Quality and with implementation of Mitigation Measure 3.4-1, there would be a less than significant impact (DEIR p. 3.4-46).

But CEQA Guidelines section 15183.5(b) only permits an agency to rely on "Plans for the Reduction of Greenhouse Gas Emissions" when analyzing the significance of impacts "if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances." Furthermore, the "specified circumstances" include the requirements that the Plan "specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level" and that the Plan has been "adopted in a public process following environmental review." Here, the Greenhouse Gas Reduction Plans have not yet been adopted, and there is no specification of the measures that demonstrably achieve the specified emissions level. To the contrary, Mitigation Measure 3.4-1 merely mandates that the applicant prepare the plan, not that the future projects actually meet the specified emissions levels. The DEIR allows the future projects simply to claim that the emissions reductions are not feasible:

> If sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the project applicant shall include evidence in the GGRP to this effect (FRIR p. 3.4-41).

And the DEIR later admits that projects may not attain the required reductions:

On a project-by-project case, the City of Salinas evaluates a project and the potential to impose project-specific mitigation, which has been done through this GHG analysis. However, because it is possible that individual projects within the Specific Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant, implementation of the Specific Plan would have a cumulatively considerable contribution and significant and unavoidable impact to GHGs (DEIR p. 4.0-11).

In sum, the DEIR improperly relies on deferred Greenhouse Gas Reduction Plans and reaches contradictory conclusions as to the efficacy of these unspecified plans.

The fundamental problem is that the DEIR simply fails to acknowledge that the City has authority to impose specific mitigation measures that would reduce GHG Emissions from the Specific plan. The DEIR claims that " the City does not have the jurisdiction to create far-reaching (i.e. statewide) measures to reduce GHG emissions." (DEIR p. 4.0-11.) While the City may not impose statewide measures, it does have both the authority and the responsibility to condition the Specific Plan on specific local measures, such as the mitigation measures that would be required if SB 743 were addressed in the Transportation analysis. Even if SB 743 compliance is not mandated for this EIR, the DEIR does have to assess and propose mitigation for GHG impacts, which is the primary goal of the VMT analysis in SB 743.

The DEIR should be revised and recirculated to include a Greenhouse Gas Reduction Plan applicable to all future projects in the Specific Plan area that actually complies with the requirements of CEQA Guidelines section 15183.5(b). In addition, the DEIR must actually specify and propose adequate mitigation measures to ensure that GHG impacts are less than cumulatively considerable (i.e., measures that would ensure meeting the performance specification) or, if that is not possible, then the DEIR must specify and propose all feasible mitigation measures to reduce GHG emissions. For example, the EIR should propose:

E-4 (continued)

Page 3

- Increased density (i.e., increased residential units/acre). Single family dwelling units generate 9.52 daily trips in contrast to condos which generate 5.81 daily trips, a 40% reduction in daily trips (ITE, 9th edition). Mid-rise apartments generate even fewer trips at 4.20 daily trips. CAPCOAs demonstrates that increased density can reduce emissions up to 30%. (CAPCOA, Quantifying Greenhouse Gas Mitigation Measures, 2010, p. 155, available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf)
- Increased transit accessibility by mandating provision of transit stops and subsidies for fast, frequent, and reliable transit service to regional locations. CAPCOA estimates that this can reduce emissions up to 24.6% (CAPCOA at p. 171).
- Mandate employer subsidy for or direct provision of local shuttles (CAPCOA at p. 286).
- Integrate affordable and below market rate housing, i.e., do not permit mere payment of impact fees for offsite affordable housing that may not be integrated (see CAPCOA at p. 176).
- Mandate that commercial projects be oriented toward non-auto corridors (CAPCOA at p. 179).
- Implement neighborhood electric vehicle network (CAPCOA at p. 194).
- Design in urban non-motorized zones (CAPCOA at p. 198).
- Mandate that employers charge for employee parking (CAPCOA at p. 207).
- Unbundle parking cost from property costs, i.e., require rental residential units, commercial leases, and residential sales to charge for parking separately (CAPCOA at p. 210).
- Implement market price public on-street parking (CAPCOA at 213).
- Require residential area parking permits (CAPCOA at p. 217).
- Require employers to implement mandatory commute trip reduction programs (CAPCOA at . 223).
- Require employers to subsidize transit use by employees (CAPCOA at p. 230).
- Require employers to charge employees for parking (CAPCOA at p. 261).
- Requires employers to cash-out employees who do not use parking (CAPCOA at p. 266).
- Require employers to provide end-of-trip facilities for bicycle riders (CAPCOA at p. 234).
- Require preferential parking programs for commercial land uses (CAPCOA at p. 244).
- Require homebuilders to subsidize school bus programs (CAPCOA at p. 258).
- Require installation of programmable thermostat timers (CAPCOA at p. 99).
- Require installation of energy efficient appliances (CAPCOA at p. 103.)
- Require installation of higher efficiency public street and area lighting (CAPCOA at p. 115).
- Limit lighting requirements (CAPCOA at p. 119).
- Require use of gray water (CAPCOA at p. 336).
- Require installation of low-flow water fixtures (CAPCOA at p. 347).
- Adopt a water conservation strategy for the project area (CAPCOA at p. 362).
- Require adoption of water-efficient landscapes (CAPCOA at p. 365).
- Require use of water-efficient landscape irrigation systems (CAPCOA at p. 372).
- Require the developer to reduce turf in landscapes and lawns (CAPCOA at p. 376).
- Require planting of native or drought-resistant trees/ vegetation (CAPCOA at p. 381).
- Require use of electric and hybrid construction equipment (CAPCOA at p. 420).
- Limit construction equipment idling beyond regulation requirements (CAPCOA at p. 426).
- Establish a carbon sequestration project (CAPCOA at p 433).

E-4
(continued)

Page 4

The DEIR should assess GHG emissions with and without this mitigation, as CEQA requires. The CAPCOA publication and the literature that it references provides guidance for quantifying these reductions.

E-4 (continued)

Hydrology

The DEIR finds:

> With the design and construction of flood control improvements, and with implementation of the mitigation measures included in this section, the Central Area Specific Plan would not increase peak stormwater runoff. The proposed project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures would control peak stormwater runoff. The proposed project would not have cumulatively considerable impacts associated with stormwater runoff. Overall, implementation of the proposed project would have a less than significant and less than cumulatively considerable contribution to stormwater runoff.

E-5

Please address if the hydrologic analyses evaluate increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on hydrologic resources.

Schools

Implementation of the Salinas Central Area Specific Plan would add up to 3,911 new residential units and 14,353 residents at project build-out. It is estimated that school enrollment would increase between 3,590 and 4,033 students for the Salinas Unified School District, Alisal Unified School District and Santa Rita Unified School District.

The DEIR finds the following impact on schools:

> Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts (Significant and Unavoidable)

E-6

As noted in the DEIR, Government Code Section 65996 limits development fees authorized by Senate Bill 50 to impacts caused by new development. In other words, a nexus must exist between project impacts and mitigation fees. The DEIR further indicates that while it is the City's responsibility to collect impact fees, it is the school districts' responsibility to find the resources to fund schools:

> Ultimately, the Education Code tasks the affected School Districts with the responsibility for design and construction of their own schools. (p. 3.9-29)

The DEIR finds "Impact 3.9-6: Under cumulative conditions the proposed project may result in the construction of public facilities, which may cause substantial adverse physical environmental impacts (Cumulatively Considerable and Significant and Unavoidable)."

The cumulative impact analysis for public facilities includes schools; however, it fails to quantify impacts resulting from total students expected to attend the various schools affected by the

Central Area and West Area Specific Plans – an estimated student enrollment increase of 5,515 to 6,387 students.

Specific Plan	Low Range of New Students	High Range of New Students
WASP (DEIR p. 3.9-20)	1,925	2,354
CASP	3,590	4,033
Total	5,515	6,387

Due to limitations of Government Code Section 65996, we recommend the following mitigation measure:

> Mitigation Measure 3.9-2. Approval of developments within the Central Area Specific Plan is conditioned upon the availability of classroom capacity. Determination of available capacity shall take into account the requirements of both the Central Area Specific Plan and the cumulative demand from other areas sharing the same school facilities, such as the previously approved West Area Specific Plan.

Finally, as noted in the DEIR for the WASP, "This does not mean, however, that a city or county is powerless to require new development to take the steps needed to ensure adequate public services, such as law enforcement service. Such steps are simply beyond the scope of CEQA. They should instead be imposed under some other body of State statutory law (e.g., the Planning and Zoning Law [Gov. Code, § 65300 et seq.] or the Subdivision Map Act [Gov. Code, § 66410 et seq.]) or under a local government's broad police power under the California Constitution. (See Cal. Const., Art. XI, § 7; Candid Enterprises, Inc. v. Grossmont Union High School Dist.(1985) 39 Cal.3d 878, 885.)" (WASP DEIR p.3.9-16)

LandWatch recommends the following mitigation measure:

> Mitigation Measure 3.9-4. The City of Salinas shall coordinate efforts with the Salinas Unified School District, the Alisal Unified School District and the Santa Rita Unified School District to raise revenue to fund schools to increase classroom capacity required by implementation of the Central Area and West Area Specific Plans.

E-6 (continued)

Transportation.

The transportation analysis is based on determining consistency of the proposed project with LOS standards. (DEIR p. 3.10-9) While it acknowledges requirements of Senate Bill 743, the DEIR does not address the new CEQA requirements for assessing transportation impacts.

The Central Area Specific Plan is estimated to generate a total of approximately 183,808 average daily vehicle miles travelled (Average Daily VMT) at project buildout (Table 3.10-11). The West Area Specific Plan is estimated to generate a total of approximately 221,017 average daily vehicle miles travelled (Average Daily VMT) at project buildout. (DEIR 3.4-46). Under the CEQA requirements for traffic analysis to be implemented by July 1, 2020, projects that decrease vehicle miles traveled in the project area compared to existing conditions should be

E-7

presumed to have a less than significant transportation impact. Please address the project level and cumulative impacts on transportation based on this criterion as applied to the project area consisting of the City of Salinas.

E-7 (continued)

Water Supply

The DEIR finds:

> The proposed project has the potential to have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Less than Significant) (DEIR, p.3-11-37)

This finding is based on estimated on the following:

> The estimated 3,648 AFY ground water pumping for existing agricultural use in the Central Area Specific Plan is 813 AFY more than the maximum total buildout estimated water demand for the Central Area Specific Plan, which is 2,835 AFY. Therefore, the total buildout estimated water demand for the Central Area Specific Plan is projected to use less water than required for current irrigated agricultural uses. (DEIR p. 3.6-35)

While the project would use less water than current uses, it would continue to draw groundwater from a critically overdrafted groundwater basin. Because the basin continues to be severely overdrafted with unfunded projects identified in the SBVGSA GSP for the 180/400-foot Subbasin to reverse the trend, the City should find that water supplies are not sufficient to meet the projected water demand associated with the proposed project in addition to the existing and planned future uses.

The DEIR's comparison of a water supply used by agriculture and housing does not reflect the actual impact of committing a water supply to housing. Agricultural water demand is seasonal and can be discontinued if water is not available for some period or not available permanently. Unlike the use of water for agriculture, the use of water for housing requires a permanent commitment to protect the substantial capital investment for housing. Thus, for example, MCWRA has exempted certain non-agricultural uses from pumping restrictions.

E-8

As part of the mandated Sustainable Groundwater Plan, SGMA would require cutbacks in groundwater use if there were no other methods available to attain a sustainable basin. Currently, there are no funded, approved groundwater management projects that have the potential to prevent seawater intrusion and overdraft conditions, so cutbacks are the only certain means of SGMA compliance. Thus, the commitment of groundwater that is now used for agriculture on an interruptible basis to be used instead for housing on a non-interruptible basis will limit the options for the future groundwater management. The EIR fails to disclose this conflict with the adopted SGMA plan for the 180-400 Aquifer Subbasin.

Diversion of groundwater to housing may deny groundwater to agriculture. As noted, unlike agricultural wells, municipal supply wells may be exempted from existing and future moratoriums on groundwater pumping. Accordingly, the EIR must acknowledge that the replacement of interruptible water demand with uninterruptible demand is a significant impact, even if the urban demand is less than the displaced agricultural demand. Please evaluate the effect on competing uses, including agricultural uses and industrial uses, of committing a non-interruptible supply of water for the proposed housing.

The DEIR finds the project would not have a significant and unavoidable cumulative impact on the groundwater basin (DEIR p. 3.11-43.) However, the DEIR cumulative water supply impact analysis assumes, without evidence, that there is no impact from replacing agricultural land with urban uses as long as the on-site water use declines. It should not be assumed that the water impact analysis can be confined to the on-site effects of replacing agricultural land with urban uses. Trend analysis of urbanization of agricultural land and of conversions of habitat land to agriculture indicate that displacement of agricultural use by urbanization causes conversion of additional habitat land to provide replacement farmland. For example, the 2010 Monterey County General Plan EIR projects that 10,253 acres of farmland will be added to the SVGB by conversion of previously uncultivated land available in the SVGB. (Final EIR, Monterey County General Plan, March 2010, p. 2-36, available at https://www.co.monterey.ca.us/home/showdocument?id=45384.) That analysis assumed that 2,571 acres of farmland would be lost to urbanization within the unincorporated area of the county during the life of the County General Plan. (Draft EIR, Monterey County General Plan, September 2008, p. 4.2-12, available at https://www.co.monterey.ca.us/home/showdocument?id=43988.) Consistent with this analysis, the West Area Specific Plan DEIR acknowledges that for every acre of agricultural land converted to urban uses, ten acres of previously unirrigated land (e.g., range land or open space land) have been converted to agricultural use. (WASP DEIR, p. 3.11-42.) It is clear that conversion of land for new cultivation within the Salinas Valley Groundwater Basin exceeds the loss of agricultural land to urbanization. The evidence is that there is a continuing demand for new irrigated land in the Salinas Valley. Accordingly, the conversion of the project site to urban uses, displacing existing agricultural use, could accelerate conversions of previously uncultivated land for agriculture, with the net effect of an increase in cumulative water demand from the Salinas Valley Groundwater Basin, even if the demand at the newly urbanized site declines. Thus, there is no basis to assume that the project's new water use will not increase overall water use in the Salinas Valley.

E-8 (continued)

In light of moratoria on pumping in the 400-foot and Deep Aquifers, groundwater supplies may be cut back further in the future to address the currently unsustainable state of groundwater pumping in the Basin. The County, MCWRA, and the SVGBGSA all have the authority to order such cutbacks in the use of groundwater. So far, the moratoria have exempted water used for municipal supply purposes and have thus disproportionately targeted agricultural. Again, the evidence is that demand for agricultural land use is increasing and that displaced agricultural land is being replaced by conversion of other areas in the Valley to irrigated agriculture. Please evaluate the effect on the demand for additional agricultural land conversions within the Salinas Valley Groundwater Basin caused by displacing the existing agricultural use from the project site. Please estimate the water demand from new agricultural conversions that are attributable to this displacement.

Stormwater Facilities

The DEIR finds the cumulative impact on stormwater facilities to be Less than Significant and Less than Cumulatively Considerable (DEIR p. 3.11-65).

E-9

Please address if the analysis evaluates increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on stormwater facilities.

Alternatives

The alternatives analyzed in this EIR include the following four alternatives:

E-10 (Continued)

- No Project (No Build) Alternative
- Reduced Land Area Project Alternative – Under this alternative, the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the development (i.e., the project footprint) would be reduced by approximately 14 percent. Under this alternative, approximately 110 acres of land in the northwest corner of the Plan Area would be removed. The resultant Plan Area would include approximately 652 acres. The proposed land uses within this area identified for removal under this alternative would be incorporated into the remaining 652 acres of the Plan Area, which would increase the residential density of the Plan Area under this alternative, while retaining the same number of residences, mixed use commercial areas, schools, parks, etc. as the proposed project.
- Reduced Residential Intensity/Density Project Alternative
- Smaller-Scale Project Alternative

The Reduced Intensity/Density Project Alternative is identified as the environmentally superior alternative (DEIR p. 5.0-48).

As noted above, increased density will reduce GHG and criteria pollutant emissions. Table ES-1 should be revised to reflect this additional benefit of the Reduced Land Area Project Alternative with respect to Air Quality Impacts. Table ES-1 should also be corrected to reflect an "equal" impact on Population and Housing from the Reduced Land Area Project Alternative, not a "slightly greater" impact. The DEIR so acknowledges that the impact would be equal because it would accommodate the same number of residential units (EIR, p. 5.0-26). As discussed above, Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project.

Table 5.0-1, which assesses the ability of the alternatives to meet project objectives, concludes that the Reduced Land Area Project Alterative does not meet the goal of:

> Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents

This conclusion flies in the face of the facts that the smaller, denser Specific Plan that would accommodate the same population in a smaller area would necessarily reduce its internal walking distances and reduce emissions, congestion, and excessive energy consumption. The DEIR's rationale for this surprising conclusion relates solely to the external walking distance from the West Area Specific Plan to other Specific Plan areas:

> The Reduced Land Area Project Alternative would not meet this objective since it would reduce geographic pathways between the Specific Plan Area and the West Area Specific Plan, which were designed in tandem in a specific manner to allow for a community within the FGA in which housing, businesses, parks, schools and other community facilities are within walking distance of each other.

This claim is illogical because leaving some land undeveloped will not increase the distance from the developed areas of the Central Area Specific Plan to external locations. Table 5.0-1 should be revised to correct this error. A smaller denser community is clearly more pedestrian–friendly.

E-10
(Continued)

Page 9

Thank you for the opportunity to review the DEIR.

E-10 (Continued)

Sincerely,

Michael D. DeLapa
Executive Director

Dear Ms. Miller,

LandWatch adds the following GHG mitigation measures to the measures listed on pages 4-5 of our letter. The key mandate is on-site energy generation - there is no reason not to make this an all-solar project.

- Require building energy efficiency to exceed Title 24 standards by 20%. (CAPCOA at p. 85.)
- Obtain third party HVAC commissioning and verification of energy savings (CAPCOA at p. 101.)
- Require provision of on-site energy production, including solar-panels on all available roofs. (CAPCOA at pp. 125, 128.)
- Require on-site renewable energy via wind power. (CAPCOA at p. 132.)
- Prohibit gas-powered landscaping equipment (CAPCOA at p. 384.)
- Require electric yard equipment compatibility. (CAPCOA at p. 391.)
- Recycle construction waste. (CAPCOA at p. 401.)
- Mandate tree planting to obtain maximum feasible CO2 sequestration. (CAPCOA at p. 402.)
- Use alternative fuels for construction equipment. (CAPCOA at p. 410.)

Thank you.

Regards,

Michael DeLapa

E-11

Response to Letter E: Michael D. DeLapa, Landwatch

Response E-1: The commentor provides an introduction to the comment letter and provides a summary of the project characteristics. This comment is noted and no further response is required.

Response E-2: The commentor states that:

> *"The DEIR fails to evaluate the effect of the Central Area Specific Plan on loss of agricultural land, treating it as a topic that does not warrant further discussion because it was addressed in the General Plan EIR. (DEIR p. 1.0-17.) The DEIR's brief reference to agricultural land loss states that the General Plan EIR adequately addressed the loss of agricultural land and found the impact to be significant and unavoidable. Even if that were the case, CEQA requires that the City adopt feasible mitigation or an alternative that would lessen the impact as long as it remains significant and unavoidable. Here, the Reduced Land Area Project Alternative would lessen the loss of agricultural land. The EIR should be revised to disclose this fact. Furthermore, the comparison of alternatives in Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project. The public and decision makers cannot evaluate alternatives adequately without this disclosure."*

With regard to the topic of conversion of agricultural land, as stated in this comment, the Draft EIR relies on analysis previously provided in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), as provided on page 1.0-17 of the Draft EIR. This approach to analyzing the loss of agricultural land is consistent with CEQA. Any future development under the approved General Plan, which includes all development under the proposed project, would be required to comply with all existing regulations, policies, and standards. Implementation of the proposed project would not result in any new significant adverse impacts associated with agricultural conversion beyond those addressed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplement for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). Therefore, this topic does not warrant additional analysis and was not addressed further in the EIR.

The commentor also states that CEQA requires that the City adopt feasible mitigation or an alternative that would lessen the impact as long as it remains significant and unavoidable. However, at the time the Draft EIR was released, and until the City Council takes final action, the Reduced Land Area Alternative is only "potentially feasible". The reasoning for this determination is provided below.

At the Draft EIR stage of the CEQA process, a lead agency's staff and consultants need only determine whether the alternatives included in that document are "potentially feasible," while the lead agency's decision-making body will ultimately decide whether the alternatives are "actually feasible." (See, e.g., *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999-1001 (*CNPS*); *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18 (*San Diego*); and *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489.) Here, the City Council has the authority to adopt an alternative as being feasible or to reject an

alternative for being infeasible, including for policy reasons and the failure to obtain project objectives. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 ["'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors"]; *CNPS*, *supra*, 177 Cal.App.4th at p. 1001[same]; and *San Diego*, *supra*, 219 Cal.App.4th at p. 17 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant's project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 296 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"]; and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (Bay-Delta) ["feasibility is strongly linked to achievement of each of the primary program objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].) Thus, while each of the alternatives analyzed in the Draft EIR should be considered potentially feasible, only the City Council can determine whether any of them is actually feasible. This determination will be revealed in the City Council's CEQA Findings at the time of action on the proposed project. It is also noted that the Reduced Land Area Project Alternative was not identified as the environmentally superior alternative, and it did not meet all of the project objectives.

Response E-3: The commentor states that:

> *"The DEIR finds the proposed project would not conflict with or obstruct the latest air quality plan (DEIR p. 3.1-27) This conclusion is based on the finding that the City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The latest AQMP is for 2014-2015 and includes the 2014 AMBAG population forecasts, not the 2018 forecasts. The project is inconsistent with the adopted AQMP.*
>
> *Further, the DEIR finds operation of the Specific Plan would have a significant and unavoidable impact on regional air quality (p. 3.1-30). This finding is contrary to the DEIR finding that the project would not conflict with the latest air quality plan."*

The commentor identifies that the latest AQMP is for 2014-2015, which does not include the 2018 forecasts. Therefore, the commentor states that the project is inconsistent with the adopted AQMP. Separately, the commentor states that the significant and unavoidable impact on regional air quality (i.e. criteria pollutant impacts associated with project operation) is contrary to the "less than significant" impact identified in Impact 3.1-1 (i.e. regarding whether the project would conflict with the latest air quality plan).

This comment is noted. However, the AMBAG Board of Directors used the same "Regional Growth Forecast Methodology" in 2018 as in 2014, with minor updates.[1] Moreover, the Salinas Central Area Specific Plan (the proposed project), as part of the City's North of Boronda Future Growth Area (FGA), has been in development for over twenty years. In 2014, AMBAG anticipated development of the North of Boronda Future Growth Area (FGA), which includes the project, within the 2014 version of the Regional Growth Forecast.

The commentor is incorrect in assuming that, to find an impact to be less than significant under Impact 3.1-1 (whether the project has the potential to conflict with implementation of the applicable air quality plan), the existing air quality plan must have utilized the 2018 version of the Regional Growth Forecast. Regardless, for the sake of clarity, some minor errata changes have been made to page 3.1-27 of the Draft EIR, as described below.

It should also be noted that it is permissible to find a less than significant impact for Impact 3.1-1 (i.e. conflict with the applicable air quality plan) while finding a significant and unavoidable impact for Impact 3.1-2 (i.e. the project operation has the potential to expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase in criteria pollutants). This is because the two sets of impact analyses apply different thresholds. Specifically, Impact 3.1-1 relies on the project's consistency with the applicable AQMP, which the project is consistent with, while Impact 3.1-2 relies on the project's consistency with the Air District's operational criteria pollutant thresholds, for which the project does not meet. There is no inconsistency between these two separate conclusions. That is, the project can be both consistent with the applicable AQMP, while also exceeding the operational criteria pollutant thresholds as established by the Air District.

Nevertheless, based on this comment, we have updated page 3.1-27 as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

Page 3.1-27:

> The City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The population estimates for the Central Area Specific Plan are included in these growth forecasts. Additionally, as the proposed project has been planned for over twenty years, the project has been incorporated into earlier versions of the Regional Growth Forecast, including AMBAG's 2014 Regional Growth Forecast, which feeds into the current AQMP (i.e. MBARD's 2012 – 2015 AQMP). As such, the City has met the action recommended by MBARD in the *CEQA Air Quality Guidelines* (MBARD, 2008a) to ensure consistency with the applicable air quality plan (i.e. "*Ensure that the jurisdiction's population forecasts are updated in the next AQMP by working with AMBAG or the appropriate local agency*.").

[1] According to Appendix A, while the methodology of the 2018 Regional Growth Forecast remained the same in 2014, the model was updated in 2018 to reflect current data, a revised base year of 2015, and a new horizon year of 2040. For further detail, see https://ambag.org/sites/default/files/2020-01/08-AMBAG_MTP-SCS_AppendixA_PDFA.pdf

No further response to this comment is warranted.

Response E-4: The commentor states that:

> *"The DEIR finds cumulative impacts on climate change from increased project-related greenhouse gas emissions to be significant and unavoidable. The operational emissions would be a long-term release totaling approximately 45,347 MT CO2e without mitigation and 40,134 MT CO2e with mitigation (DEIR p. 4.0-11).*
>
> *Although the DEIR states that "the proposed project would be required to implement mitigation measures that are intended to reduce GHG emissions to the maximum extent feasible," the DEIR fails to consider, evaluate, and propose those mitigation measures. Instead it relies on Mitigation Measure 3.4-1, calling for the applicant to prepare a Greenhouse Gas Reduction Plan at some point in the future, "pursuant to CEQA Guidelines section 15183.5(b)." (DEIR p. 3.4-40). This deferred mitigation does not comply with CEQA for several reasons.*
>
> *First, an agency may not defer formulation of mitigation unless it provides a sufficient reason. The DEIR provides no reason for deferral of the Greenhouse Gas Reduction Plan.*
>
> *Second, the DEIR does not simply require the future formulation of the Greenhouse Gas Reduction Plan, but also purports to rely on this future plan in its determination of the significance of the Specific Plan's impacts. For example, the DEIR finds that the Specific Plan would not conflict with plans for reducing GHG emissions because of Mitigation Measure 3.4-1:*
>
> > *The Specific Plan would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as described above. With implementation of the mitigation measures provided within Section 3.1: Air Quality and with implementation of Mitigation Measure 3.4-1, there would be a less than significant impact (DEIR p. 3.4-46).*
>
> *But CEQA Guidelines section 15183.5(b) only permits an agency to rely on "Plans for the Reduction of Greenhouse Gas Emissions" when analyzing the significance of impacts "if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances." Furthermore, the "specified circumstances" include the requirements that the Plan "specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level" and that the Plan has been "adopted in a public process following environmental review." Here, the Greenhouse Gas Reduction Plans have not yet been adopted, and there is no specification of the measures that demonstrably achieve the specified emissions level. To the contrary, Mitigation Measure 3.4-1 merely mandates that the applicant prepare the plan, not that the future projects actually meet the specified emissions levels. The DEIR allows the future projects simply to claim that the emissions reductions are not feasible:*

If sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the project applicant shall include evidence in the GGRP to this effect (FRIR p. 3.4-41).

And the DEIR later admits that projects may not attain the required reductions:

On a project-by-project case, the City of Salinas evaluates a project and the potential to impose project-specific mitigation, which has been done through this GHG analysis. However, because it is possible that individual projects within the Specific Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant, implementation of the Specific Plan would have a cumulatively considerable contribution and significant and unavoidable impact to GHGs (DEIR p. 4.0-11).

In sum, the DEIR improperly relies on deferred Greenhouse Gas Reduction Plans and reaches contradictory conclusions as to the efficacy of these unspecified plans.

The fundamental problem is that the DEIR simply fails to acknowledge that the City has authority to impose specific mitigation measures that would reduce GHG Emissions from the Specific plan. The DEIR claims that "the City does not have the jurisdiction to create far-reaching (i.e. statewide) measures to reduce GHG emissions." (DEIR p. 4.0-11.) While the City may not impose statewide measures, it does have both the authority and the responsibility to condition the Specific Plan on specific local measures, such as the mitigation measures that would be required if SB 743 were addressed in the Transportation analysis. Even if SB 743 compliance is not mandated for this EIR, the DEIR does have to assess and propose mitigation for GHG impacts, which is the primary goal of the VMT analysis in SB 743.

The DEIR should be revised and recirculated to include a Greenhouse Gas Reduction Plan applicable to all future projects in the Specific Plan area that actually complies with the requirements of CEQA Guidelines section 15183.5(b). In addition, the DEIR must actually specify and propose adequate mitigation measures to ensure that GHG impacts are less than cumulatively considerable (i.e., measures that would ensure meeting the performance specification) or, if that is not possible, then the DEIR must specify and propose all feasible mitigation measures to reduce GHG emissions. For example, the EIR should propose [list of suggested mitigation measures]."

"The DEIR should assess GHG emissions with and without this mitigation, as CEQA requires. The CAPCOA publication and the literature that it references provides guidance for quantifying these reductions."

The commentor describes several issues and recommendations for the DEIR impacts associated with climate change from greenhouse gas emissions. Firstly, the commentor takes issue with Mitigation Measure 3.4-1, which calls for the applicant to prepare a future Greenhouse Gas Reduction Plan, which the commentor considers as deferred mitigation. The commentor states that such "deferred mitigation" does not comply with CEQA for several reasons.

However, the City does not concur with the commentor's assessment that the mitigation measure represents "deferred mitigation". Mitigation Measure 3.4-1 does include enforceable performance standards ("per capita operational emissions level of 1.44 MT CO2e/service population/year by year 2040, and 0.80 MT CO2e/service population/year by year 2050") that applicants must attempt to achieve if feasible in preparing individual Greenhouse Gas Reduction Plans. These standards will kick in at the time applicants seek approvals of tentative subdivision maps, conditional use permits, or site plan review, which will be subject to review by the Planning Commission (and possibly the City Council), with opportunities for public input on the adequacy of the required Greenhouse Gas Reduction Plans.

Moreover, as clarified below, Mitigation Measure 3.4-1 need not, as the commentor contends, itself have to comply with CEQA Guidelines section 15183.5, subdivision (b), as that section sets forth an optional procedure of which agencies may avail themselves. Rather, the applicant and City will retain the option to prepare Greenhouse Gas Reduction Plans pursuant to that CEQA Guidelines provision. Mitigation Measure 3.4-1 does need to comply, however, with general CEQA principles governing mitigation measures, which it does. Nevertheless, it is true that there exists the possibility that it might not be feasible to achieve this level of reduction if on-site GHG measures are prohibitively expensive or if sufficient numbers of greenhouse gas offsets are not available (as offsets will be needed to address vehicular emission that cannot otherwise be mitigated).

In saying that the City can simply mandate that the performance standards shall be met, the commentor assumes that all necessary mitigation options will be feasible and available. This may or may not turn out to be true. Most importantly, as long as the motor vehicles traveling to and from the project area will burn fossil fuels and generate GHGs, there will be limits on GHG reductions available solely due to on-site mitigation strategies. This means that carbon offsets will generally be necessary to achieve the identified performance standards. In light of recent case law, however, sufficient carbon offsets may not be available. The only offsets deemed to meet CEQA mitigation standards must be so stringent that sophisticated observers wonder whether the market for them will exceed the demand. These high standards for carbon offsets are dictated by *Golden Door Properties, LLC, v. County of San Diego* (2020) 50 Cal.App.5th 467, 506-526. In that case, the Court announced that viable CEQA carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such carbon offsets must also be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and must not include emissions reductions occurring outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the California Air Resources Board (CARB), a lead agency, or an air pollution control district or air quality management district. Such credits may be purchased only through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted an air pollution control district or air quality management district. Given these very stringent standards, it is impossible at present for the City to know with certainty that sufficient carbon offsets will be available for the Central Area Specific Plan when needed. This is one reason

why the City is treating the impact as significant and unavoidable and why the City Council will have to adopt a statement of overriding considerations in order to be able to approve the project.

Another reason why is that the City is treating Impact 3.4-1 as significant and unavoidable is that the City is concerned that some potentially available on-site measures may be so prohibitively expensive that they could either would substantially increase the cost of proposed housing (contrary to State stator policy [see, e.g., Gov. Code, § 65589.5, subd. (a)(2)] or, worse, render a proposed project economically infeasible within the meaning of CEQA case law such as *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 598-601.

Notably, with Mitigation Measure 3.4-1, the City has preserved the option of future approvals under the Specific Plan by relying on a City "qualified" GHG reduction plan in place at the time, provided that such a GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such future project approvals.

Moreover, it is not practical, in 2020, to address which specific optional strategies for meeting this performance standards will be the most viable or feasible over the coming decades. Buildout o the Specific Plan will take a long time (anticipated at 20 years or more), existing technologies will evolve, and new ones will be invented. Therefore, the future costs of various options, including carbon offsets, cannot be predicted with any certainty. For this reason, the City is not requiring a single Greenhouse Gas Reduction Plan (GGRP) for the entire Specific Plan, but rather is requiring individual GGRPs for each tentative map or use permit as individual projects within the Specific Plan come forward. Some maps will be pursued not long after Specific Plan approval, while others will not be proposed for more than a decade after Specific Plan approval. The world and technological options will change over such a substantial timeframe. Relatedly, the commenter implies that cost is not a legitimate factor to consider, but high costs will drive up the cost of housing and will have to be borne by future homeowners. Notably, the Legislature has recently found and declared that the State is suffering from a housing crisis. (See Draft EIR, pp. 3.8-6 – 3.8-7.)

The commentor then goes on to describe that the Draft EIR does not simply require the future formulation of the GGRP, but also purports to rely on this future plan in its determination of significance of the project's impacts. Specifically, the commentor is concerned with the 'less than significant with mitigation' determination under Impact 3.4-2 (potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases). The commentor states that Impact 3.4-2, which relies on Mitigation Measure 3.4-2, should appropriately have a 'significant and unavoidable' significance determination, based on the inability to rely on the GGRP provided in Mitigation Measure 3.4-1 to reduce project greenhouse gas emissions to below the stated performance threshold.

However, the commentor is confused in saying that, to find an impact to be less than significant under this category (potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases), the City must have in place its own

plan for the reduction of greenhouse gases (e.g., a climate action plan) adopted pursuant to CEQA Guidelines section 15183.5, subdivision (b). Rather, the City's analysis of this impact was legitimate in asking whether the proposed Specific Plan is consistent with (1) the current version of the CARB 2017 statewide Scoping Plan, (2) Executive Orders B-30-15 and S-03-05, and (3) 2008 Monterey Bay Regional Energy Plan. In other words, the area of inquiry here is not as narrow as the commentor believes. Moreover, although compliance with Mitigation Measure 3.4-1 does not guarantee that each discrete project within the Specific Plan would achieve the enforceable performance standards ("per capita operational emissions level of 1.44 MT CO2e/service population/year by year 2040, and 0.80 MT CO2e/service population/year by year 2050"), this does not mean that Specific Plan as a whole would be inconsistent with the Scoping Plan, Executive Scoping Plan, Executive Orders B-30-15 and S-03-05, and the 2008 Monterey Bay Regional Energy Plan.

The commentor further states that the fundamental issue with the Draft EIR is that it does not acknowledge that the City has the authority to impose specific mitigation measures that would reduce GHG emissions from the Specific Plan. The commentor identifies that, while the City may not impose statewide measures, it does have both the authority and responsibility to condition the Specific Plan on specific local measures. The commentor concludes by stating the Draft EIR should be amended to include additional mitigation measures to ensure that greenhouse gas impacts are less than cumulatively considerable (i.e. measures that would ensure meeting the performance specification), or, if that is not possible, then the Draft EIR must specify and proposed all feasible mitigation measures to reduce greenhouse gas emissions. The commentor then provides a list of potential greenhouse-gas related mitigation measures.

With respect to the list of GHG reduction measures that the commentor provides, the City concurs that they should be among the options available to try to achieve the above-referenced performance standards. That is why CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* is already referenced within Mitigation Measure 3.4-1 as a primary source for GHG reduction measures that can be considered for the individual project GGRPs, along with applicable measures from MBARD and other nearby air districts. A subset of the available CAPCOA measures are referenced by the commentor in their comment. The City concurs that these, as well as other measures, are among the options available to applicants to try to achieve the above-referenced performance standards.

Therefore, based on this comment, we have updated Mitigation Measure 3.4-1 to provide further for clarity and robustness. The measure has also been refined to clarify the opportunities for public input on individual Greenhouse Gas Reduction Plans. The City has therefore updated pages 3.4-40 and 3.4-41, as well as pages ES-31 and ES-32 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with <u>underline</u> for new text, ~~strike out~~ for deleted text):

Pages 3.4-40 and 3.4-41:

> ***Mitigation Measure 3.4-1****: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, ~~pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP)*

aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:

1) *The GGRP shall achieve, if feasible, a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*

2) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its

independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

Pages ES-31 and ES-32:

Mitigation Measure 3.4-1*: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, ~~pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:*

3) *The GGRP shall achieve, if feasible, a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*

4) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources

District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG

reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

Response E-5: The commentor states that:

> *"The DEIR finds:*
>
> > *With the design and construction of flood control improvements, and with implementation of the mitigation measures included in this section, the Central Area Specific Plan would not increase peak stormwater runoff. The proposed project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures would control peak stormwater runoff. The proposed project would not have cumulatively considerable impacts associated with stormwater runoff. Overall, implementation of the proposed project would have a less than significant and less than cumulatively considerable contribution to stormwater runoff.*
>
> *Please address if the hydrologic analyses evaluate increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on hydrologic resources."*

This comment is noted. Hydrologic analysis that includes the potential for increased intensity of storm events resulting from climate change is speculative at this time, since the magnitude of any potential increased storm intensity from climate change influencing the region is uncertain and highly dependent on a variety of factors that cannot currently be known with a high level of certainty.

For example, according to the California Energy Commission (CEC) "Cal-Adapt" tool, by mid-century, there is a wide range in predictions regarding the change in the number of extreme precipitation events. In particular, there are four separate models provided for the estimated intensity (*return level*) of extreme precipitation events which are exceeded on average once every 20 years. Out of the four model results for mid-century (i.e. October 2035 – September 2064), two models show slightly increased estimated intensity, one model shows approximately equal estimated intensity, and one model shows reduced estimated intensity, the historical (i.e. October 1961 – September 1990) case. More information can be found at the Cal-Adapt website: https://cal-adapt.org/tools/extreme-precipitation/.

Response E-6: The commentor states that:

> *"Implementation of the Salinas Central Area Specific Plan would add up to 3,911 new residential units and 14,353 residents at project build-out. It is estimated that school enrollment would increase between 3,590 and 4,033 students for the Salinas Unified School District, Alisal Unified School District and Santa Rita Unified School District.*

The DEIR finds the following impact on schools:

> *Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts (Significant and Unavoidable).*

As noted in the DEIR, Government Code Section 65996 limits development fees authorized by Senate Bill 50 to impacts caused by new development. In other words, a nexus must exist between project impacts and mitigation fees. The DEIR further indicates that while it is the City's responsibility to collect impact fees, it is the school districts' responsibility to find the resources to fund schools:

> *Ultimately, the Education Code tasks the affected School Districts with the responsibility for design and construction of their own schools. (p. 3.9-29)*

The DEIR finds "Impact 3.9-6: Under cumulative conditions the proposed project may result in the construction of public facilities, which may cause substantial adverse physical environmental impacts (Cumulatively Considerable and Significant and Unavoidable)."

The cumulative impact analysis for public facilities includes schools; however, it fails to quantify impacts resulting from total students expected to attend the various schools affected by the Central Area and West Area Specific Plans – an estimated student enrollment increase of 5,515 to 6,387 students.

Due to limitations of Government Code Section 65996, we recommend the following mitigation measure:

> *Mitigation Measure 3.9-2. Approval of developments within the Central Area Specific Plan is conditioned upon the availability of classroom capacity. Determination of available capacity shall take into account the requirements of both the Central Area Specific Plan and the cumulative demand from other areas sharing the same school facilities, such as the previously approved West Area Specific Plan.*

Finally, as noted in the DEIR for the WASP, "This does not mean, however, that a city or county is powerless to require new development to take the steps needed to ensure adequate public services, such as law enforcement service. Such steps are simply beyond the scope of CEQA. They should instead be imposed under some other body of State statutory law (e.g., the Planning and Zoning Law [Gov. Code, § 65300 et seq.] or the Subdivision Map Act [Gov. Code, § 66410 et seq.]) or under a local government's broad police power under the California Constitution. (See Cal. Const., Art. XI, § 7; Candid Enterprises, Inc. v. Grossmont Union High School Dist.(1985) 39 Cal.3d 878, 885.)" (WASP DEIR p.3.9-16)

LandWatch recommends the following mitigation measure:

> *Mitigation Measure 3.9-4. The City of Salinas shall coordinate efforts with the Salinas Unified School District, the Alisal Unified School District and the Santa Rita Unified School District to raise revenue to fund schools to increase classroom*

capacity required by implementation of the Central Area and West Area Specific Plans.

This comment is noted. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impact caused by new development. The development allowed under the Specific Plan would be required to pay all applicable school impact fees in effect upon the time of or prior to the issuance of building permits.

The legislation also recognized the need for the fee to be adjusted periodically to keep pace with inflation. The legislation indicated that in January 2000, and every two years thereafter, the State Allocation Board would increase the maximum fees according to the adjustment for inflation in the statewide index for school construction. However, even where applicants have agreed to pay school impact mitigation fees, if the proposed development requires the construction or expansion of additional facilities that would cause other physical environmental impacts, then those physical impacts to non-school resources may be analyzed under CEQA. (Chawanakee Unified Sch. Dist. v. Cty. of Madera (2011) 196 Cal.App.4th 1016, 1028.) The City did so here, as the physical impacts associated with school construction are considered as part of the overall proposed Specific Plan.

Government Code section 65996 (see Draft EIR, p. 3.9-20) prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities. Tentative map approvals are adjudicative acts, and thus are subject to this statutory prohibition. (See Horn v. County of Ventura (1979) 24 Cal.3d 605, 612 [tentative map approvals are quasi-adjudicatory].)

Nevertheless, the City is committed to working closely with the school districts. It is noted that the development team has met with the Alisal School District, and School Site Solutions (a consultant) regarding student generation and school facility needs within the Plan Area dating back to approximately 2006. Between the beginning of this consultation effort and present day, the overall layout of the Land Use Plan, including the number of, and location of school facilities, has not changed much.

State law limits the City's ability to consider the potential for school overcrowding as a basis for approving or denying proposed projects, and limits the City's options for attempting to mitigate such overcrowding. While school districts in California face funding challenges, the Legislature and Governor keep reminding cities of the importance of building housing units to address a statewide housing crisis. As noted in Chapter 3.8 (Population and Housing), the Legislature has recently found that "[t]he lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a).) The Central Area Specific Plan has been long in coming, and reflects City and County growth management decisions made long ago. (See Chapter 2, *Project Description*, § 2.2, *Project Goals and Objectives*.) The City hopes and expects that, over time, the Districts will gain access to the resources they need to serve the future students of the proposed Specific Plan Area. The City intends to work closely with the Districts to

help to facilitate such an outcome.

Response E-7: The commentor states that:

> *"The transportation analysis is based on determining consistency of the proposed project with LOS standards. (DEIR p. 3.10-9) While it acknowledges requirements of Senate Bill 743, the DEIR does not address the new CEQA requirements for assessing transportation impacts.*
>
> *The Central Area Specific Plan is estimated to generate a total of approximately 183,808 average daily vehicle miles travelled (Average Daily VMT) at project buildout (Table 3.10-11). The West Area Specific Plan is estimated to generate a total of approximately 221,017 average daily vehicle miles travelled (Average Daily VMT) at project buildout. (DEIR 3.4-46). Under the CEQA requirements for traffic analysis to be implemented by July 1, 2020, projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact. Please address the project level and cumulative impacts on transportation based on this criterion as applied to the project area consisting of the City of Salinas."*

This comment is noted. CEQA Guidelines section 15064.3 now requires VMT analysis for Draft EIR issued on July 1, 2020, or later. The provision is clear, however, that it does not apply to Draft EIRs, such as the one for the Central Area Specific Plan, issued before that date. Specifically, subdivision (c) of that provision states that "[t]he provisions of this section shall apply prospectively as described in [CEQA Guidelines] section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide." Section 15007, subsection (b), provides "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Importantly, subsection (c) further clarifies that: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Thus, a VMT analysis is not required to be included in a Draft EIR released for public review and comment prior to July 1, 2020. And where a Draft EIR has been issued prior to July 1st, the Final EIR need not address the issue either. Jeannie Lee, legal counsel in the Governor's Office of Planning and Research, has publicly stated in webcasts earlier this year that this is the correct approach to the new VMT requirement. No further response is warranted.

Response E-8: The commentor states that:

> *"The DEIR finds:*
>
> > *The proposed project has the potential to have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Less than Significant) (DEIR, p.3-11-37)*
>
> *This finding is based on estimated on the following:*

> *The estimated 3,648 AFY ground water pumping for existing agricultural use in the Central Area Specific Plan is 813 AFY more than the maximum total buildout estimated water demand for the Central Area Specific Plan, which is 2,835 AFY. Therefore, the total buildout estimated water demand for the Central Area Specific Plan is projected to use less water than required for current irrigated agricultural uses. (DEIR p. 3.6-35)*

While the project would use less water than current uses, it would continue to draw groundwater from a critically overdrafted groundwater basin. Because the basin continues to be severely overdrafted with unfunded projects identified in the SBVGSA GSP for the 180/400-foot Subbasin to reverse the trend, the City should find that water supplies are not sufficient to meet the projected water demand associated with the proposed project in addition to the existing and planned future uses.

The DEIR's comparison of a water supply used by agriculture and housing does not reflect the actual impact of committing a water supply to housing. Agricultural water demand is seasonal and can be discontinued if water is not available for some period or not available permanently. Unlike the use of water for agriculture, the use of water for housing requires a permanent commitment to protect the substantial capital investment for housing. Thus, for example, MCWRA has exempted certain non-agricultural uses from pumping restrictions.

As part of the mandated Sustainable Groundwater Plan, SGMA would require cutbacks in groundwater use if there were no other methods available to attain a sustainable basin. Currently, there are no funded, approved groundwater management projects that have the potential to prevent seawater intrusion and overdraft conditions, so cutbacks are the only certain means of SGMA compliance. Thus, the commitment of groundwater that is now used for agriculture on an interruptible basis to be used instead for housing on a non-interruptible basis will limit the options for the future groundwater management. The EIR fails to disclose this conflict with the adopted SGMA plan for the 180-400 Aquifer Subbasin.

Diversion of groundwater to housing may deny groundwater to agriculture. As noted, unlike agricultural wells, municipal supply wells may be exempted from existing and future moratoriums on groundwater pumping. Accordingly, the EIR must acknowledge that the replacement of interruptible water demand with uninterruptible demand is a significant impact, even if the urban demand is less than the displaced agricultural demand. Please evaluate the effect on competing uses, including agricultural uses and industrial uses, of committing a non-interruptible supply of water for the proposed housing.

The DEIR finds the project would not have a significant and unavoidable cumulative impact on the groundwater basin (DEIR p. 3.11-43.) However, the DEIR cumulative water supply impact analysis assumes, without evidence, that there is no impact from replacing agricultural land with urban uses as long as the on-site water use declines. It should not be assumed that the water impact analysis can be confined to the on-site effects of replacing agricultural land with urban uses. Trend analysis of urbanization of agricultural land and of conversions of habitat land to agriculture indicate that displacement of agricultural use by

urbanization causes conversion of additional habitat land to provide replacement farmland. For example, the 2010 Monterey County General Plan EIR projects that 10,253 acres of farmland will be added to the SVGB by conversion of previously uncultivated land available in the SVGB. (Final EIR, Monterey County General Plan, March 2010, p. 2-36, available at https://www.co.monterey.ca.us/home/showdocument?id=45384.) That analysis assumed that 2,571 acres of farmland would be lost to urbanization within the unincorporated area of the county during the life of the County General Plan. (Draft EIR, Monterey County General Plan, September 2008, p. 4.2-12, available at https://www.co.monterey.ca.us/home/showdocument?id=43988.) Consistent with this analysis, the West Area Specific Plan DEIR acknowledges that for every acre of agricultural land converted to urban uses, ten acres of previously unirrigated land (e.g., range land or open space land) have been converted to agricultural use. (WASP DEIR, p. 3.11-42.) It is clear that conversion of land for new cultivation within the Salinas Valley Groundwater Basin exceeds the loss of agricultural land to urbanization. The evidence is that there is a continuing demand for new irrigated land in the Salinas Valley. Accordingly, the conversion of the project site to urban uses, displacing existing agricultural use, could accelerate conversions of previously uncultivated land for agriculture, with the net effect of an increase in cumulative water demand from the Salinas Valley Groundwater Basin, even if the demand at the newly urbanized site declines. Thus, there is no basis to assume that the project's new water use will not increase overall water use in the Salinas Valley.

In light of moratoria on pumping in the 400-foot and Deep Aquifers, groundwater supplies may be cut back further in the future to address the currently unsustainable state of groundwater pumping in the Basin. The County, MCWRA, and the SVGBGSA all have the authority to order such cutbacks in the use of groundwater. So far, the moratoria have exempted water used for municipal supply purposes and have thus disproportionately targeted agricultural. Again, the evidence is that demand for agricultural land use is increasing and that displaced agricultural land is being replaced by conversion of other areas in the Valley to irrigated agriculture. Please evaluate the effect on the demand for additional agricultural land conversions within the Salinas Valley Groundwater Basin caused by displacing the existing agricultural use from the project site. Please estimate the water demand from new agricultural conversions that are attributable to this displacement."

The commentor states that the City should find that water supplies are not sufficient to meet the projected water demand associated with the proposed project in addition to the existing and planned future uses. As identified under Impact 3.11-5 of the Draft EIR, the water supply assessments completed for the proposed project demonstrate that the City's existing and additional potable water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future water demands associated with the proposed project, to the year 2035, under all hydrologic conditions. Additionally, Cal Water and ALCO have sufficient water supply throughout their service areas to serve the proposed project, even during the third year of a multi-year drought, and even if the proposed project's groundwater wells proved to not be sufficient to serve the entire Plan Area. The Central Area Specific Plan proposes to construct three wells, with

well locations are chosen on the basis of water quality and potential production capabilities. The new wells, in addition to the existing water capacity as provided by Cal Water and ALCO, would ensure that the proposed project would have sufficient water supplies from existing entitlements and resources.

Moreover, as acknowledged in this comment, the development of the Central Area Specific Plan would reduce consumption of groundwater (equivalent to increasing groundwater storage), when compared to the existing agricultural uses; this would also have the effect of reducing the potential for seawater intrusion into the groundwater basin, when compared to the existing agricultural uses.

As provided under Impact 3.1-5 of the Draft EIR, estimated groundwater pumping for existing irrigated agricultural use in the Specific Plan Area is 3,648 AFY. The estimated 3,648 AFY ground water pumping for existing agricultural use in the Central Area Specific Plan is 813 AFY more than the maximum total buildout estimated water demand for the Central Area Specific Plan, which is 2,835 AFY. Therefore, the total buildout estimated water demand for the Central Area Specific Plan is projected to use less water than required for current irrigated agricultural uses. Therefore, city water supplies would be sufficient to meet the projected water demand associated with the proposed project in addition to the existing and planned future uses. This is also true under cumulative conditions, as provided under Impact 3.11-6 (as identified on pages 3.11-43 through 3.11-45 of the Draft EIR).

Additionally, the City does not control any land use decision that is made outside the boundary of the City limits. Instead, the County of Monterey is the local land use authority that is responsible for land use decisions in the unincorporated boundary. The Agricultural Commission also has responsibility for agricultural use in the unincorporated parts of Monterey County. The notion that the City's action in approving the Specific Plan (should that occur) would be the proximate cause of the conversion of habitat lands to agricultural uses somewhere else is speculative. Even if it were true that the conversion of agricultural lands to urban uses sometimes facilitates the conversion of habitat lands to agricultural uses, it would be speculative for the City to try to predict exactly where with the Monterey County region such conversions might occur. Too many potential variables exist to allow for any kind of informed prediction, as any conversions of habitat lands to agriculture would occur only due to a multitude of individual decisions by individual actors in light of factors such as the cost of land, soil types in various areas, the cost of securing irrigation water, crop demands, crop prices, and the like. Any such conversions might also require discretionary decisions by Monterey County that could trigger CEQA review that would allow for public input prior to the conversion. At such times, issues relating to groundwater overdraft could be vetted. "[W]here future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences." (City of Maywood v. Los Angeles Unified School Dist. (2012) 208 Cal.App.4th 362, 399.)

The Specific Plan Area is currently located on irrigated agricultural land. Hence, water demand from their development with urban uses will replace water demand for irrigation. Urban water supply to Salinas is currently derived exclusively from groundwater. Cal Water extracts groundwater from two hydraulically connected subbasins of the groundwater basin known as the Pressure Subarea and the

East Side Subarea. Much of the water supply for Salinas is extracted from the Pressure Subarea, while ALCO extracts its groundwater from the East Side Subarea. The Pressure Area is a region of gradually declining groundwater elevations and is characterized by three confined aquifer systems, overlain and separated by thick clay layers that act as aquicludes. These aquifers are named for their relative depths, and are known as the "180-foot", the "400-foot", and "900-foot" aquifers, respectively.

It is acknowledged that, even though the proposed project would reduce groundwater pumping because it would replace agriculture with land uses with lower water demands, urban land uses cannot be fallowed. Therefore, the proposed project represents a more permanent, unchangeable demand on the groundwater basin than the current agricultural land uses. However, in 2014, the State of California enacted the Sustainable Groundwater Management Act (SGMA). The SGMA shifted planning and management of groundwater resources to Groundwater Sustainability Agencies, which are made up of local agencies (e.g. cities, counties, and water districts). The SGMA requires development of Groundwater Sustainability Plans (GSPs) by 2020 for priority basins, which includes the Salinas Valley. This law requires groundwater basins or subbasins that are designated as medium or high priority to be managed sustainably. The Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) was therefore required to develop a comprehensive groundwater sustainability plan by 2020 and is also required to implement the plan to achieve basin sustainability by 2040. In compliance with this requirement, the SVBGSA developed the *Salinas Valley Groundwater Basin 180/400-Foot Aquifer Subbasin Groundwater Sustainability* (GSP). The GSP identifies that sustainability of the SVGB will be achieved over the 20-year implementation period and maintained over the 50-year planning and implementation horizon. Since a long-term solution to the region's groundwater sustainability is required by the State by 2040, and since buildout of the proposed project would take approximately 20 to 30 years, the region's groundwater is required by law to be in a sustainable state by the time of project buildout. Therefore, despite that the proposed project would require a more permanent, unchangeable demand on the groundwater basin than the current agricultural uses, the State's requirement for long-term sustainability of the underlying groundwater basin ensures that the impact to groundwater would be less than significant.

As identified above, the relevant GSP is the *Salinas Valley Groundwater Basin 180/400-Foot Aquifer Subbasin Groundwater Sustainability Plan*, which was adopted by the SVBGSA Board of Directors on January 9, 2020. The GSP identifies projects and actions that provide stakeholders with options to reach sustainability of the underlying aquifer, including with regard to seawater intrusion. This approach provides individual landowners and public entities flexibility in how they manage water and how the Subbasin achieves groundwater sustainability. All groundwater pumpers will be allowed to make individual decisions on how much groundwater they pump based on their perceived best interests. The projects and actions included in the GSP are defined as a toolbox of options. The GSP demonstrates that sufficient options exist to reach sustainability. The projects and actions in the GSP include a water charges framework, management actions, specific projects prioritized for integrated management of the Salinas Valley, mitigation of overdraft, and other groundwater management activities. Specific details need to be developed for stakeholders to determine which projects and actions to implement. The projects and management actions described in this GSP constitute an integrated management program for the entire SVGB. This GSP

lays out a roadmap for addressing all of the activities needed for GSP implementation between 2020 and 2040, focusing mainly on the activities between 2020 and 2025. Although there are unfunded projects identified in the GSP for the 180/400-foot Subbasin, the law requires a solution to the region's groundwater sustainability by 2040. Therefore, since it is required by state law, sufficient funding is required to be made available to achieve sustainability in the SVGB by 2040.

Moreover, since the 2010 Monterey County General Plan Final EIR, new groundwater regulatory programs have been established that are relevant to the SVGB. For example, Senate Bill (SB) 252 became effective on January 1, 2018. SB 252, which requires well permit applicants in critically overdrafted basins to include information about the proposed well, such as location, depth, and pumping capacity. The bill also requires the permitting agency to make the information easily accessible to the public and the GSAs. Separately, On May 22, 2018, the Monterey County Board of Supervisors adopted Ordinance No. 5302 pursuant to Government Code Section 65858. The ordinance was an Interim Urgency Ordinance, which took effect immediately upon adoption. The ordinance prohibits the acceptance or processing of any applications for new wells in the defined Area of Impact within the 180/400-Foot Aquifer Subbasin, with stated exceptions including municipal wells and replacement wells. The ordinance was originally only effective for 45 days, but at the June 26 Monterey County Board of Supervisors meeting, the Board of Supervisors extended the ordinance to May 21, 2020, by adoption of Ordinance No. 5303. During the moratorium, the County has stated that it will conduct further studies to assess groundwater conditions in the Subbasin.

Ultimately, a projection of what *could* occur should be tempered by the reality of limited water supplies. Although the 2010 Monterey County General Plan EIR projected that 10,253 acres of farmland will be added to the SVGB by conversion of previously uncultivated land available in the SVGB (Final EIR, Monterey County General Plan, March 2010, p. 2-36, available at https://www.co.monterey.ca.us/home/showdocument?id=45384.), the SGMA was passed four years after the publication of the Final EIR for the Monterey County General Plan, in 2014. The SGMA requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, that will be 2040. That is, the SVGB is required under the SGMA to reach sustainability within the anticipated 20 to 30-year buildout timeframe of the proposed project. Specifically, the GSP projects that, to achieve sustainability in the SVGB, pumping will need to be about 7% lower than the pumping rates projected prior to the development of the GSP, to meet the long-term sustainable yield. The projected water budgets can be interpreted as most likely future conditions; however, there is inherent uncertainty associated with using climate scenarios. Implementation of some items within the men measures identified in the GSP would ensure that the SVGB reaches sustainability by 2040. Therefore, regardless of the level of future conversion of vacant land (that is currently not using groundwater) to groundwater-consuming agricultural land, the SVGB would be required to reach sustainability by 2040 (i.e. by project buildout), which means

that there would not be a significant and unavoidable cumulative impact on the groundwater basin, contrary to the claim made in this comment.

Regardless, with the GPS in place, and as the region moves towards a sustainable groundwater situation by 2040 under the Sustainable Groundwater Management Act, any new groundwater pumping will have to operate within the legal framework set forth by the GSP. As identified in the GSP, the measurable objectives for reduction in groundwater storage is to achieve a long-term future sustainable yield of 112,000 acre-feet/year. Independent conversions of vacant land to agricultural land within the SVGB would be required to be consistent with this long-term objective. The GSP identifies a wide menu of measures, which allow flexibility in determining the specific measures utilized to achieve this objective. No further response is warranted.

Response E-9: The commentor states that:

> *"The DEIR finds the cumulative impact on stormwater facilities to be Less than Significant and Less than Cumulatively Considerable (DEIR p. 3.11-65).*
>
> *Please address if the analysis evaluates increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on stormwater facilities."*

This comment is noted. The cumulative analysis of stormwater facilities does not evaluate increased intensity of storm events resulting from climate change. However, analysis of stormwater facilities with respect to climate change is speculative at this time, since the magnitude of any potential increased storm intensity from climate change influencing the region is uncertain and highly dependent on a variety of factors that cannot currently be known with a high level of certainty.

For example, according to the California Energy Commission (CEC) "Cal-Adapt" tool, by mid-century, there is a wide range in predictions regarding the change in the number of extreme precipitation events. In particular, there are four separate models provided for the estimated intensity (*return level*) of extreme precipitation events which are exceeded on average once every 20 years. Out of the four model results for mid-century (i.e. October 2035 – September 2064), two models show slightly increased estimated intensity, one model shows approximately equal estimated intensity, and one model shows reduced estimated intensity, the historical (i.e. October 1961 – September 1990) case. More information can be found at the Cal-Adapt website: https://cal-adapt.org/tools/extreme-precipitation/.

Response E-10: The commentor states that:

> *"The alternatives analyzed in this EIR include the following four alternatives:*
>
> - *No Project (No Build) Alternative*
> - *Reduced Land Area Project Alternative – Under this alternative, the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the development (i.e., the project footprint) would be reduced by approximately 14 percent. Under this alternative,*

approximately 110 acres of land in the northwest corner of the Plan Area would be removed. The resultant Plan Area would include approximately 652 acres. The proposed land uses within this area identified for removal under this alternative would be incorporated into the remaining 652 acres of the Plan Area, which would increase the residential density of the Plan Area under this alternative, while retaining the same number of residences, mixed use commercial areas, schools, parks, etc. as the proposed project.

- *Reduced Residential Intensity/Density Project Alternative*
- *Smaller-Scale Project Alternative*

The Reduced Intensity/Density Project Alternative is identified as the environmentally superior alternative (DEIR p. 5.0-48).

As noted above, increased density will reduce GHG and criteria pollutant emissions. Table ES-1 should be revised to reflect this additional benefit of the Reduced Land Area Project Alternative with respect to Air Quality Impacts. Table ES-1 should also be corrected to reflect an "equal" impact on Population and Housing from the Reduced Land Area Project Alternative, not a "slightly greater" impact. The DEIR so acknowledges that the impact would be equal because it would accommodate the same number of residential units (EIR, p. 5.0-26). As discussed above, Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project.

Table 5.0-1, which assesses the ability of the alternatives to meet project objectives, concludes that the Reduced Land Area Project Alterative does not meet the goal of:

> *Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents.*

This conclusion flies in the face of the facts that the smaller, denser Specific Plan that would accommodate the same population in a smaller area would necessarily reduce its internal walking distances and reduce emissions, congestion, and excessive energy consumption. The DEIR's rationale for this surprising conclusion relates solely to the external walking distance from the West Area Specific Plan to other Specific Plan areas:

> *The Reduced Land Area Project Alternative would not meet this objective since it would reduce geographic pathways between the Specific Plan Area and the West Area Specific Plan, which were designed in tandem in a specific manner to allow for a community within the FGA in which housing, businesses, parks, schools and other community facilities are within walking distance of each other.*

This claim is illogical because leaving some land undeveloped will not increase the distance from the developed areas of the Central Area Specific Plan to external locations. Table 5.0-1

should be revised to correct this error. A smaller denser community is clearly more pedestrian–friendly.

Thank you for the opportunity to review the DEIR.

This comment is noted. We concur that the increased density of the Reduced Land Area Project Alternative with respect to Air Quality impacts will slightly reduce GHG and criteria pollutant emissions. However, the increased density will also increase risks associated with other emissions such as odors (Impact 3.1-4) and health risks to humans (Impact 3.1-5), since the increased density would marginally increase the localized density (and thereby impact) of localized emissions on residents and workers. It should be noted that the "equal" impact for Population and Housing from the Reduced Land Area Project Alternative was already provided in relevant tables, in contrast to the claim made on the comment letter on this topic (so there is no fix required on that topic).

Separately, the City disagrees with the assertion that the Reduced Land Area Alternative would meet the goal of "*Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents."* As identified in Table 5.0-1 of the Draft EIR, despite the smaller, denser nature of the Reduced Land Area Project alternative, it is anticipated that the reduction of the project footprint by approximately 14% associated with this alternative would remove portions of the Specific Plan Area that would connect the Specific Plan Area to neighboring portions of the North of Boronda FGA, such as the West Area Specific Plan, or the future East Area Specific Plan (depending on the exact location of the area to be removed). Therefore, despite reduced walking distances that may be associated with this alternative, reduced connectivity to neighboring Specific Plan areas, which have been designed specifically to provide specific bike and pedestrian pathways to geographically connect the Specific Plan Areas to each other, would be likely mean that this objective would not be achieved by this alternative.

Lastly, additional minor errata changes to fix transcription errors are also included in the errata changes to Table ES-1 and 5.0-8, below.

Based on this comment, we have updated pages 5.0-51 and ES-9 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with <u>underline</u> for new text, ~~strike out~~ for deleted text):

Page 5.0-51:

TABLE 5.0-8: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-~~7~~6	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less

Page ES-9:

TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-7	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less

No further response is required.

Response E-11: The commentor identifies additional greenhouse gas mitigation measures to consider (in addition to the greenhouse gas mitigation measures listed on page 4-5 of the main Landwatch letter). Discussion of these mitigation measures is incorporated into Response E-4. No further response is required.

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August 11, 2020

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Subject: City of Salinas Central Area Specific Plan
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
State Clearinghouse No. 2017091022

Dear Ms. Miller:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from City of Salinas for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

F-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Salinas; Hugh Bikle; Thrust IV, Inc.

Objective: The objective of the Project is to establish land use planning and regulatory guidance for the Project area which is approximately 760-acres. Primary Project activities include using the principles of New Urbanism and Traditional Neighborhood Development also known as village-style development. It is a comprehensive planning system that includes a variety of housing types and land uses in a defined area. The Project will serve as a bridge between the Salinas General Plan and individual development applications in the Project area.

Location: The majority of the Project is located within the incorporated boundary of the City of Salinas. The Specific Plan Area is bounded by Natividad Road on the west, East Boronda Road on the south, Old Stage Road and the future extension of Constitutional Boulevard on the east, and the future extension of Russell Road on the north. U.S. 101 and North Main Street are located to the west. Unincorporated land under the jurisdiction of the County of Monterey abuts the Specific Plan Area to the north.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Salinas in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The DEIR indicates there

F-1
(continued)

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is potential significant impact unless mitigation measures are taken but the measures listed are general and may be inadequate to reduce impacts to less than significant. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State endangered foothill yellow-legged frog (*Rana boylii*), the federally threatened California red-legged frog (*Rana draytonii*),the State threatened Swainson's hawk (*Buteo swainsoni*), the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondii*), and special-status plants, including the State endangered Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

F-1 (continued)

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander (CTS)

Issue: The DEIR states the Project has the potential to significantly impact CTS. A 0.25-acre agricultural basin may provide potential breeding habitat for CTS and remnant upland habitat features and/or small mammal burrows may provide refugia for CTS dispersing from or into the Project area. Mitigation Measure 3.2-2 states that a biologist with a scientific colleting permit (SCP) shall oversee the excavation of burrows, inspect exclusion fencing, and relocate any CTS found on the Project site. However, SCPs cannot be used to mitigate project impacts. If a biologist were to conduct the activities as described in the Mitigation Measure, it would violate both the SCP and CESA, resulting in unauthorized take. Fish and Game Code (Fish & G. Code, § 86) defines take as hunt, pursue, catch, capture, or kill, or the attempt to do so. Several of the actions listed in Mitigation Measure 3.2-2 would be defined as take. For example, relocating CTS or if CTS is trapped within an exclusion this constitutes capture. Therefore, acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081(b), is required to implement these actions and comply with CESA.

F-2

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Specific Impacts: Potential ground- and vegetation-disturbing activities associated with Project activities include: water inundation as a result of the proposed new reservoir, collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia and breeding sites, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). The Project site is within the range of CTS and has suitable habitat features. CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2020). Given the presence of suitable habitat within the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

Recommended Potentially Feasible Mitigation Measure(s)
Because suitable habitat features for CTS are present throughout the Project site, CDFW recommends the following edits to the DEIR prepared for this Project.

F-2 (continued)

Mitigation Measure 3.2-1:
CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat, and subsequently if CTS are present on or immediately adjacent to the Project site. These surveys will inform what, if any, take authorization is required from CDFW to comply with CESA.

Please note the protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Mitigation Measure 3.2-2:
As stated above, several of the actions listed in Mitigation Measure of 3.2-2 require an ITP to ensure compliance with CESA. CDFW recommends changing SCP to ITP throughout the measure to accurately represent what is required to secure the appropriate take authorization of CTS to minimize Project impacts. In addition, if

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through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would also be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

F-2 (continued)

COMMENT 2: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)

Issue: FYLF are primarily stream dwelling and require shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and both species will also breed in ephemeral waters (Thomson et al. 2016). CRLF have been documented to occur in the vicinity of the Project site (CDFW 2020). In the DEIR, it states that there is less than significant impacts to FYLF because there are no documented occurrences in the Project vicinity and there is no potential for the species to occur on the Project site, but also states there are limited habitat features that may be suitable for FYLF. Based on statements provided in the DEIR, it is unclear if FYLF have the potential to occur on or near the Project site. FYLF have been reduced to limited populations in Monterey County and any impact to FYLF that may occur in the Project area is potentially significant.

F-3

Specific impact: Without appropriate avoidance and minimization measures for FYLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, loss of habitat, and direct mortality of individuals.

Evidence impact would be significant: FYLF populations throughout their southern range, including Monterey County, have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF (Thomson et al. 2016, USFWS 2017). Project activities have the potential to significantly impact both species.

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Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to FYLF, CDFW recommends the following edits to the DEIR prepared for this Project.

Mitigation Measure 3.2-3
CDFW recommends that a qualified biologist determine if FYLF have the potential to occur in the Project area. If this evaluation has already been completed as part of the determination that FYLF cannot occur on the Project site, we recommend that the evaluation is included in the DEIR. If a qualified biologist determines that FYLF have the potential to occur in the Project area, we recommend that this measure is edited to include FYLF in addition to CRLF. The DEIR does not provide the survey method that will be used to determine if CRLF occur in the Project area. CDFW recommends that a qualified wildlife biologist conduct surveys for FYLF and/or CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF and, if warranted, FYLF are within or adjacent to the Project area. While this survey is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat.

F-3 (continued)

Mitigation Measure 3.2-4
If FYLF are detected during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP is necessary to comply with CESA. Please note that several of the actions required by Mitigation Measure 3.2-4 would be considered take as described above for Mitigation Measure 3.2-2. Therefore, an ITP is required to implement those actions for FYLF. CRLF are not listed pursuant to CESA, and therefore, no ITP is necessary from CDFW for this species.

COMMENT 3: Swainson's Hawk (SWHA)

Issue: SWHA have been documented in the Project vicinity (CDFW 2020) and have the potential to forage and/or nest near or on the Project site. In addition to annual grasslands, SWHA are known to forage in alfalfa, fallow fields, dry-land and irrigated pasture, rice land (during the non-flooded period), cereal grain crops (including corn after harvest), beet, tomato, and other low-growing row or field crops. The DEIR states that there is potential nesting habitat for SWHA near the Project area, but no mitigation measures are provided for this species and the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant if SHWA are present.

F-4

Specific impacts: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include

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nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting any nesting SWHA occurring near the Project site.

Recommended Potentially Feasible Mitigation Measure(s)
Because suitable habitat for SWHA is present throughout the Project site, CDFW recommends adding these additional measures to the DEIR and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

Recommended New Mitigation Measure 1: SWHA Surveys
To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

F-4
(continued)

Recommended New Mitigation Measure 2: SWHA No-disturbance Buffer
If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. While Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active SWHA nest will be implemented, CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended New Mitigation Measure 3: SWHA Foraging Habitat
CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation

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may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Recommended New Mitigation Measure 4: SWHA Take Authorization
CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA. In addition, compensatory habitat mitigation would be warranted to offset impacts to nesting habitat or habitat utilized by migrating individuals.

F-4 (continued)

COMMENT 4: Burrowing Owl (BUOW)

Issue: BUOW have been documented near the Project site (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc., containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery indicates that some of the Project site is bordered by annual grassland and potentially fallow agricultural fields and may be present within the Project site. Like SWHA, the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant.

Specific impact: Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

F-5

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, adding these additional measures to the DEIR, and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

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Recommended New Mitigation Measure 5: BUOW Surveys
CDFW recommends that a qualified biologist assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended New Mitigation Measure 6: BUOW Avoidance
Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active BUOW nest will be implemented. CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

F-5
(Continued)

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended New Mitigation Measure 7: BUOW Passive Relocation and Mitigation
If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or

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re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

F-5 (Continued)

COMMENT 5: Western Spadefoot

Issue: Western spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Western spadefoot has been documented in the Project vicinity and review of aerial imagery indicates that the Project may contain requisite habitat elements (CDFW 2020). The DEIR does not include any species-specific measures for western spadefoot.

Specific impact: Western spadefoot are known to occur in the area (CDFW 2020). Without appropriate avoidance and minimization measures for western spadefoot, potentially significant impacts associated with ground disturbance include; collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot (Thomson et al. 2016). The Project area is within the range of western spadefoot, contains suitable upland habitat, and possible breeding habitat. As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

F-6

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to western spadefoot associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the DEIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended New Mitigation Measure 8: Western Spadefoot Surveys
CDFW recommends that a qualified biologist if requisite habitat features for western spadefoot occurs on the Project site to evaluate potential impacts resulting from ground- and vegetation-disturbance. If suitable habitat is present, CDFW recommends a qualified biologist conduct focused surveys for western spadefoot within the suitable habitat areas.

Recommended New Mitigation Measure 9: Western Spadefoot Avoidance
Within suitable habitat, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If western spadefoot is observed on the Project site, CDFW recommends that Project activities

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in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location.

F-6 (Continued)

COMMENT 7: Special-Status plants

Issue: Special-status plant species have been documented to occur in the vicinity of the Project area near the riparian habitats (CDFW 2020). The Project site contains habitat suitable to support numerous special-status plant species meeting the definition of rare or endangered under CEQA Guidelines section 15380. Although the DEIR states that two field surveys were conducted, it does not include the protocol used during plant surveys or disclose if a reference site was used. In addition, it does not compare site conditions when the surveys were conducted (2004, 2015, and 2016) to present conditions. Therefore, CDFW cannot determine if surveys were adequate to detect special-status plant species, if the environmental baseline remains the same, or if mitigation measures listed in the DEIR are sufficient to reduce impacts to less than significant.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include inability to reproduce and direct mortality.

Evidence impact would be significant: Special-status plant species known to occur in the vicinity of the Project site are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants (CNPS 2020).

F-7

Recommended Potentially Feasible Mitigation Measure(s)
Without additional information to evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following survey protocol to determine if special-status plants occur in the Project area, editing the DEIR to include the following additional measures if special-status plants are observed in the Project area, and including the following mitigation measures as conditions of approval.

Recommended New Mitigation Measure 10: Special-Status Plant Surveys
Where suitable habitat is present, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018b). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In

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the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended New Mitigation Measure 11: Special-Status Plant Avoidance
CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

F-7
(Continued)

Recommended New Mitigation Measure 12: State-listed Plant Take Authorization
If a plant species listed pursuant to CESA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

F-8

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist City of Salinas in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Please see the enclosed Mitigation Monitoring (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee Braddock, Environmental Scientist, at aimee.braddock@wildlife.ca.gov.

F-8
(Continued)

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

ec: Office of Planning and Research, State Clearinghouse

Aimee Braddock
California Department of Fish and Wildlife

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: City of Salinas Central Area Specific Plan
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

SCH No.: 2017091022

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Edited Mitigation Measure 3.2-1	
Edited Mitigation Measure 3.2-2	
Edited Mitigation Measure 3.2-3	
Edited Mitigation Measure 3.2-4	
New Mitigation Measure 1: SWHA Surveys	
New Mitigation Measure 2: SWHA No-disturbance Buffer	
New Mitigation Measure 3: SWHA Foraging Habitat	
New Mitigation Measure 4: SWHA Take Authorization	
New Mitigation Measure 5: BUOW Surveys	
New Mitigation Measure 7: BUOW Passive Relocation and Mitigation	
New Mitigation Measure 8: Western Spadefoot Surveys	
New Mitigation Measure 10: Special-Status Plant Surveys	
New Mitigation Measure 12: State-listed Plant Take Authorization	
During Construction	
New Mitigation Measure 6: BUOW Avoidance	
New Mitigation Measure 9: Western Spadefoot Avoidance	
New Mitigation Measure 11: Special-Status Plant Avoidance	

Response to Letter F: Julie A. Vance, California Department of Fish & Wildlife

Response F-1: The commentor provides an introduction to the comment letter. The commentor describes the role of the California Department of Fish and Wildlife (CDFW) as both a Trustee Agency for fish and wildlife resources (and holds those resources in trust by statute for all the people of the State), and as a Responsible Agency under CEQA. The commentor also provides a brief summary project description of the proposed project, and states that the CDFW offers the comments and recommendations provided in the remaining portions of the comment letter to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The commentor further states:

> *"There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The DEIR indicates there is potential significant impact unless mitigation measures are taken but the measures listed are general and may be inadequate to reduce impacts to less than significant. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: the State and federally threatened California tiger salamander (Ambystoma californiense), the State endangered foothill yellow-legged frog (Rana boylii), the federally threatened California red-legged frog (Rana draytonii),the State threatened Swainson's hawk (Buteo swainsoni), the State species of special concern burrowing owl (Athene cunicularia), western spadefoot (Spea hammondii), and special-status plants, including the State endangered Congdon's tarplant (Centromadia parryi ssp. congdonii). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern."*

The concerns described by this comment are responded to in full in the following responses (Responses F-2 through F-8). This comment serves as an introduction to the comment letter and no further response is required.

Response F-2: The commentor states:

> "***COMMENT 1: California Tiger Salamander (CTS)***
>
> ***Issue:*** *The DEIR states the Project has the potential to significantly impact CTS. A 0.25-acre agricultural basin may provide potential breeding habitat for CTS and remnant upland habitat features and/or small mammal burrows may provide refugia for CTS dispersing from or into the Project area. Mitigation Measure 3.2-2 states that a biologist with a scientific colleting permit (SCP) shall oversee the*

excavation of burrows, inspect exclusion fencing, and relocate any CTS found on the Project site. However, SCPs cannot be used to mitigate project impacts. If a biologist were to conduct the activities as described in the Mitigation Measure, it would violate both the SCP and CESA, resulting in unauthorized take. Fish and Game Code (Fish & G. Code, § 86) defines take as hunt, pursue, catch, capture, or kill, or the attempt to do so. Several of the actions listed in Mitigation Measure 3.2-2 would be defined as take. For example, relocating CTS or if CTS is trapped within an exclusion this constitutes capture. Therefore, acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081(b), is required to implement these actions and comply with CESA.

Specific Impacts: *Potential ground- and vegetation-disturbing activities associated with Project activities include: water inundation as a result of the proposed new reservoir, collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia and breeding sites, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.*

Evidence impact would be significant: *Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). The Project site is within the range of CTS and has suitable habitat features. CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2020). Given the presence of suitable habitat within the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.*

Recommended Potentially Feasible Mitigation Measure(s)
Because suitable habitat features for CTS are present throughout the Project site, CDFW recommends the following edits to the DEIR prepared for this Project.

Mitigation Measure 3.2-1:
CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat, and subsequently if CTS are present on or immediately adjacent to the Project site. These surveys will inform what, if any, take authorization is required from CDFW to comply with CESA.

Please note the protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Mitigation Measure 3.2-2:
As stated above, several of the actions listed in Mitigation Measure of 3.2-2 require an ITP to ensure compliance with CESA. CDFW recommends changing SCP to ITP throughout the measure to accurately represent what is required to secure the appropriate take authorization of CTS to minimize Project impacts. In addition, if through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would also be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW."

This comment is noted. Based on this comment, we have updated Mitigation Measures 3.2-1 and 3.2-2 of the Draft EIR, as follows, to incorporate the recommended language into these mitigation measures, as well as the associated mitigation measures contained in the Executive Summary of the Draft EIR, as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

Pages 3.2-40 and 3.2-41:

MITIGATION MEASURES

Mitigation Measure 3.2-1*: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.*

The regulatory approvals are ~~This is~~ anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat.

It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad

Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).

CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.

***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) ~~scientific collecting permit~~ for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP ~~scientific collecting permit~~ every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.*

In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.

No further response is warranted.

Response F-3: The commentor states:

> *"**COMMENT 2: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)***
>
> ***Issue:** FYLF are primarily stream dwelling and require shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and both species will also breed in ephemeral waters (Thomson et al. 2016). CRLF have been documented to occur in the vicinity of the Project site (CDFW 2020). In the DEIR, it states that there is less than significant impacts to FYLF because there are no documented occurrences in the Project vicinity and there is no potential for the species to occur on the Project site, but also states there are limited habitat features that may be suitable for FYLF. Based on statements provided in the DEIR, it is unclear if FYLF have the potential to occur on or near the Project site. FYLF have been reduced to limited populations in Monterey County and any impact to FYLF that may occur in the Project area is potentially significant.*
>
> ***Specific impact**: Without appropriate avoidance and minimization measures for FYLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, loss of habitat, and direct mortality of individuals.*
>
> *Evidence impact would be significant: FYLF populations throughout their southern range, including Monterey County, have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF (Thomson et al. 2016, USFWS 2017). Project activities have the potential to significantly impact both species.*
>
> ***Recommended Potentially Feasible Mitigation Measure(s)***
> *To evaluate potential impacts to FYLF, CDFW recommends the following edits to the DEIR prepared for this Project.*
>
> ***Mitigation Measure 3.2-3***
> *CDFW recommends that a qualified biologist determine if FYLF have the potential to occur in the Project area. If this evaluation has already been completed as part of the determination that FYLF cannot occur on the Project site, we recommend that the evaluation is included in the DEIR. If a qualified biologist determines that FYLF have the potential to occur in the Project area, we recommend that this measure is edited to include FYLF in addition to CRLF. The DEIR does not provide the survey method that will be used to determine if CRLF occur in the Project area. CDFW recommends that a qualified wildlife biologist conduct surveys for FYLF and/or CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to*

determine if CRLF and, if warranted, FYLF are within or adjacent to the Project area. While this survey is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat.

Mitigation Measure 3.2-4
If FYLF are detected during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP is necessary to comply with CESA. Please note that several of the actions required by Mitigation Measure 3.2-4 would be considered take as described above for Mitigation Measure 3.2-2. Therefore, an ITP is required to implement those actions for FYLF. CRLF are not listed pursuant to CESA, and therefore, no ITP is necessary from CDFW for this species."

This comment is noted. For clarification on the FYLF, the DEIR on page 3.2-17 indicates that "*Gabilan and Natividad Creek corridors provide some limited habitat for this species; however, none have been observed and this species is not believed to be present within these corridors*." This statement is accurate. The limited habitat is the aquatic habitat that is present in these creeks; however, as noted in the statement, this species has never been observed. To further clarify, these two aquatic features do not have rocky substrate with riffles which are aquatic characteristics needed for breeding, and ultimately persistence of a population of this species. The aquatic features, instead, are heavily silted from agricultural runoff that has occurred for an extended period of time, and in some areas the water feature is completed channelized into a linear ditch form that is not conducive to this species. Given the characteristics of the aquatic habitat in these water features, it is accurate to conclude that it is unlikely that this species would be present; however, the City has maintained that the aquatic nature of the facility is still considered limited habitat. It is also noted that these features are proposed to be improved to a more natural condition as part of a habitat enhancement.

Approximately 74 acres of riparian habitat would be created along Natividad Creek, and 30 acres along Gabilan Creek. It is anticipated that the restoration and alteration of these creek corridors will require regulatory approval, which would involve the temporary impact to Natividad Creek and Gabilan during the restoration and habitat creation process. The temporary impact to the creek corridor would have the potential to impact some special status species if present during the construction period; however, FYLF is not expected to be present. The restoration and alteration of these creek corridors will ultimately result in improved habitat quality of these creek corridors, which would be a benefit to the possibility of FYLF establishing a population in the region in the future.

As discussed on page 3.2-41 – 3.2-44 of the DEIR, CRLF was detected along the Natividad Creek corridor within the Specific Plan Area, as well as along Old Stage Road and the East Area Specific Plan located to the east of the Specific Plan Area. The DEIR also notes that there are also numerous documented occurrences of CRLF, including breeding sites within five miles of the Specific Plan Area. The DEIR notes that CRLF may disperse through any of the drainages in the vicinity, including Gabilan and Natividad Creeks. The DEIR also indicates that the Specific Plan Area does not provide high quality habitat for CRLF outside of the creek corridors given that these areas are actively cultivated,

but that the network of irrigation ditches presents some habitat opportunities for this species outside of the creek corridors. The DEIR states that the paved roads, dirt roads, tilled farmland, farmland fringe, and farmland residences provide very limited to no habitat. These statements are accurate, and do not need revision.

The DEIR concludes with a mitigation measures that requires consultation with the regulatory agencies to ensure that there is no illegal take for CRLF. Additionally, the regulatory agencies have established avoidance, minimization, and mitigation measures that they impose on projects through the regulatory permitting process. These measures would require activities to avoid and minimize impacts to CRLF. The DEIR presents examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CRLF to be responsible for any monitoring, 3) erecting drift fencing around the work areas, 4) inspection of drift fencing by biologist with an incidental take permit (ITP) every 72 hours, 5) relocation of any CRLF found immediately to a site designated by the USFWS and CDFW per protocol; and 6) post construction report. The regulatory agencies may also require compensatory mitigation for any take, including habitat loss. The determination of compensatory mitigation, including the appropriate ratio, is determined through the regulatory permit process in consultation with the USFWS and CDFW. The EIR concludes that the impact will remain ***significant and unavoidable*** even with the mitigation measures presented.

Response F-4: The commentor states:

> *"**COMMENT 3: Swainson's Hawk (SWHA)***
>
> ***Issue:** SWHA have been documented in the Project vicinity (CDFW 2020) and have the potential to forage and/or nest near or on the Project site. In addition to annual grasslands, SWHA are known to forage in alfalfa, fallow fields, dry-land and irrigated pasture, rice land (during the non-flooded period), cereal grain crops (including corn after harvest), beet, tomato, and other low-growing row or field crops. The DEIR states that there is potential nesting habitat for SWHA near the Project area, but no mitigation measures are provided for this species and the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant if SHWA are present.*
>
> ***Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.*
>
> ***Evidence impact is potentially significant:** The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting any nesting SWHA occurring near the Project site.*

Recommended Potentially Feasible Mitigation Measure(s)
Because suitable habitat for SWHA is present throughout the Project site, CDFW recommends adding these additional measures to the DEIR and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

Recommended New Mitigation Measure 1: SWHA Surveys
To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended New Mitigation Measure 2: SWHA No-disturbance Buffer
If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. While Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active SWHA nest will be implemented, CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended New Mitigation Measure 3: SWHA Foraging Habitat
CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Recommended New Mitigation Measure 4: SWHA Take Authorization
CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA. In addition, compensatory habitat mitigation would be warranted to offset impacts to nesting habitat or habitat utilized by migrating individuals."

The commenter has cited "*California Department of Fish and Wildlife (CDFW). 2020. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed July 22, 2020*" as a source to verify that the SWHA have been documented in the Project vicinity and to justify an impact conclusion and need for mitigation measures. It is noted that the information that is shown in the referenced CDFW's BIOs system is from the CDFW's California Natural Diversity Data Base (CNDDB), which was used to assess biological resources in the DEIR. In reviewing the specific CNDDB occurrence data for SWHA that is referenced in the CNDDB and BIOS, it is noted that there is only one occurrence of SWHA within a 9 quad search (USGS 7.5 minute quadrangles: Spreckels, Chualar, Gonzales, Mt. Harlan, Salinas, Hollister, Prunedale, San Juan Bautista, and Natividad). This one occurrence is located 6 miles south of Salinas and is from in 1915 (105-year-old record). The CNDDB entry specifically indicates that the collection site is considered extirpated, and it is outside the current range of this species. These ecological comments in the CNDDB record suggest that this species may have once been found within the riparian habitat in the Salinas Valley, but like many species that were once common throughout California, it has been extirpated from the region and their range has been reduced. Most biologists believe that this is generally attributable to agricultural development in a region, in addition to expanding settlements and industrialization. While the commenter provided extensive information about the potential for an impact to SWHA, and need for mitigation for loss of foraging habitat, the basis for their discussion and their recommendations is based on a flawed understanding or the data that was cited. The Plan Area is not within the SWHA current range; nevertheless, Mitigation Measure 3.2-6 as presented in the DEIR, provides adequate requirements to perform a preconstruction survey for nesting birds, including the SWHA. The DEIR does not require any revisions to address this topic.

Response F-5: The commentor states:

> "***COMMENT 4: Burrowing Owl (BUOW)***
> ***Issue:*** *BUOW have been documented near the Project site (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc., containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery indicates that some of the Project site is bordered by annual grassland and potentially fallow agricultural fields and may be present within the Project site. Like SWHA, the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant.*
>
> ***Specific impact:*** *Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.*
>
> ***Evidence impact is potentially significant:*** *BUOW rely on burrow habitat year-round for their survival and reproduction. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl*

Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, adding these additional measures to the DEIR, and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

Recommended New Mitigation Measure 5: BUOW Surveys
CDFW recommends that a qualified biologist assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended New Mitigation Measure 6: BUOW Avoidance
Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active BUOW nest will be implemented. CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Recommended New Mitigation Measure 7: BUOW Passive Relocation and Mitigation
If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return."

This comment is noted. For clarification, the Plan Area has been surveyed multiple times over the past 16 years. Field surveys and habitat evaluations were performed in 2004 by Biotic Resources Group: March (26th and 31st), April (14th and 30th), May (17th), June (17th), July (26th). In 2015, the Plan Area was again surveyed by De Novo Planning Group (September 11th) and, then again in 2016 (April 18th). During these field surveys there was no evidence of owl burrows (active or remnant), and there were no burrowing owls observed. It is noted that we recognize the mobility of this species, and their ability to establish new nesting sites in areas that remain undisturbed for a period of time. However, the current condition of most of the Plan Area is active cultivation, which equates to regular ground disturbance. Regular ground disturbance prevents this species from establishing a population. The areas that are not under active cultivation in the Plan Area do not have active or remnant burrowing owl nests. Mitigation Measure 3.2-6 as presented in the DEIR, provides adequate requirements to perform a preconstruction survey for nesting birds, including the burrowing owl. The DEIR does not require any revisions to address this topic. No further response is required.

Response F-6: The commentor states:

> *"**COMMENT 5: Western Spadefoot***
>
> ***Issue:** Western spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Western spadefoot has been documented in the Project vicinity and review of aerial imagery indicates that the Project may contain requisite habitat elements (CDFW 2020). The DEIR does not include any species-specific measures for western spadefoot.*
>
> ***Specific impact:** Western spadefoot are known to occur in the area (CDFW 2020). Without appropriate avoidance and minimization measures for western spadefoot, potentially significant impacts associated with ground disturbance include; collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.*
>
> ***Evidence impact is potentially significant:** Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot (Thomson et al. 2016). The Project area is within the range of western spadefoot, contains suitable upland habitat, and possible breeding habitat. As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.*
>
> ***Recommended Potentially Feasible Mitigation Measure(s)***
> *To evaluate potential impacts to western spadefoot associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the DEIR prepared for this Project, and that these measures be made conditions of approval for the Project.*
>
> ***Recommended New Mitigation Measure 8: Western Spadefoot Surveys***

CDFW recommends that a qualified biologist if requisite habitat features for western spadefoot occurs on the Project site to evaluate potential impacts resulting from ground- and vegetation-disturbance. If suitable habitat is present, CDFW recommends a qualified biologist conduct focused surveys for western spadefoot within the suitable habitat areas.

Recommended New Mitigation Measure 9: Western Spadefoot Avoidance
Within suitable habitat, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If western spadefoot is observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location."

Western spadefoot is a California species of special concern, that occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying. The entire Plan Area was surveyed in 2004 by Biotic Resources Group: March (26th and 31st), April (14th and 30th), May (17th), June (17th), July (26th). Additional field surveys were performed by De Novo Planning Group in 2015 September (11th) and in 2016 (April 18th)". While these surveys did detect other special status species in the Plan Area, including amphibians, the western spadefoot was not observed. Optimal habitat for this species is not present for establishing populations. It is noted, however, that approximately 74 acres of riparian habitat would be created along Natividad Creek, and 30 acres along Gabilan Creek. The restoration and alteration of these creek corridors will ultimately result in improved habitat quality of these creek corridors, which would be a benefit to the possibility of western spadefoot establishing a population in the region in the future. No further response is required.

Response F-7: The commentor states:

*"**COMMENT 7: Special-Status plants***
***Issue**: Special-status plant species have been documented to occur in the vicinity of the Project area near the riparian habitats (CDFW 2020). The Project site contains habitat suitable to support numerous special-status plant species meeting the definition of rare or endangered under CEQA Guidelines section 15380. Although the DEIR states that two field surveys were conducted, it does not include the protocol used during plant surveys or disclose if a reference site was used. In addition, it does not compare site conditions when the surveys were conducted (2004, 2015, and 2016) to present conditions. Therefore, CDFW cannot determine if surveys were adequate to detect special-status plant species, if the environmental baseline remains the same, or if mitigation measures listed in the DEIR are sufficient to reduce impacts to less than significant.*

***Specific impact**: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include inability to reproduce and direct mortality.*

Evidence impact would be significant*: Special-status plant species known to occur in the vicinity of the Project site are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants (CNPS 2020).*

Recommended Potentially Feasible Mitigation Measure(s)
Without additional information to evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following survey protocol to determine if special-status plants occur in the Project area, editing the DEIR to include the following additional measures if special-status plants are observed in the Project area, and including the following mitigation measures as conditions of approval.

Recommended New Mitigation Measure 10: Special-Status Plant Surveys
Where suitable habitat is present, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018b). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended New Mitigation Measure 11: Special-Status Plant Avoidance
CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended New Mitigation Measure 12: State-listed Plant Take Authorization
If a plant species listed pursuant to CESA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

The commentor suggests that the project site has suitable habitat for species meeting the definition of endangered under CEQA, but they do not identify a specific species that they are referring to in their statement. Additionally, the commentor incorrectly states that there were only two surveys. As noted on page 3.2-53 of the DEIR, "*Field surveys and habitat evaluations were performed in 2004 by Biotic Resources Group: March (26th and 31st), April (14th and 30th), May (17th), June (17th), July (26th). Additional field surveys were performed by De Novo Planning Group in 2015 September (11th) and in 2016 (April 18th)*".

The commenter goes on to state that the protocol used during plant surveys is not identified and it is not disclosed if a reference site was used. Pages 3.2-1 and 3.2-2, however, present a description of the survey methods, which indicates that field investigations were performed on foot using

transects in the study area during the floristic period for species in the region. To clarify, transects were spaced 10-feet, as is common practice and is necessary to provide optimal visibility for special status species in the region. Areas that were actively cultivated were void of non-agricultural plants and potential for special status species was not existent. The most intensively surveyed areas were in the more natural habitat along Gabilan and Natividad Creeks, because these areas displayed habitat characteristics that were less disturbed and most likely to allow for the establishment of special status plants.

The 2004 survey identified Congdon's tarplant just east of the Central Area Specific Plan; however, this species was not observed in the Central Area Specific Plan during the 2004 surveys. The surveys covered the floristic period and meet the methods for the CDFW plant survey protocol. There were no other special status plants observed in the 2004 surveys. The 2015 and 2016 surveys were also done on foot using 10-foot transects in the areas most likely to have special status plants due to less disturbance and more limited transects in monocultural fields that were actively cultivated. The intent of these surveys was to provide a spring and late summer survey as a supplement to the previous surveys and to search again for Congdon's tarplant in the Plan Area given its known proximity. No special status species were observed. It is also noted that the areas with the highest potential for special status species are planned for restoration and habitat creation, and the highly disturbed agricultural fields are where development is focused.

As described on page 3.2-53 of the Draft EIR, the proposed project would not, directly or indirectly, generate a significant impact on special-status plant species. The Draft EIR identified a less than significant impact on special-status plant species. Therefore, despite the CDFW's recommendations for mitigation for special-status plants, the City believes the analysis regarding special-status plant species to be adequate. No further response is warranted.

Response F-8: The commentor states, in part, that:

> "*CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDB. The CNDDB field survey form can be found at the following link: https://wvwv.wildlife.ca.gov/Data/CNDDB/SubmittingData. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-andAnimals.*"

This comment is noted. The City has provided the CEQA materials to the CDFW for its use in any database it deems appropriate. The CEQA materials were also provided to the State Clearinghouse, which has included the document within the CEQAnet database. The City understands that the field surveys performed by Bryan Mori of Biological Resources Consulting and Biotic Resources Group have been included in the CNDDB by way of the CNDDB field survey form available at that time.

The commentor then states that an assessment of filing fees is necessary if it is determined that the Protect has the potential to impact biological resources. The commentor also provides concluding remarks, stating that the CDFW appreciates the opportunity to comment on the Project to assist the City of Salinas in identifying and mitigating the Project's impacts on biological resources.

This comment is noted and no further action is required.

9

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Matt Wetstein
Superintendent/President, Cabrillo College

Staff: Kate Roberts, President & CEO

August 11, 2020

City of Salinas
200 Lincoln Avenue
Salinas, CA 93901

Subject: Central Area Specific Plan Draft EIR Public Comment

Dear City of Salinas Planning Staff,

The Monterey Bay Economic Partnership (MBEP) was founded in 2015 and consists of over 87 public, private and civic entities located throughout Monterey, San Benito and Santa Cruz counties with a mission to improve the economic health and quality of life in the Monterey Bay region. Our Housing initiative consists of a broad coalition of community members, local employers, and organizations to advocate for and catalyze an increase in housing of all types and income levels in the region. G-1

The Central Area Specific Plan proposes a maximum of 3,911 homes and is anticipated to house up to 14,353 residents at buildout. The proposed densities range from a minimum of 5 units per residential acre in the Plan's "Low Density Residential" Area (NE-A) and a maximum of 24 units in the Plans "High Density Residential and Mixed Use" Area (VC-B). Of the estimated total 3,911 homes planned for in the Central Specific Area, 1,367 units are currently designated as part of the Low Density Neighborhood with lots ranging in size form 6,000 to 8,000 square feet. The Central Area Specific Plan's High Density and Mixed Use Village Center proposes a maximum of 1,185 units. G-2

MBEP supports a mix of affordable housing levels that will enable our workforce to live closer to jobs, and thereby reduce traffic and greenhouse gas emissions. In 2018, MBEP partnered with Envision Housing to publish a Housing Policy White Paper, outlining nine specific policies that local governments can implement in the short term to increase the supply of more affordable homes. MBEP worked with the City of Salinas and other community stakeholders to update the City's Inclusionary Housing Ordinance and most recently worked with the City to provide input and community engagement regarding the adoption of the West Area Specific Plan in December 2019. We applaud the City for the progress it has made in adopting some of our recommendations, such as the waiver and deferral of impact fees for housing developments and reducing commercial requirements. However, there remains much work to be done as the City is significantly behind in meeting it's Regional Housing Needs goals of 2,093 homes with at least 847 needed to meet low and very low incomes. To date the City has only permitted a fraction of the homes needed (193 low and very low income units according to state reports); the City must take extraordinary measures to meet the existing housing needs of the community. G-3

Given many of the similarities with the West Area Specific Plan which is also part of the City's Future Growth Area, we offer the following recommendations: The adoption of an Enhanced Density Bonus Ordinance would provide additional concessions to market-rate developments in exchange for the inclusion of G-4

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additional deed-restricted housing units. The City's Density Bonus could be strengthened up to 50%. More certainty for long-term ADU policies, such as the City's temporary five-year impact fee holiday, should be codified as a condition of the Plan's development agreement and adoption. Additional opportunities to strengthen the plan include reducing parking requirements and zoning for higher housing densities to yield maximum land use and benefit. Finally, as part of its Covid-19 Housing Response Framework, MBEP has identified the need for concerted community engagement efforts during both the housing planning process and local government hearings. The use of virtual outreach platforms, allowing community members to engage meaningfully in real-time, have already been adopted by other jurisdictions in our region. Given the magnitude of the Central Area Specific Plan, every effort should be made to include the voices of community members.

G-4 (Continued)

The housing crisis facing Salinas has only been compounded by the Covid-19 Pandemic. The most vulnerable members of our community, such as low-income households and farmworker families, face the lion share of this hardship. This project has the potential to ameliorate the local housing shortage and implement community-driven housing policies. Every possible step should be taken to strengthen the Project's density in order to maximize the conversion of prime agricultural land. We encourage the City to consider the adoption of such policies to facilitate the creation of affordable housing, mitigate unaffordability and optimize housing outcomes resulting from the Central Area Specific Plan's adoption. We also encourage the City to ensure that increased housing density goals outlined in the Plan are fulfilled by developers such as maximizing mixed use opportunities and ADU development.

G-5

In summary, MBEP strongly encourages:

1. Implementation of an enhanced density bonus policy
2. Conversion of commercial space where feasible to maximize housing as part of mixed-use site
3. Incentives for ADU development (fee waivers and clear design standards to streamline permitting)
4. Increased community engagement efforts both around the planning process and forthcoming local government hearings.

G-6

The need for concrete housing solutions is greater than ever and the whole of the Salinas Community must be reflected in the City's housing planning. The decisions codified in the Central Area Specific Plan have the potential to maximize density, affordability and access to opportunity for community members, present and future.

Thank you for your consideration.

Sincerely,

Kate Roberts
President & CEO
Monterey Bay Economic Partnership

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Response to Letter G: Kate Roberts, Monterey Bay Economic Partnership

Response G-1: This comment provides an introductory statement summarizing the Monterey Bay Economic Partnership (MBEP) history and mission. No response is warranted.

Response G-2: This comment provides a summary description of the proposed project. No response is warranted.

Response G-3: The commentor states:

> *"MBEP supports a mix of affordable housing levels that will enable our workforce to live closer to jobs, and thereby reduce traffic and greenhouse gas emissions. In 2018, MBEP partnered with Envision Housing to publish a Housing Policy White Paper, outlining nine specific policies that local governments can implement in the short term to increase the supply of more affordable homes. MBEP worked with the City of Salinas and other community stakeholders to update the City's Inclusionary Housing Ordinance and most recently worked with the City to provide input and community engagement regarding the adoption of the West Area Specific Plan in December 2019. We applaud the City for the progress it has made in adopting some of our recommendations, such as the waiver and deferral of impact fees for housing developments and reducing commercial requirements. However, there remains much work to be done as the City is significantly behind in meeting it's Regional Housing Needs goals of 2,093 homes with at least 847 needed to meet low and very low incomes. To date the City has only permitted a fraction of the homes needed (193 low and very low income units according to state reports); the City must take extraordinary measures to meet the existing housing needs of the community."*

This comment is noted. The MBEP identifies that the City has only permitted a fraction of the homes needed to meet its Regional Housing Needs goals. This comment provides context for the following comments. No further response is warranted.

Response G-4: The commentor states:

> *"Given many of the similarities with the West Area Specific Plan which is also part of the City's Future Growth Area, we offer the following recommendations: The adoption of an Enhanced Density Bonus Ordinance would provide additional concessions to market-rate developments in exchange for the inclusion of additional deed-restricted housing units. The City's Density Bonus could be strengthened up to 50%. More certainty for long-term ADU policies, such as the City's temporary five-year impact fee holiday, should be codified as a condition of the Plan's development agreement and adoption. Additional opportunities to strengthen the plan include reducing parking requirements and zoning for higher housing densities to yield maximum land use and benefit. Finally, as part of its Covid-19 Housing Response Framework, MBEP has identified the need for concerted community engagement efforts during both the housing planning process and local government hearings. The use of*

virtual outreach platforms, allowing community members to engage meaningfully in real-time, have already been adopted by other jurisdictions in our region. Given the magnitude of the Central Area Specific Plan, every effort should be made to include the voices of community members."

The City appreciates the recommendations relating to increasing the amount of affordable housing within Salinas. As a CEQA matter, the need for more residential units affordable to low and very-low income households is generally a social and economic, rather than an environmental issue. (See San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App.3d 1502, 1521, fn. 13 ["project-specific demands for additional downtown housing implicate social and economic, not environmental, concerns and, thus, are outside the CEQA purview"].) Nevertheless, these recommendations will be passed onto the City Council for consideration.

Response G-5: The commentor states:

"The housing crisis facing Salinas has only been compounded by the Covid-19 Pandemic. The most vulnerable members of our community, such as low-income households and farmworker families, face the lion share of this hardship. This project has the potential to ameliorate the local housing shortage and implement community-driven housing policies. Every possible step should be taken to strengthen the Project's density in order to maximize the conversion of prime agricultural land. We encourage the City to consider the adoption of such policies to facilitate the creation of affordable housing, mitigate unaffordability and optimize housing outcomes resulting from the Central Area Specific Plan's adoption. We also encourage the City to ensure that increased housing density goals outlined in the Plan are fulfilled by developers such as maximizing mixed use opportunities and ADU development."

This comment is noted. These recommendations will be passed onto the City Council for consideration. No further response is warranted.

Response G-6: The commentor states:

"In summary, MBEP strongly encourages:

1. *Implementation of an enhanced density bonus policy*
2. *Conversion of commercial space where feasible to maximize housing as part of mixed-use site*
3. *Incentives for ADU development (fee waivers and clear design standards to streamline permitting)*
4. *Increased community engagement efforts both around the planning process and forthcoming local government hearings.*

The need for concrete housing solutions is greater than ever and the whole of the Salinas Community must be reflected in the City's housing planning. The decisions codified in the Central Area Specific Plan have the potential to maximize density, affordability and access to opportunity for community members, present and future."

This comment is noted. These recommendations will be passed onto the City Council for consideration. No further response is warranted.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

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Making Conservation a California Way of Life.

August 11, 2020

MON/101/91.00
SCH#2017091022

Jill Miller
Senior Planner
City of Salinas Community Development
65 West Alisal Street (Second Floor)
Salinas, CA 93901

Dear Ms. Miller:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY OF SALINAS CENTRAL AREA SPECIFIC PLAN (CASP) – SALINAS, CA

The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the CASP which plans to develop 760 acres into residential housing, mixed-use commercial, neighborhood parks, schools, and open space. The project will follow the principles of New Urbanism and Traditional Neighborhood Development (TND). Caltrans offers the following comments in response to the DEIR and the traffic study provided that utilized a Level of Service (LOS) analysis. H-1

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals. H-2

2. By following the principles of New Urbanism and TND, CASP will help meet Senate Bill 743 (SB 743) goals of reducing vehicle miles traveled (VMT) and lowering greenhouse gas emissions (GHG's). CASP's focus on facilitating increased daily bicycle and pedestrian trips by connecting residential neighborhoods to public facilities and employment centers will help take vehicles off the roadway network. The decrease in vehicular traffic will assist with State goals of lowering VMT and H-3

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

GHG's while bettering air quality, alleviating traffic congestion, and strengthening the economy with new housing and employment opportunities.

H-3 (continued)

3. In specific response to the LOS study provided, it is common for trip generation rates to account for pedestrian and bicycle activity and therefore should not be an additional reduction in the findings. The AM and PM reductions of 21% and 24% provided seem to be inconsistent with the typical 5-10% state of practice. Please provide additional justification as to the determination of the trip reductions using the Trip Generation Handbook methodology to show the internal capture rate.

H-4

4. The traffic study assumes only 2% of traffic will use the freeway, with the remainder using local roads. Because of the makeup of the project with shopping/retail accounting for 35% of total project infrastructure, traffic will at the very least access the interchanges of US 101 at Boronda Road, Laurel Drive, and to some extent the ramps at Sala Road. Shopping related development carries a large amount of heavy vehicle delivery traffic which would on its own seem to put additional demand on the system. Caltrans concern for the potential of increased conflicts are mostly with the interchanges and therefore a closer look at these locations are merited.

H-5

5. Specifically for Boronda Road, given the proximity of CASP to this interchange it would seem reasonable that a significant impact could be at this location particularly with the large amount of retail/big box stores on the west side of the freeway (e.g, Costco).

H-6

6. We have appreciated working with the City in the past to develop an improvement plan for the interchanges along US 101 and look forward to continuing that work on finding the right set of enhancements to meet the demand of increased development while reducing potential conflict points.

H-7

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or email christopher.bjornstad@dot.ca.gov.

H-8

Sincerely,

Chris Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Development Review

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Letter H: Chris Bjornstad, Caltrans

Response H-1: This comment serves as an introductory statement. No further response is warranted.

Response H-2: The commentor states that Caltrans is in support of smart growth principles, and that such principles are consistent with Caltrans' mission, vision, and goals. No further response is warranted.

Response H-3: The commentor states the proposed project, by following the principles of New Urbanism and TND, will help meet SB 743 goals of reducing VMT and lowering GHGs. No further response is warranted.

Response H-4: The commentor states:

> *"In specific response to the LOS study provided, it is common for trip generation rates to account for pedestrian and bicycle activity and therefore should not be an additional reduction in the findings. The AM and PM reductions of 21% and 24% provided seem to be inconsistent with the typical 5-10% state of practice. Please provide additional justification as to the determination of the trip reductions using the Trip Generation Handbook methodology to show the internal capture rate."*

The comment questions the EIR's trip generation assumptions including "*AM and PM reductions of 21% and 24%*" relating to "*pedestrian and bicycle activity*". It appears the comment has summed the total reductions relating to both internal trips and external pedestrian, bicycle, and transit trips. Most of these trips are associated with the project's internal trip making characteristics. These trips are associated with the mixed-use nature of the project which includes schools, residential, office, supermarkets, retail, civic and other miscellaneous uses. The reductions account for internal vehicle trips between the uses which do not leave the site and are not assigned to the roadway network external to the project. To accurately account for this behavior, the study makes use of the Mainstreet/MXD tool.

Current accepted methodologies, such as the Institute of Transportation Engineers (ITE) Tr*ip Generation* methodology, are primarily based on data collected at suburban, single-use, freestanding sites. These defining characteristics limit their applicability to mixed-use or multi-use development projects, such as the proposed project. The land use mix, design features, and setting of the proposed project would include characteristics that influence travel behavior differently from typical single-use suburban developments. Thus, traditional data and methodologies, such as ITE, may not accurately estimate project vehicle trip generation.

In response to the limitations in the ITE methodology, and to provide a straightforward and empirically validated method of estimating vehicle trip generation at mixed-use developments, the US Environmental Protection Agency (EPA) sponsored a national study of the trip generation characteristics of multi-use sites. Travel survey data was gathered from 239 mixed-use developments (MXDs) in six major metropolitan regions, and correlated with the characteristics of the sites and their surroundings. The findings indicated that the amount of external traffic generated

is affected by a wide variety of factors, including the mix of employment and residents, the overall size and density of the development, the internal connectivity for walking or driving among land uses, the availability of transit service, and the surrounding trip destinations within the immediate area outside a given project site.

These characteristics were related statistically to trip behavior observed at the study development sites using statistical techniques. These statistical relationships produced equations, known as the EPA MXD model, that allow predicting external vehicle trip reduction as a function of the MXD characteristics. Applying the external vehicle trip reduction percentage to "raw trips", as provided by ITE, produces an estimate for the number of vehicle trips traveling in or out of the site.

The EPA has approved the MXD model has been approved for use[2]. It has also been peer-reviewed in the ASCE Journal of Urban Planning and Development[3], peer-reviewed in a 2012 TRB paper evaluating various smart growth trip generation methodologies[4], recommended by the San Diego Association of Governments (SANDAG) for use on mixed-use smart growth developments[5], promoted in an American Planning Association (APA) Planning Advisory Service (PAS)[6] which recommended it for evaluating traffic generation of mixed-use and other forms of smart growth, including in-fill and transit oriented development. It has also been used successfully in numerous certified EIRs in California. No further response is warranted.

Response H-5: The commentor states:

> *"The traffic study assumes only 2% of traffic will use the freeway, with the remainder using local roads. Because of the makeup of the project with shopping/retail accounting for 35% of total project infrastructure, traffic will at the very least access the interchanges of US 101 at Boronda Road, Laurel Drive, and to some extent the ramps at Sala Road. Shopping related development carries a large amount of heavy vehicle delivery traffic which would on its own seem to put additional demand on the system. Caltrans concern for the potential of increased conflicts are mostly with the interchanges and therefore a closer look at these locations are merited."*

This comment is noted. The City stands by its conclusions. The transportation analysis conducted for the project incorporates the guidelines and standards of the City of Salinas. Project characteristics,

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[2] Trip Generation Tool for Mixed-Use Developments (2012). www.epa.gov/dced/mxd_tripgeneration.html

[3] "Traffic Generated by Mixed-Use Developments—Six-Region Study Using Consistent Built Environmental Measures." Journal of Urban Planning and Development, 137(3), 248–261.

[4] Shafizadeh, Kevan et al. "Evaluation of the Operation and Accuracy of Available Smart Growth Trip Generation Methodologies for Use in California". Presented at 91st Annual Meeting of the Transportation Research Board, Washington, D.C., 2012.

[5] SANDAG Smart Growth Trip Generation and Parking Study. http://www.sandag.org/index.asp?projectid=378&fuseaction=projects.detail

[6] Walters, Jerry et al. "Getting Trip Generation Right – Eliminating the Bias Against Mixed Use Development". American Planning Association. May 2013.

including the shopping/retail associated the proposed project, were incorporated into the traffic modeling conducted by the traffic engineers (i.e., Fehr & Peers). Assumptions, including the percentage of traffic that would use the freeway and the proportion of heavy vehicles as a proportion of the overall vehicle fleet, were also determined based on project characteristics, consistent with guidance provided from the City of Salinas and Caltrans. Moreover, key intersections, including those at US 101, Boronda Road, and Laurel Drive were analyzed as part of the project traffic study.

The transportation study utilizes a standard assumption of two percent heavy vehicles on non-truck routes within the City and five percent heavy vehicles on designated truck routes. These assumptions are consistent with recent measurements of heavy vehicles within the City. It should also be noted that the traffic study focuses on conditions during the AM and PM peak hours of travel. These periods tend to be those times wherein automobile commute traffic is highest and truck traffic is lowest (both as a percentage of overall travel and as a whole as to not be delayed by peak commute conditions). See *Section 3.10: Traffic and Circulation* of the Draft EIR for further detail. No further response is warranted.

Response H-6: The commentor states:

> *"Specifically for Boronda Road, given the proximity of CASP to this interchange it would seem reasonable that a significant impact could be at this location particularly with the large amount of retail/big box stores on the west side of the freeway (e.g, Costco)."*

While a considerable amount of project related traffic was assigned to the Boronda Road/US 101 interchange within the traffic modeling developed for the proposed project, substantial adverse impacts were not identified by the traffic engineers at either the Boronda Road/US 101 Northbound Ramps or Boronda Road/US 101 Southbound Ramps intersections. Both ramp terminal intersections were evaluated within the transportation study in accordance with City of Salinas and Caltrans standards. The intersections were identified as operating at levels of service A or B in the weekday morning and evening peak hours of travel within the Existing and Existing plus Project scenarios. Worse levels of service were identified at the adjacent Boronda Road/Main Street intersection, which may serve to meter traffic to and from the ramp terminal intersections.

It should also be noted that project traffic will have access to numerous interchanges on US 101 to execute regional trips. Given prevailing traffic levels on Boronda Road, the Sala Road interchange will likely be the shortest path of travel for freeway traffic with origins and destinations to the north. Freeway traffic to and from the south will have a number of route choices which may be more attractive than Boronda Road. No further response is warranted.

Response H-7: The commentor states:

> *"We have appreciated working with the City in the past to develop an improvement plan for the interchanges along US 101 and look forward to continuing that work on finding the right set of enhancements to meet the demand of increased development while reducing potential conflict points."*

The City looks forward to working with Caltrans to discuss this issue further. No further response is warranted.

Response H-8: This comment serves as a concluding statement. No further response is warranted.

LS Lozano Smith
ATTORNEYS AT LAW

Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

By Email: jill.miller@ci.salinas.ca.us

August 11, 2020

City of Salinas
Community Development Department
Attention: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Alisal Union School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Our office represents the Alisal Union School District ("District" or "AUSD"). Please accept this letter as the District's comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project"). Additional information pertinent to the impact of the Project on the District is included in the Central Area Specific Plan. Accordingly, this letter also references that document.

A. Summary

As discussed in this letter, the District's primary concern with the Draft EIR is its failure to address the real impacts, environmental and otherwise, of the Project on the school districts that will serve the families who will eventually make their homes in the Project. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the number of new elementary-age students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of this Project. I-1

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting

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from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

I-1 (continued)

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, and other forthcoming projects in the area, with regard to environmental concerns.

As discussed in this letter, all of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

B. Areas of Concern

1. District Communications with City and Developers

As envisioned by its developers, the 760 acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units. By the City's calculation, the Project would generate up to 2,752 new elementary age students. (Draft EIR, p. 3.9-25; CASP, p. 141) [1] The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within the Santa Rita Union School District ("SRUSD") that was originally designated by the developers for an middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)

As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft EIR but as further discussed below, the proposed territory transfer has been planned, with the City's knowledge, for at least two years.

I-2

The Specific Plan states that the Project developers "have worked with and continue to work with, all three School Districts to identify each District's needs in terms of the appropriate size and location of the elementary and middle school sites." (Draft EIR, p. 2.0-16.) That claim considerably overstates the communications between the parties that have occurred concerning the Specific Plan. In reality, the District has had few opportunities to discuss the proposed

[1] As discussed in this letter, these figures are inaccurate, as the City used outdated student generation rates in calculating the number of new elementary-age students that would be generated by the Project.

Project with the City and the developers and has been given only limited information regarding the potential impact of the Project on the District. More to the point, an August 21, 2019, meeting between City Planning staff and District representatives has been the only meeting concerning the Project that has occurred over the past two years.

Recent communications from the Project developers have centered on requests that the District provide written assurances that two elementary school sites within the Specific Plan area would be sufficient to meet the District's needs. The Draft EIR accuses the District of "silence relative to raising any issues or concerns about the location or number of School facilities within the Plan Area" and suggests that until receipt of a May 29, 2020, letter from District Superintendent Jim Koenig to Hugh Walker of Stone Bridge Homes, Inc., the City and the developers had been completely unaware of the potential need for a third school site to serve the numbers of elementary-age students that the Project will generate. (Draft EIR, pp. 2.0-17-2.0-18.) This is inaccurate.

In fact, on October 12, 2018, Mr. Koenig sent a letter to Senior Planner Jill Miller stating that, based on the District's most recent student generation rates ("SGRs"), the number of residential units that the developers were projecting would be constructed in the Specific Plan area, and a maximum student population figure of 850 students per school, the District "will require three new elementary schools in its portion of the Central Area in order to accommodate the students to be generated by the new residences in the development.[2]" Thus, the City and the developers have been aware that the District would likely need a third school site in the Specific Plan area for almost two years. The October 12, 2018 letter also points out that the territory transfer from SRUSD to AUSD is underway, and that the District has not factored in students coming from the SRUSD territory in making its determination that 3 school sites will be needed.

I-2
(Continued)

In his May 29, 2020, letter to Mr. Walker, Mr. Koenig made clear that the District was currently unwilling to relinquish its rights to a third school site within the Specific Plan and that until the Draft EIR was released, the District's Board of Trustees would not be able to properly evaluate the Specific Plan and the potential need for additional schools, staffing, and facilities resulting from build-out of the Project. Mr. Koenig's letter stated, in part:

> As I am sure you will understand, I cannot unilaterally relinquish a school site without consulting with the District's Board of Trustees. Further, on the advice of legal counsel, my recommendation to my Board would be to postpone making any decision regarding a third school site until the District and its legal counsel have had an opportunity to thoroughly review the draft Environmental Impact Report ("EIR") for the CASP. Your April 16, 2020, email states: "The City is less than 4 weeks from sending out [the CASP Draft EIR] for 45 day public review." Following its review of the Draft EIR, the District will provide its comments to the City concerning the project—including the need for a third school site—during the specified 45-day review public review period.

[2] Letter from Jim Koenig to Senior Planner Jill Miller, dated October 12, 2018.

2. Suitability of Site for Use as Elementary School

The Districts' plans for the pending territory transfer were also discussed during the August 21, 2019, meeting between the District and City Planning staff. Nonetheless, the Project developers have not addressed potential modifications to the Project that would likely be necessary if the site originally designated for an SRUSD middle/elementary school were re-designated as an AUSD elementary school site.

As an initial concern, the northern half of the 18-acre proposed site is not currently within the CASP, as the landowners have expressly exempted that parcel from the City's annexation process. Until that annexation process is complete, it is not appropriate for the Draft EIR to identify the entire 18-acre parcel as a potential school site. As one example, the Specific Plan includes a road and a segment of greenway/pedestrian path running through the middle of the 18-acre school site. (CASP, Figs. 5-3, 5-5.) Dividing the school site with a public road and pathway may have been acceptable during earlier phases of the Specific Plan planning process when the site was originally designated as a potential middle/elementary school site within the SRUSD. However, AUSD serves elementary students in grades K through 6. A road and public pedestrian path running through the middle of an elementary school campus would raise serious safety concerns and limit the land available for the construction of school facilities. Given those concerns, the inclusion of a road and greenway/pedestrian path that would bisect the site is unacceptable to the District. I-3

Before the District can acquire property for a new school site, it must, among other things, comply with the California Environmental Quality Act (CEQA) and obtain the approval of the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) regarding the suitability of the property for a school site. These approvals are mandatory prior to the District moving forward with planning for a new school site.

The CDE has not evaluated the suitability of the 18-acre site for use as an elementary school site, but a CDE consultant who reviewed the Draft EIR has raised concerns about the location of the site in a floodplain and the need for a hydrology study to identify the potential for flooding. The CDE consultant noted that the road running through the campus is likely to collect runoff from adjacent houses and then run downslope through the site, and that overflow from Gabilan Creek will also follow that same path. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site.

The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. (CASP, Fig. 6-3.) Inspections and repairs to pipes and water main components would be highly disruptive to elementary school operations.

These and other concerns may render the proposed site unsuitable for use as an elementary school. Although the developers had close to two years' advance notice of the pending territory

transfer, the Draft EIR does not identify or address any modifications to the Project that would be necessary if the westernmost school site is ultimately utilized for elementary students. Likewise, the Specific Plan has not set aside sufficient property to serve all of the elementary students who may eventually reside there.

I-3 (Continued)

3. Potential Increases in Enrollment

The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate approximately 2,752 new elementary-age students to be served by the District; however, these figures are inaccurate, as they do not utilize the current District SGRs, as set out in the July 2, 2020, *School Facilities Needs Analysis* ("2020 SFNA").

The District currently operates twelve K-6 elementary schools and is the authorizer of one charter school. As noted in the District's 2020 SFNA, by the 2024-2025 school year, the District will need to plan for serving 573 students projected to be generated by the construction of future residential units within the City over the next five years. (2020 SFNA, Exhibit K.) This figure does not include the significant number of students that will be generated by the CASP. (2020 SFNA, p.11.)

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include "two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled." (Draft EIR, p. 3.10-28.) Assuming that each elementary school will house up to 600 students—a maximum student population that is educationally far more reasonable than the 850 students per campus that fill most of the District's other elementary sites, which are very crowded—the District is likely to need at least three sites within the Specific Plan area.

I-4

The District's estimate that it would need at least three new school sites was set out in Mr. Koenig's October 12, 2018, letter to Senior Planner Jill Miller, which also described the need for additional staffing and new facilities (such as portable classrooms, playing fields, and restroom facilities) at its existing schools. However, except for identifying the 18-acre parcel as a potential school site (in the event the boundary adjustment is approved), the developers have not identified any other potential elementary school sites or given any consideration to the need for the additional facilities and staffing to serve students generated by the Project. This does not comply with the City's General Plan Policy LU-9.1, which requires the developers to "work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR.

4. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists "School District Fees" (i.e. school impact or developer fees) and "TAMC State and Federal", which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

I-5

The Draft EIR states that the payment of school impact fees is "full and complete facilities mitigation" for the impact of new development. (Draft EIR, p. 3.9-26.) This is incorrect. In making that assertion, the Draft EIR relies on the language of Senate Bill ("SB") 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities." (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical "three-legged stool" of school facilities financing, conceptualizing the funding of school facilities from three primary sources – State, local, and developer fees.

I-5 (Continued)

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to "match" the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim "hardship" status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State's "workload list" where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the "Unfunded List," which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive state funding, and will only then receive funding sufficient to cover a portion of the district's project. However, if State bond funding is depleted (as is now the case after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an "Applications Received Beyond Bond Authority" list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorize $8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. Even assuming the District had the bonding capacity to seek voter approval for local funds to assist with construction of new schools, it would face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built – a tough sell, to say the least.

I-5
(Continued)

Finally, as noted, statutory school impact fees (also known as "developer fees") are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often fall woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified "regional, State and or federal sources" to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The District estimates that, as of July 2019, the site acquisition and facility construction costs for an elementary school will total $51,177,376. (2020 SFNA, Exhibit E.) This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

In November 2016, District voters approved Measure M, which authorized the issuance of $70,000,000 in general obligation bonds for the purpose of financing or reimbursing the costs of construction, repair, modernization, acquisition, and equipping of existing school classrooms, facilities, and school sites within the District. (2020 SFNA, Exhibit L.) As of the date of this letter, any remaining bond proceeds are earmarked for completion of improvements to existing facilities. (*Id.*) Thus, no proceeds from Measure M are available to offset the impact of students generated from future residential units within the City, including the CASP. (*Id.*) The District has not formed any community facilities districts (CFDs) to date, and although it has pass-through agreements with the County of Monterey, it has not received any redevelopment revenue over the past year. Overall, the District has identified a total of $7,243,316 of potential State and

local funding for school facilities, but as discussed above, there is no guarantee that State funding will be forthcoming and it is highly unlikely that the District will secure such funding in time for the families that will move into the homes proposed by the Specific Plan. (*Id.*) It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a "lump sum" amount of developer fees to fund needed new facilities.

The City and the developers may take the attitude that the dire state of funding for school facilities is "not our problem" or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns and to purchase and construct on such additional parcels as it may need to serve the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include massive bussing and other transportation to existing District sites, as well as overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project.

I-5 (Continued)

5. Environmental Impacts from Project "Phasing"

The Draft EIR provides for a "phased" approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are "assumed" by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

I-6

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. *(Id.)* The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (*Id.*) This assumption is equally problematic, as it is just as

likely that AUSD would need to construct one or more elementary schools within the Specific Plan area to accommodate students generated by concurrent construction in the western or central parts of the Project.

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area.

I-6 (Continued)

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3,911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard.

6. Landscape and Lighting Maintenance District

I-7

The Central Area Specific Plan proposes the formation of a landscape and lighting maintenance district ("LLMD") in order to fund certain recurring City costs from the Project. (CASP, p. 191-192.) The District strongly objects to the City's imposition of these costs on schools and other public entities, particularly in light of the fact that the District is solely responsible for the costs of landscaping, lighting and maintenance on its properties, and does not benefit from the services to be paid for through the LLMD.

7. Design Standards

The Central Area Specific Plan includes a discussion of design standards for public schools which it identifies as "advisory." (CASP, pp. 87-88.) However, the Plan also provides that all school sites will be "required" to incorporate site parcel-based post construction best management practices to the extent feasible. (*Id.*) As the City knows, schools can be exempted from local zoning requirements, as the construction of schools is under the jurisdiction of the Division of the State Architect ("DSA"). The District is willing to work collaboratively with the City regarding these issues, but cannot agree to the imposition of standards and guidelines that are not legally required.

I-8

C. Environmental Factors Impacting District Schools

I-9

The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause "significant and unavoidable" substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9-24.) The Draft

EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project, which is estimated to take place over 20 to 30 years. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to open one or more new schools well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant.

I-9 (Continued)

Environmental impacts on the District that should be analyzed in the Draft EIR include the following:

1. Noise Generated by Potential Construction

The Draft EIR defines a "sensitive receptor" as "a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants." (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)

I-10

The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify AUSD's existing 12-acre school site or the 18-acre site that may be transferred to AUSD, as potential sensitive receptors that could be affected by construction of the Project. (*Id.*) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as "less than significant with mitigation," but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate schools within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR.

2. Hazards and Hazardous Emissions

The Draft EIR summarizes the results of a 2010 environmental report prepared for the 18-acre school site in the western part of the Specific Plan area, in which the Department of Toxic Substances Control ("DTSC") "provided a 'no further action' determination and granted approval from a potential contamination assessment perspective to construct a school site." (Draft EIR, pp. 3.5-5, 3.5-6.) Since the land has been in use for agricultural purposes since the completion of the 2010 report, an updated assessment and survey would be needed to confirm whether or not hazardous substances, such as agricultural pesticides, are now present at above regulatory screening levels. The key point here is that the environmental effects of development on the site remain uncertain.

I-11

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate mitigation measures, as would be necessary if the District is operating schools during Specific Plan construction.

I-11 (Continued)

3. Noise.

The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools which may be operational during Project construction.

I-12

4. Environmental Factors Affecting Potential Elementary School Site

As discussed above in Section B.2., the Draft EIR does not consider any of the environmental impacts or studies related to the proposed 18-acre school site, including: (1) the effects of a roadway and public pathway running through the middle of the site; (2) the need for an updated DTSC survey to evaluate potential contaminants; (3) a hydrology report to evaluate potential flooding and runoff issues; or (4) the need for a gas pipeline survey. Without these studies and evaluations, the Draft EIR is incomplete, and the District cannot begin to assess the suitability of the property for use as an elementary school.

I-13

D. Cumulative Impacts

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

I-14

The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

E. Conclusion and Requested Revisions and Amendments

In sum, the Draft EIR should more accurately reflect the realities of school facilities funding and more appropriately analyze and address the effects on District schools that will result from development of the Specific Plan, including, but not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts, which may impact the District's ability to serve the influx of students resulting from the Central Area Specific Plan and other significant development projects.

I-15

The District remains an active and cooperative partner and welcomes further discussions with the City and the developers of the Specific Plan. We are hopeful for the opportunity to discuss our concerns and work together to ensure that quality school facilities can be provided, and other concerns can be mitigated, for District families and staff residing and working within the Specific Plan area. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

cc: Jim Koenig, Superintendent, Alisal Union School District
(By Email: jim.koenig@alisal.org)
Nancy Pfeiffer, Chief Business Official, Alisal Union School District
(By Email: nancy.pfeiffer@alisal.org)

Response to Letter I: Devon B. Lincoln, Lozano Smith Attorneys at Law representing Alisal Union School District

Response I-1: The commentor provides an introductory statement and provides a summary of the commentor's concerns with the Draft EIR. Discussion of each of the issues summarized in this portion of the comment letter are provided in the responses, below.

Response I-2: The commentor states:

> *"1. District Communications with City and Developers*
>
> *As envisioned by its developers, the 760-acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units. By the City's calculation, the Project would generate up to 2,752 new elementary age students. (Draft EIR, p. 3.9-25; CASP, p. 141) The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within the Santa Rita Union School District ("SRUSD") that was originally designated by the developers for an middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)*
>
> *As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft EIR but as further discussed below, the proposed territory transfer has been planned, with the City's knowledge, for at least two years.*
>
> *The Specific Plan states that the Project developers "have worked with and continue to work with, all three School Districts to identify each District's needs in terms of the appropriate size and location of the elementary and middle school sites." (Draft EIR, p. 2.0-16.) That claim considerably overstates the communications between the parties that have occurred concerning the Specific Plan. In reality, the District has had few opportunities to discuss the proposed Project with the City and the developers and has been given only limited information regarding the potential impact of the Project on the District. More to the point, an August 21, 2019, meeting between City Planning staff and District representatives has been the only meeting concerning the Project that has occurred over the past two years.*
>
> *Recent communications from the Project developers have centered on requests that the District provide written assurances that two elementary school sites within the Specific Plan area would be sufficient to meet the District's needs. The Draft EIR accuses the District of "silence relative to raising any issues or concerns about the location or number of School facilities within the Plan Area" and suggests that until receipt of a May 29, 2020, letter from*

District Superintendent Jim Koenig to Hugh Walker of Stone Bridge Homes, Inc., the City and the developers had been completely unaware of the potential need for a third school site to serve the numbers of elementary-age students that the Project will generate. (Draft EIR, pp. 2.0-17-2.0-18.) This is inaccurate.

In fact, on October 12, 2018, Mr. Koenig sent a letter to Senior Planner Jill Miller stating that, based on the District's most recent student generation rates ("SGRs"), the number of residential units that the developers were projecting would be constructed in the Specific Plan area, and a maximum student population figure of 850 students per school, the District "will require three new elementary schools in its portion of the Central Area in order to accommodate the students to be generated by the new residences in the development." Thus, the City and the developers have been aware that the District would likely need a third school site in the Specific Plan area for almost two years. The October 12, 2018 letter also points out that the territory transfer from SRUSD to AUSD is underway, and that the District has not factored in students coming from the SRUSD territory in making its determination that 3 school sites will be needed.

In his May 29, 2020, letter to Mr. Walker, Mr. Koenig made clear that the District was currently unwilling to relinquish its rights to a third school site within the Specific Plan and that until the Draft EIR was released, the District's Board of Trustees would not be able to properly evaluate the Specific Plan and the potential need for additional schools, staffing, and facilities resulting from build-out of the Project. Mr. Koenig's letter stated, in part:

> *"As I am sure you will understand, I cannot unilaterally relinquish a school site without consulting with the District's Board of Trustees. Further, on the advice of legal counsel, my recommendation to my Board would be to postpone making any decision regarding a third school site until the District and its legal counsel have had an opportunity to thoroughly review the draft Environmental Impact Report ("EIR") for the CASP. Your April 16, 2020, email states: "The City is less than 4 weeks from sending out [the CASP Draft EIR] for 45 day public review." Following its review of the Draft EIR, the District will provide its comments to the City concerning the project-including the need for a third school site-during the specified 45-day review public review period.""*

This comment is noted. This comment focuses on the school district communications with the City and developers. It is worth noting that the Draft EIR accounts for the potential district boundary change identified by this comment in *Section 3.9: Public Services* of the Draft EIR. Specifically, the text and tables provided on pages 3.9-24 through 3.9-26 provide an analysis of the potential for adverse physical impacts from the construction of new schools associated with the project, for both the scenario where no boundary change were to occur, as well as the scenario were a boundary change to occur. Additionally, Table 3.9-12 on page 3.9-25 of the Draft EIR identifies the student generation that is anticipated to occur were the district boundary change to go forward.

Because the demand for new schools will gradually increase over the time period in which buildout of the Specific Plan occurs, the City is committed to consulting with the school district, as may be applicable as part of the City's process for considering proposed tentative subdivision maps within the Specific Plan area. Such consultations will allow the City to keep the school districts apprised of the project proponents' progress in seeking and obtaining entitlements for incremental amounts of new development within the Specific Plan area, thereby helping the districts to keep pace with new residential development as it occurs. Over time, as the Plan Area gradually builds out, the districts might reassess their needs or consider new or different sites for their proposed facilities, depending on factors such as the number of potential students living within newly developed areas and the number of additional students projected to live within the Plan Area at buildout. These tentative map consultations, then, will provide a kind of development phasing that will allow the districts to proactively plan for obtaining the sites and construction funds they will need to allow for the timely construction of new schools as the demands for them materialize over time. No further response is warranted.

Response I-3: The commentor states:

> *"2. Suitability of Site for Use as Elementary School*
>
> *The Districts' plans for the pending territory transfer were also discussed during the August 21, 2019, meeting between the District and City Planning staff. Nonetheless, the Project developers have not addressed potential modifications to the Project that would likely be necessary if the site originally designated for an SRUSD middle/elementary school were re-designated as an AUSD elementary school site.*
>
> *As an initial concern, the northern half of the 18-acre proposed site is not currently within the CASP, as the landowners have expressly exempted that parcel from the City's annexation process. Until that annexation process is complete, it is not appropriate for the Draft EIR to identify the entire 18-acre parcel as a potential school site. As one example, the Specific Plan includes a road and a segment of green way/pedestrian path running through the middle of the 18- acre school site. (CASP, Figs. 5-3, 5-5.) Dividing the school site with a public road and pathway may have been acceptable during earlier phases of the Specific Plan planning process when the site was originally designated as a potential middle/elementary school site within the SRUSD. However, AUSD serves elementary students in grades K through 6. A road and public pedestrian path running through the middle of an elementary school campus would raise serious safety concerns and limit the land available for the construction of school facilities. Given those concerns, the inclusion of a road and greenway/pedestrian path that would bisect the site is unacceptable to the District.*
>
> *Before the District can acquire property for a new school site, it must, among other things, comply with the California Environmental Quality Act (CEQA) and obtain the approval of the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) regarding the suitability of the property for a school site. These approvals are mandatory prior to the District moving forward with planning for a new school site.*

The CDE has not evaluated the suitability of the 18-acre site for use as an elementary school site, but a CDE consultant who reviewed the Draft EIR has raised concerns about the location of the site in a floodplain and the need for a hydrology study to identify the potential for flooding. The CDE consultant noted that the road running through the campus is likely to collect runoff from adjacent houses and then run downslope through the site, and that overflow from Gabilan Creek will also follow that same path. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site.

The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. (CASP, Fig. 6-3.) Inspections and repairs to pipes and water main components would be highly disruptive to elementary school operations.

These and other concerns may render the proposed site unsuitable for use as an elementary school. Although the developers had close to two years' advance notice of the pending territory transfer, the Draft EIR does not identify or address any modifications to the Project that would be necessary if the westernmost school site is ultimately utilized for elementary students. Likewise, the Specific Plan has not set aside sufficient property to serve all of the elementary students who may eventually reside there."

This comment is noted. The commentor asserts that the potential boundary changes between the respective school districts would be environmentally significant; however, the generalized footprint impacts of individual schools would not presumably differ simply because one school district rather than another would be operating them. Although it might be true, at least in theory, that one school district's personnel might have design preferences that are somewhat different from those of another school district and its personnel, the City cannot be charged here with a duty to predict such differences, which would likely, in any event, not result in any differing levels of environmental impact.

The commentor is seeking a level of detail on a parcel-by-parcel basis that is simply not required for an EIR for a proposed Specific Plan, which would be a legislative enactment covering a very substantial area of land. The law is clear that, for such a project, an EIR may address impacts at relatively conceptual level of detail. The commenter fails to account for the CEQA principle that "[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." (CEQA Guidelines, § 15146.) "An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow." (*Id*., subd. (b).) "An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." (*Id.*, subd. (a).)

For example, the commentor identifies that a 'road and public pedestrian path' would run through the middle of an elementary school campus (were the district boundary change to occur). However, it is not clear how this would generate serious safety concerns beyond those that would occur if the site were to stay within the boundaries of the SRUSD, where the site would be developed as a middle/elementary school. City, state, and federal road and sidewalk public safety requirements would apply in both cases. Furthermore, it is not clear how such a pathway would limit the land available for the construction of school facilities, including in one case versus the other. Moreover, crucially, both scenarios were analyzed in *Section 3.9: Public Services* of the Draft EIR.

The commentor states that approvals from the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) would be required prior to the Alisal Union School District (AUSD) acquiring property for the new school site, were the boundary change to occur. The commentor identifies that, although the CDE has not yet evaluated the suitability of the site for use as an elementary school site, a CDE consultant has raised concerns about the location of the site in a floodplain and the need for a hydrology study, and that a gas pipeline study would almost certainly be needed for approval of the property for use as a school site. In addition, the commentor states that the installation of a large underground water main below the road running through the school site would require inspections and repairs to pipes and water main components that would be highly disruptive to school operations.

While these claims may or may not be true, the Draft EIR was not required to undertake a site-specific analysis for the school sites. In preparing the Specific Plan, the City attempted to identify viable school sites, but was aware that, under CEQA and the Education Code, school districts have the ultimate say over school sites, and, in their capacity as lead agencies for such site-specific projects, they are responsible for addressing site specific issues under criteria found in the Education Code and CEQA (e.g., in Public Resources Code section 21151.8). Indeed, CEQA contemplates that school districts, as lead agencies, will conduct environmental review for proposed schools with consultation requirements and an attention to particular details not required for typical environmental documents, and particularly those addressing larger areas of land, such as EIRs for specific plans. The City was under no such obligations in preparing the EIR for the Central Area Specific Plan.

"CEQA establishes a special requirement for certain school projects … to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a negative declaration or EIR, and that the lead agency will consult with other agencies in this regard." (CEQA Guidelines, § 15186, subd. (a).) For example, on the subject of inter-agency consultation, Public Resources Code section 21151.8, subdivision (a)(2), requires school district lead agencies, when preparing negative declarations or EIRs for proposals to purchase or construct new elementary or secondary schools, to consult with both "the administering agency [7] in which the proposed school site is located" and "any air pollution control district or air quality

[7] An "administering agency" is the local agency responsible for administering and enforcing Chapter 6.95 of the Health and Safety Code, which governs "hazardous materials release response plans and inventory." (Ed. Code, § 17213, subd. (d)(6); Health & Saf. Code, §§ 25501, subd. (a), 25502; CEQA Guidelines, § 15186, subd. (e)(2).)

management district having jurisdiction in the area." (See also Ed. Code, § 17213, subd. (b).) The purpose of such consultation is to identify "permitted and unpermitted facilities" within one-fourth of a mile of the proposed school site which might be reasonably anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Such facilities include, but are not limited to, freeways and busy traffic corridors, large agricultural operations, and rail yards. The lead agency's notification "shall include a list of the locations for which information is sought." (Pub. Resources Code, § 21151.8, subd. (a)(2); see also CEQA Guidelines,§ 15186, subd. (c).)

Any school district lead agency preparing an EIR for a proposal to purchase a school site or construct a new school must also ensure that the EIR will ultimately be able to determine whether the site is any of the following: (1) "the site of a current or former hazardous waste disposal site or solid waste disposal site, and if so, whether the wastes have been removed"; (2) a "hazardous substance release site" identified in a list of sites for which "removal or remedial action" is planned, compiled by the Department of Toxic Substance Control (DTSC) pursuant to Health and Safety Code sections 25300 et seq. and 25356; (3) "[a] site which contains one or more pipelines, situated underground or aboveground, which carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which that is used only to supply natural gas to that school or neighborhood, or other nearby schools."; or (4) "a site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor." (Pub. Resources Code, § 21151.8, subd. (a)(1); see also Ed. Code, § 17213, subd. (a); CEQA Guidelines, § 15186, subd. (c)(1).)

Finally, before certifying an EIR for school site acquisition or construction, the governing board of the affected school district must make one of the following permissible findings related to the district's statutory consultation duties:

- "Consultation identified no [permitted and nonpermitted facilities within the consulted air district's authority, including, but not limited to, freeways and busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste] or other significant pollution sources. . . ." (Pub. Resources Code, § 21151.8, subd. (a)(3)(A).)

- "The facilities or other pollution sources. . . exist but one of the following conditions applies:"

  (i) "The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school;"

  (ii) An existing order issued by an agency with jurisdiction over the facilities requires corrective measures that, before the school is occupied, will "result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school." If the governing board makes this finding,

it must also make a subsequent finding, prior to occupancy, that the emissions have in fact been mitigated to those levels.

(iii) Where a school site is located within 500 feet from the edge of the closest traffic lane of a freeway or other busy traffic corridor, the school district determines that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils. (See Ed. Code, § 17213, subd. (c)(2).) This determination must be supported by a health risk assessment prepared in accordance with guidelines established by the Office of Environmental Health Hazard Assessment. (See Health & Saf. Code, § 44360, subd.(b)(2).) The analysis must be based upon "appropriate air dispersion modeling." The determination may be made only after the school district considers any potential mitigation measures.[8]

- Such facilities or other pollution sources exist, but the conditions in paragraphs (i), (ii), and (iii), above, cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that avoid the hazards listed in Education Code section 17213, subdivision (a). If the governing board of the school district makes this finding, it must adopt a statement of overriding conditions pursuant to CEQA Guidelines section 15093. (Pub. Resources Code, § 21151.8, subd. (a)(3)(C); Ed. Code, § 17213, subd. (c)(2)(D).)

The tenor of the commenter's statements about the alleged inadequacies of the City's EIR almost suggest that the commenter believes that the City was somehow required to generate this kind of information as part of the City's EIR for the Central Area Specific Plan. But the law as described above applies only to school districts acting as lead agencies for negative declarations and EIRs for proposed school site purchases or the proposed construction of new schools. CEQA does not place such burdens on cities preparing EIRs for specific plans.

Importantly, nothing in the Planning and Zoning Law (Gov. Code, § 65300 et seq.) requires the City even to identify school sites within a specific plan. The mandatory contents for specific plans are set forth in Government Code section 65451, subdivision (a), which provides only as follows:

> (a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:
>
> (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
> (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

[8] Pub. Resources Code, § 21151.8, subd. (a)(3)(B); Ed. Code, § 17213, subd. (c)(2); see also CEQA Guidelines, § 15186, subd. (c)(3).

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

Notably absent from subdivision (a)(2) is any mention of school sites. The same is true of Government Code section 65302, subdivision (a), which identifies the mandatory contents for a land use element within a general plan. These omissions may reflect the fact that school district boards, through two-thirds votes, can override local zoning and put schools virtually wherever they want them. Government Code section 53094, subdivision (a), provides that school districts need not comply with a city or county zoning ordinance "unless the zoning ordinance makes provision for the location of public schools and unless the city or county has adopted a general plan." Subdivision (b) of that statute further provides that, "[n]otwithstanding subdivision (a), the governing board of a school district, … by a vote of two- thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district."

There are qualifications on this power, however. First, the district must comply with the requirements of Government Code section 65352.2 and Public Resources Code section 21151.2. The former statute (§ 65352.2) requires a school district to notify a city or county planning commission or other city or county body of the district's plan to expand an existing school or to build a new school. This notification allows the city or county body to request a meeting in order to facilitate coordination between the district and the local planning body. The latter statute (§ 21151.2), which is a part of CEQA, requires a school district to notify a city or county planning commission of the district's interest in acquiring a new site for a new school or an addition to an existing school, so as to solicit recommendations from the planning commission. A second limitation on school district boards' power to overriding zoning is that this power does not apply to "nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, and automotive storage and repair buildings." This last limitation is not relevant here, however, as we are concerned with new schools, not new "nonclassroom facilities."

The commentor is essentially demanding project-specific analysis for schools that have not yet been designed, based on planning criteria unique to schools from the Education Code. As explained above, the City does not have that obligation in an EIR for a long-term Specific Plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school.

Response I-4: The commentor states:

"3. Potential Increases in Enrollment

The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate approximately 2,752 new elementary-age students

to be served by the District; however, these figures are inaccurate, as they do not utilize the current District SGRs, as set out in the July 2, 2020, School Facilities Needs Analysis ("2020 SFNA").

The District currently operates twelve K-6 elementary schools and is the authorizer of one charter school. As noted in the District's 2020 SFNA, by the 2024-2025 school year, the District will need to plan for serving 573 students projected to be generated by the construction of future residential units within the City over the next five years. (2020 SFNA, Exhibit K.) This figure does not include the significant number of students that will be generated by the CASP. (2020 SFNA, p.11.)

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include "two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled." (Draft EIR, p. 3.10-28.) Assuming that each elementary school will house up to 600 students-a maximum student population that is educationally far more reasonable than the 850 students per campus that fill most of the District's other elementary sites, which are very crowded-the District is likely to need at least three sites within the Specific Plan area.

The District's estimate that it would need at least three new school sites was set out in Mr. Koenig's October 12, 2018, letter to Senior Planner Jill Miller, which also described the need for additional staffing and new facilities (such as portable classrooms, playing fields, and restroom facilities) at its existing schools. However, except for identifying the 18-acre parcel as a potential school site (in the event the boundary adjustment is approved), the developers have not identified any other potential elementary school sites or given any consideration to the need for the additional facilities and staffing to serve students generated by the Project. This does not comply with the City's General Plan Policy LU-9.1, which requires the developers to "work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR."

The commentor states that the estimates for student generation contained in the Draft EIR are inaccurate, as they did not utilize the current school district SGRs, as set out in the July 2, 2020 School Facilities Needs Analysis (2020 SFNA). However, the 2020 SNFA was not released until after the Draft EIR was released for public review, on June 27, 2020. Nevertheless, based on this comment, the City has updated pages 3.9-24 through 3.9-26 the Draft EIR, which is also noted in Section 3.0 (Errata) of the Final EIR, as provided at the end of this comment response.

The commentor then provides information regarding the school district's planning for serving the students generated by the proposed Specific Plan, in addition to the students the school district is already planning to serve. The commentor faults the developers for not having identified any other potential elementary school sites or given any consideration to the need for the additional facilities and staffing to serve students generated by the Project. The commentor states that this is

inconsistent with the City's General Plan Policy LU-9.1, which requires the developers to "work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." (Draft EIR, p. 3.9-15.). The commentor concludes the comment by stating that such capacity concerns should be more fully analyzed and addressed in the Draft EIR.

However, the Draft EIR was not required to undertake a site-specific analysis for the school sites. As described under Response I-3 (above), in preparing the Specific Plan, the City attempted to identify viable school sites, but was aware that, under CEQA and the Education Code, school districts have the ultimate say over school sites, and, in their capacity as lead agencies for such site-specific projects, they are responsible for addressing site specific issues under criteria found in the Education Code and CEQA (e.g., in Public Resources Code section 21151.8, described in detail above). (See also Response 1-3 above regarding the following: the facts that the Planning and Zoning Law does not require either specific plans or general plans to identify school sites, but does require consultation between school districts and cities and counties; and the fact that, under Government Code section Government Code section 53094, a school district board, by a two-thirds vote, may override zoning and thereby place schools essentially wherever the board wants to put them.)

Moreover, the commentor argues that the City has violated General Plan policy LU- 9.1, which reads as follows: “Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.” This policy creates an ongoing obligation, which the City continues to satisfy. The proposed project contains proposed school sites that, based on the information that the City had at the time it released the document, the City thought were likely to be viable school sites. The fact that the school districts might disagree, or ask for refinements to the Specific Plan, does not mean that the City is not satisfying its obligation to identify lands that the City considers to be potentially suitable for schools. This policy does not change the fact that, at the end of the day, the school districts themselves, working under school district-specific CEQA requirements and Department of Education criteria, must decide where they want to build new schools.

Based on the first part of this comment, pages 3.9-24 through 3.9-26 of the Draft EIR have been updated as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with <u>underline</u> for new text, ~~strike out~~ for deleted text):

TABLE 3.9-10: STUDENT GENERATION RATES FOR THE SUHSD, AUSD, AND SRUSD

DWELLING UNIT TYPE	*EDUCATION LEVEL*	*GENERATION FACTORS*
ALISAL UNION SCHOOL DISTRICT (AUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**~~0.6755~~0.4180**
	Middle	**N/A**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**~~0.7398~~0.2857**
	Middle	**N/A**
	High	**N/A**
SANTA RITA UNION SCHOOL DISTRICT (SRUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**0.3148**
	Middle	**0.1955**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**0.5715**
	Middle	**0.1892**
	High	**N/A**
SALINAS UNION HIGH SCHOOL DISTRICT (SUHSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**N/A**
	Middle	**~~0.135~~0.114**
	High	**~~0.208~~0.137**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**N/A**
	Middle	**~~0.009~~0.028**
	High	**~~0.041~~0.011**

SOURCES: SALINAS UNION HIGH SCHOOL DISTRICT: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020 ; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, JULY ~~202~~, ~~2018~~2020. NOTES: AUSD ONLY CONTAINS ELEMENTARY SCHOOLS; SRUSD ONLY CONTAINS ELEMENTARY AND MIDDLE SCHOOLS; SUHSD ONLY CONTAINS MIDDLE AND HIGH SCHOOLS.

TABLE 3.9-11: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (NO BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	0.1955	429
		High	0.208	456
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.5715	~~1,270~~981
		Middle	0.1892	325
		High	0.041	70
Total	**3,911**			**~~4,033~~3,178**

*SOURCE: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, ~~JULY 20, 2018~~JULY 2, 2020. NOTES: * ASSUMES DEVELOPMENT OCCURS EQUAL TO OR GREATER THAN MAXIMUM ALLOWED DENSITIES WOULD ALLOW. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ASSUMES THE HIGHEST VALUES WHEN COMPARING ALL SCHOOL DISTRICT GENERATION RATES FOR EACH GRADE COHORT. ACTUAL ATTENDANCE BOUNDARIES AND STUDENTS GENERATED MAY VARY DEPENDING ON FUTURE ATTENDANCE BOUNDARIES. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

It should be noted that a district boundary change between the Santa Rita Union School District and the Alisal Union School District is currently underway and may be completed in 2020, although the City of Salinas has no control over when, or if, such a boundary change is to occur. If the boundary adjustment is finalized, no portion of the Specific Plan will be located within the boundaries of the SRUSD. Therefore, two separate tables are provided below to evaluate student enrollment/generation: the first (Table 3.9-11) reflects the student generation in the event the district boundary adjustment does not occur. The second (Table 3.9-12) reflects the student generation in the event the district boundary change does occur. It should be noted that the projections provided in Table 3.9-11 reflect the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11).

TABLE 3.9-12: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (WITH BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	~~0.135~~0.114	~~296~~250
		High	~~0.208~~0.137	~~456~~301
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.2857	~~1,270~~491
		Middle	~~0.009~~0.028	~~15~~48
		High	~~0.041~~0.011	~~70~~19
Total	**3,911**			**~~3,591~~2,025**

*SOURCE: ~~2018 School Facility Needs Analysis and Justification Report~~School Facility Needs Analysis for the Salinas Union High School District May 2020, ~~July 20, 2018~~July 2, 2020. NOTES: *ASSUMES DEVELOPMENT EQUAL TO OR GREATER THAN THE MAXIMUM ALLOWED DENSITIES. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ELEMENTARY SCHOOL GENERATE FACTORS ARE PROVIDED BY THE ALISAL UNION SCHOOL DISTRICT, WHILE THE MIDDLE AND HIGH SCHOOL GENERATION FACTORS ARE PROVIDED BY THE SALINAS UNION HIGH SCHOOL DISTRICT, SINCE THE PROPOSED PROJECT WOULD NOT BE WITHIN THE SANTA RITA UNION SCHOOL DISTRICT UNDER THE WITH BOUNDARY CHANGE SCENARIO. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

As shown in Table 3.9-11, assuming no school district boundary changes are expected to occur, the proposed project is expected to generate up to approximately ~~4,033~~3,178 additional students. This value is conservative, since this projection is based on the use of the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11). However, as shown in Table 3.9-12, if a boundary change were to occur between the Santa Rita Union School District and the Alisal Union School District (such that only the AUS and the SUHSD would serve the Specific Plan Area), the proposed project is projected to generate approximately ~~3,591~~2,025 students. In this second scenario, only two school districts (instead of three) would serve the Specific Plan Area; therefore, only student generation factors for the two school districts remaining to serve the Specific Plan Area (AUSD and SUHUSD) under this scenario were used.[9]

No further response is required.

Response I-5: The commentor states:

"4. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists "School District Fees" (i.e. school impact or developer fees) and "TAMC State and Federal", which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

[9] For the purposes of these projections, while under the 'No Boundary Change' scenario, student generation factors from the SRUSD (in addition to the other two school districts) were utilized, under the 'With Boundary Change scenario', the SRUSD school generation factors were not utilized.

The Draft EIR states that the payment of school impact fees is "full and complete facilities mitigation" for the impact of new development. (Draft EIR, p. 3.9-26.) This is incorrect. In making that assertion, the Draft EIR relies on the language of Senate Bill ("SB") 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities." (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (Chawanakee Unified Sch. Dist. v. Cty. of Madera (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical "three-legged stool" of school facilities financing, conceptualizing the funding of school facilities from three primary sources - State, local, and developer fees.

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to "match" the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim "hardship" status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State's "workload list" where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the "Unfunded List," which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive state funding, and will only then receive funding sufficient to cover a portion of the district's project. However, if State bond funding is depleted (as is now the case after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an "Applications Received Beyond Bond Authority" list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorize $8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. Even assuming the District had the bonding capacity to seek voter approval for local funds to assist with construction of new schools, it would face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built- a tough sell, to say the least.

Finally, as noted, statutory school impact fees (also known as "developer fees") are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often fall woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified "regional, State and or federal sources" to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The District estimates that, as of July 2019, the site acquisition and facility construction costs for an elementary school will total $51,177,376. (2020 SFNA, Exhibit E.) This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

In November 2016, District voters approved Measure M, which authorized the issuance of $70,000,000 in general obligation bonds for the purpose of financing or reimbursing the costs of construction, repair, modernization, acquisition, and equipping of existing school classrooms, facilities, and school sites within the District. (2020 SFNA, Exhibit L.) As of the date of this letter, any remaining bond proceeds are earmarked for completion of improvements to existing facilities. (Id.) Thus, no proceeds from Measure M are available to offset the impact of students generated from future residential units within the City, including the CASP. (Id.) The District has not formed any community facilities districts (CFDs)

to date, and although it has pass-through agreements with the County of Monterey, it has not received any redevelopment revenue over the past year. Overall, the District has identified a total of $7,243,316 of potential State and local funding for school facilities, but as discussed above, there is no guarantee that State funding will be forthcoming and it is highly unlikely that the District will secure such funding in time for the families that will move into the homes proposed by the Specific Plan. (Id.) It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a "lump sum" amount of developer fees to fund needed new facilities.

The City and the developers may take the attitude that the dire state of funding for school facilities is "not our problem" or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns and to purchase and construct on such additional parcels as it may need to serve the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include massive bussing and other transportation to existing District sites, as well as overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project."

The commentor states that, if sufficient money for school construction does not materialize, then the school districts may have to add new facilities at existing schools or may have to change transportation or bussing patterns. However, such an analysis would be "speculative." The City has no way of knowing how, over a 20-year period, how each individual school might deal with its inability to build a particular school within the Specific Plan Area. Importantly, the commenter has not offered any specific scenarios for the City to consider, despite being in a far better position than the City to predict how the school districts might react to funding shortfalls over the coming years. CEQA does not require speculation. (CEQA Guidelines, § 15145.) "[O]rdering CEQA review in the absence of a plan involving an identifiable impact would not be meaningful." (Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist. (2007) 147 Cal.App.4th 643, 657.) No good " purpose would be served by an [environmental impact report] that could only speculate on future environmental consequences." (*Id.*)

The City emphasizes to the commentor that no land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely identifying locations where schools would complement other land uses. The footprint-related impacts of schools are generally no different than those of other uses. Nor are school residents any more or less susceptible to atmospheric environmental conditions than are other area residents. As explained in the response

to comment I-3, school districts must ultimately make their own siting decisions, and must conduct their own project-specific CEQA analysis in doing so.

Impacts associated with schools are analyzed in Section 3.9 Public Services. Page 3.9-15 of the Draft EIR presents the City's policy toward working with school districts to identify land needed for new schools, and to consider impacts of proposed projects on school enrollment and facilities when considering new projects. The City's policies are as follows:

Policy LU-9.1: Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.

Policy LU-9.2: Consider impacts of proposed projects on school enrollment and facilities when acting on annexation applications to ensure that public services and facilities service standards identified in Table LU-4 are met.

The purpose for identifying sites for new schools is to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school districts with the responsibility for design and construction of their own schools, and for conducting their own project-specific CEQA analyses in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school districts with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school districts through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees; instead, that responsibility lies with the school districts. Education Code (EC) section 17620 grants the school districts the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

The school district has established the appropriate fee for all development in the City of Salinas. This fee established by the school district, following the requirements of State law, is the fair share funding that the City will require of this development, if it is approved. By statute, the City and school

district cannot require fees beyond that allowed by the State law, and affirmed by the District through their approved nexus study. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

Moreover, in *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, the court said that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The City did that here, as the City considered school construction as part of full buildout of the project area. The physical impacts of school construction are not different than the impacts of any kind of development. Grading and site alteration are required for any kind of development.

The City's approach to CEQA compliance has been correct. Consistent with SB 50 (see Draft EIR, pp. 39-14 - 3.9-15, 3.9-20), the City addressed the physical effects of school construction and operation, along with all other land uses within the Specific Plan Area (e.g., effects on biological resources, cultural resources, air quality, greenhouse gases, etc.) but did not treat school overcrowding as an environmental impact category subject to CEQA. Rather, the City is requiring the applicants to pay their school impact fees, as contemplated by Government Code Section 65996, which provides that the payment of such fees is deemed to be "full and complete school facilities mitigation" for any demands on school facilities caused by new development. The Districts' demand for analysis of impacts on the Districts' financial condition goes beyond what the Legislature has declared is required or allowed under CEQA. The demand is also contrary to long-standing distinctions between environmental impacts, on the one hand, and economic or social impacts, on the other. (See, e.g., CEQA Guidelines, § 15131.)

Response I-6: The commentor states:

> *"5. Environmental Impacts from Project "Phasing"*
>
> *The Draft EIR provides for a "phased" approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are "assumed" by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (Id.) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.*

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. (Id.) The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (Id.) This assumption is equally problematic, as it is just as likely that AUSD would need to construct one or more elementary schools within the Specific Plan area to accommodate students generated by concurrent construction in the western or central parts of the Project.

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area.

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3,911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard."

The commentor faults the City for not including any phasing analysis, and states that the Draft EIR mainly just looks at the environmental impacts of buildout. Yet the school district does not cite any authority for the alleged need to address phasing; nor does the commentor cite any authority indicating that addressing full project buildout is inappropriate. The commentor's criticism is not grounded in CEQA. Looking at buildout is the normal approach taken in EIRs, and is consistent with CEQA case law. "'[T]he the EIR must address the project and assumes the project will be built.'" (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 430, quoting Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182, 206.) CEQA does not require analysis of individual phases of projects. Indeed, courts have rejected claims by petitioners that EIRs were inadequate for failing to address interim years short of buildout. (See City of Irvine v. County of Orange (2015) 238 Cal.App.4th 526, 532, 544 [EIR was sufficient where its traffic analysis addressed only "the beginning of the project (2014) and the completion (2030)"; court rejects the petitioner's contention that the lead agency "was obligated to

calculate year-by-year, intersection-by-intersection, traffic impacts that would take into account all the various permutations derivable from the variables of project phasing and nearby residential construction"].) For market-driven projects such as specific plans, lead agencies have no way of identifying a specific "schedule" for development, as requested by the commentor. Therefore, the school district is incorrect in stating that "the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area" and that "[t]he Draft EIR is deficient in this regard." No further response to this comment is warranted.

Response I-7: The commentor states:

> *"6. Landscape and Lighting Maintenance District*
>
> *The Central Area Specific Plan proposes the formation of a landscape and lighting maintenance district ("LLMD") in order to fund certain recurring City costs from the Project. (CASP, p. 191-192.) The District strongly objects to the City's imposition of these costs on schools and other public entities, particularly in light of the fact that the District is solely responsible for the costs of landscaping, lighting and maintenance on its properties, and does not benefit from the services to be paid for through the LLMD."*

As the commentor states, the school districts are solely responsible for the costs of landscaping, lighting and maintenance on its properties. The City will consider this request, and will pass this comment onto the Planning Commission and City Council for further discussion. No further response to this comment is warranted.

Response I-8: The commentor states:

> *"7. Design Standards*
>
> *The Central Area Specific Plan includes a discussion of design standards for public schools which it identifies as "advisory. " (CASP, pp. 87-88.) However, the Plan also provides that all school sites will be "required" to incorporate site parcel-based post construction best management practices to the extent feasible. (Id.) As the City knows, schools can be exempted from local zoning requirements, as the construction of schools is under the jurisdiction of the Division of the State Architect ("DSA"). The District is willing to work collaboratively with the City regarding these issues, but cannot agree to the imposition of standards and guidelines that are not legally required."*

The commentor requests that the City work with the school district on issues relating to design standards for public schools. The commentor also asserts that "schools can be exempted from local zoning requirements." It should be noted that stormwater mitigation is not a zoning code regulation, but a federal and state mandate. Any property, including schools, who discharge into the City's jurisdictional property are required to meet the City's NPDES permit requirements. The City will consider this request and pass this comment onto the Planning Commission and City Council for further discussion.

On the question of zoning consistency, the City notes that, under Government Code section 53094, subdivision (b), it takes a two-thirds vote of the governing board of a school district to obviate the need to comply with municipal zoning. Whether such an outcome will occur cannot be predicted with certainty at present. (See City of Santa Clara v. Santa Clara Unified Sch. Dist. (1971) 22 Cal.App.3d 152, 216 ["a school district must abide by local zoning ordinances unless it chooses to exercise its right of exemption"].) On the issue of the drainage and water quality requirements that new schools must satisfy, the City notes that Government Code Section 53097 provides that, notwithstanding Section 53094, "*the governing board of a school district shall comply with any city or county ordinance (1) regulating drainage improvements and conditions*, (2) regulating road improvements and conditions, or (3) requiring the review and approval of grading plans as these ordinance provisions relate to the design and construction of onsite improvements which affect drainage, road conditions, or grading, and shall give consideration to the specific requirements and conditions of city or county ordinances relating to the design and construction of offsite improvements." (Italics added.) No further response to this comment is warranted.

Response I-9: The commentor states:

> ***"C. Environmental Factors Impacting District Schools***
>
> *The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause "significant and unavoidable" substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9 -24.) The Draft EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project, which is estimated to take place over 20 to 30 years. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to open one or more new schools well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant.*
>
> *Environmental impacts on the District that should be analyzed in the Draft EIR include the following:"*

This commentor provides an introduction to its individual requests for specific environmental impacts to be analyzed further in the Draft EIR. Further response to the specifics of this comment are provided under response I-10 through I-13. The City believes that, in assessing the impacts of developing the entire Specific Plan Area, the EIR has sufficiently addressed, at least in general terms, the physical impacts of constructing new schools within the Specific Plan Area. The footprint-related impacts of the schools are subsumed within the analysis of the footprint of the entire Specific Plan. The reference made by the commentor to significant and unavoidable impacts relate to the impacts of physical development, and not school overcrowding or the increased demand for new schools.

In addressing public service demand issues under CEQA, the appropriate focus is on the environmental effects of the steps that might be necessary to achieve or maintain adequate service. For example, if proposed new development would create an increased demand for public services, an EIR should inquire as to whether new or expanded physical facilities may be required in order to provide such service. The "impacts" addressed under CEQA are the physical effects of providing service, not any possible failure to provide adequate service under applicable standards. (See City of Hayward v. Board of Trustees of the Cal. State University (2015) 242 Cal.App.4th 833, 843 ["[t]he need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate"]; Goleta Union School Dist. v. Regents of Univ. of Cal. (1995) 37 Cal.App.4th 1025, 1031–1034 [school overcrowding attributable to new development is not an environmental effect subject to CEQA, though the physical effects of new facility construction to serve new students would be]; and CEQA Guidelines, § 15131, subd. (a) ["[e]conomic or social effects of a project shall not be treated as significant effects on the environment"].)

The Draft EIR discusses the environmental impacts associated with school development in the Specific Plan Area. The Draft EIR discloses that there would be impacts related to relevant environmental topics included throughout the Draft EIR, such as: air quality (Section 3.1), biological resources (Section 3.2), cultural resources (Section 3.3), greenhouse gas emissions and climate change (Section 3.4), hazards and hazardous materials (Section 3.5), hydrology and water quality (Section 3.6), noise (Section 3.7) population (Section 3.8), public services (Section 3.9), transportation (Section 3.10), and utilities (Section 3.11). Page 3.9-21 of the Draft EIR states that "[a] detailed discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Furthermore, site-specific environmental review would be required for each school by the responsible School District prior to approval of a design for the facility and would consider any site-specific impacts unknown at this time." (See Pub. Resources Code, § 21151.8.) The analysis in the Draft EIR considers the physical development of the sites that are identified in the Specific Plan, as well as operational impacts associated with a school facility in those locations. The Draft EIR does not speculate beyond the material facts that are available for any school sites that would serve the project at the time the Specific Plan is being considered.

Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

In *Chawanakee Unified School Dist. v. County of Madera* (June 21, 2011) 196 Cal.App.4th 1016, 1027-1028, the court determined that Government Code section 65996(a) obviated the need to analyze and mitigate a development's direct impacts on existing school facilities in an EIR because Education Code sets forth "exclusive methods" for consideration and mitigation of such impacts. Here, the School District has established the appropriate fee for all development in the City of Salinas. This fee established by the School District, following the requirements of State law, is the fair share funding that the City will require of this development. By statute, the City and School District cannot require fees beyond those allowed by the State law, and affirmed by the District through their approved nexus study. Nor may the City deny the project proponents' request for approval of the Specific Plan solely due to projected funding shortfalls. The City will fully cooperate with the School District, as it has in the past, in the collection of the school impact fees that have been established by School District.

No further response to this comment is warranted.

Response I-10: The commentor states:

> *"1. Noise Generated by Potential Construction*
>
> *The Draft EIR defines a "sensitive receptor" as "a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants." (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)*
>
> *The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify AUSD's existing 12-acre school site or the 18-acre site that may be transferred to AUSD, as potential sensitive receptors that could be affected by construction of the Project. (Id.) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as "less than significant with mitigation," but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate schools within the*

Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR."

The commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response I-11: The commentor states:

"2. Hazards and Hazardous Emissions

The Draft EIR summarizes the results of a 2010 environmental report prepared for the 18-acre school site in the western part of the Specific Plan area, in which the Department of Toxic Substances Control ("DTSC") "provided a 'no further action' determination and granted approval from a potential contamination assessment perspective to construct a school site."

(Draft EIR, pp. 3.5-5, 3.5-6.) Since the land has been in use for agricultural purposes since the completion of the 2010 report, an updated assessment and survey would be needed to confirm whether or not hazardous substances, such as agricultural pesticides, are now present at above regulatory screening levels. The key point here is that the environmental effects of development on the site remain uncertain.

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the

school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate mitigation measures, as would be necessary if the District is operating schools during Specific Plan construction."

Similar to the previous comment, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. Hazards impacts need not be addressed on a parcel by parcel basis. (See Response to Comment I-3.) This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Pub. Resources Code, § 21151.8.) The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants. The Draft EIR does, however, provide a discussion of hazard-related impacts.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response I-12: The commentor states:

"3. Noise

The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools which may be operational during Project construction."

Similar to the previous two comments, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. (See Response to Comment I-3.) Since these students will be part of the Specific Plan area, the City need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response I-13: The commentor states:

> *"4. Environmental Factors Affecting Potential Elementary School Site*
>
> *As discussed above in Section B.2., the Draft EIR does not consider any of the environmental impacts or studies related to the proposed 18-acre school site, including: (1) the effects of a roadway and public pathway running through the middle of the site; (2) the need for an updated DTSC survey to evaluate potential contaminants; (3) a hydrology report to evaluate potential flooding and runoff issues; or (4) the need for a gas pipeline survey. Without these studies and evaluations, the Draft EIR is incomplete, and the District cannot begin to assess the suitability of the property for use as an elementary school."*

This comment is noted and has been addressed throughout the previous comment responses (above). The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis.

The Draft EIR has evaluated the environmental impacts related to the 18-acre school site, as applicable, as required by CEQA. The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response I-14: The commentor states:

> ***"D. Cumulative Impacts***
>
> *Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code§ 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)*
>
> *The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts."*

This comment is noted. Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response I-15: The commentor states provides concluding statements, summarizing the concerns the commentor has regarding the proposed project, particularly how the project may impact the

District's ability to serve the students resulting from the project. No further response to this comment is warranted.

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August 11, 2020

City of Salinas
Community Development Department
Attention: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Salinas Union High School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Our office represents the Salinas Union High School District ("District" or "SUHSD"). Please accept this letter as the District's comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project"). Additional information pertinent to the impact of the Project on the District is included in the Central Area Specific Plan. Accordingly, this letter also references that document.

A. Summary

As discussed in this letter, the District's primary concern with the Draft EIR is its failure to address the real impacts of the Project on the school districts that will serve the families who will eventually make their homes in the Project. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the number of new middle and high school students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of this Project. J-1

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities, particularly if facilities funding remains elusive.

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A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

J-1 (Continued)

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.

As discussed in this letter, all of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

B. Areas of Concern

1. District Communications with City and Developers

As envisioned by its developers, the 760 acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units.

The Specific Plan includes three school sites, totaling approximately 48 acres: one 18-acre middle school site owned by SUHSD; one 12-acre elementary school site owned by Alisal Union School District ("AUSD"); and one 18-acre site currently located within the Santa Rita Union School District ("SRUSD") that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)

J-2

As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD , and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft EIR but as further discussed below, the proposed territory transfer has been planned, with the City's knowledge, for at least two years.

The Specific Plan states that the Project developers "have worked with and continue to work with, all three School Districts to identify each District's needs in terms of the appropriate size and location of the elementary and middle school sites." (Draft EIR, p. 2.0-16.) That claim overstates the communications between the parties that have occurred concerning the Specific Plan.

2. Potential Increases in Enrollment

The District, which enrolls more than 16,000 students, operates four middle schools, five high schools, a continuation high school, a community day school, an alternative school, and an adult education center. Presently, students attending AUSD, Graves, Lagunita, Salinas City, Santa Rita, Spreckels and Washington Union school districts matriculate to Salinas for middle and/or high school.

The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate up to 837 middle and high school students if the pending territory transfer is approved. Of that number, 311 would be new middle school students and 526 would be new high school students.[1] (Draft EIR, p. 3.9-25)

As an initial matter, the District notes that these figures are inaccurate, as they were calculated using student generation rates ("SGRs") from the District's 2018 *School Facility Needs Analysis*, rather than the May 2020 *School Facility Needs Analysis* ("2020 SFNA"). As noted in the 2020 SFNA, the District's total 2019-2020 enrollment of 16,250 students exceeds its current capacity of 13,433 by 2,817 students (428 students in grades 7-8 and 2,389 students in grades 9-12). Based on information from the City of Salinas and the County of Monterey, the number of new residential units projected to be built in the District over the next five years is 1,040 single-family and 200 multi-family units. These numbers do not include residential units to be constructed within the Central Area Specific Plan. This future residential growth is expected to generate 269 additional students. This means that the District has zero excess pupil capacity available for students in grades 7-12 generated by future residential development, excluding students generated by the Project. (2020 SFNA, pp. 1, 8.) J-3

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include "two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled." (Draft EIR, p. 3.10-28.) Even assuming the District could accommodate middle school students generated by the Project on the site it already owns within the Specific Plan, it will also need new facilities to serve its unhoused high school age students, as well as new high students generated by the Project. However, with the exception of the middle school site already owned by the District, the Draft EIR does not consider the additional facilities or staffing at its existing sites the District will need in order to serve its projected numbers of unhoused pupils, as well as the students generated by the Project. This does not comply with the City's General Plan Policy LU-9.1, which requires the developers to "work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR.

[1] If the territory transfer is not approved, the City calculates that the Project would generate up to 1,280 students in middle and high school, of which number, 754 would be middle school students and 526 would be high school students. (Draft EIR, p. 3.9-25.)

3. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists "School District Fees" (i.e. school impact or developer fees) and "TAMC State and Federal", which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

The Draft EIR states that the payment of school impact fees is "full and complete facilities mitigation" for the impact of new development. (Draft EIR, p. 3.9-26.) This is incorrect. In making that assertion, the Draft EIR relies on the language of Senate Bill ("SB") 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities." (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical "three-legged stool" of school facilities financing, conceptualizing the funding of school facilities from three primary sources – State, local, and developer fees. J-4

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to "match" the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim "hardship" status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State's "workload list" where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the "Unfunded List," which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive State funding, and will only then receive funding sufficient to cover a portion of the district's project. However, if State bond funding is depleted (as is now the case

after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an "Applications Received Beyond Bond Authority" list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorize $8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. In this case, the District is seeking passage of a bond in November 2020 that would, in part, fund construction of its middle school site. However, it will still face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built – a tough sell, to say the least.

J-4
(Continued)

Finally, as noted, statutory school impact fees (also known as "developer fees") are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often falls woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified "regional, State and or federal sources" to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The cost to acquire property and construct a single new middle school can exceed 60 million dollars. The estimated cost of a new high school is closer to 100 million dollars. This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

The 2020 SFNA also reports the costs of providing school facilities to for the District's 2,817 currently "unhoused" students. For its 428 unhoused 7-8 grade students, those costs total $25,500,668. The District has a total amount of $21.7 million in funding (bond funds, developer fees, and special reserve funds) available for facilities for its existing unhoused 7-8 grade

students—a shortfall of approximately 3.8 million dollars. The cost for providing school facilities for the District's existing unhoused pupils in grades 9 to 12 totals $144,835,514. The District's total available funds for housing these students is approximately $42,986,786—a shortfall of approximately $101 million dollars. In sum, the District does not have sufficient funds for school facilities for its projected 2,817 unhoused pupils over the next five years, let alone more than 800 new 7-12 grade students generated by the Project. (2020 SFNA, pp. 8-9.)

It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a "lump sum" amount of developer fees to fund needed new facilities.

J-4 (Continued)

The City and the developers may take the attitude that the dire state of funding for school facilities is "not our problem" or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns or add new facilities to its existing sites to accommodate the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include bussing and other transportation to existing District sites, as well as further overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project.

4. Environmental Impacts from Project "Phasing"

The Draft EIR provides for a "phased" approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the Draft EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are "assumed" by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

J-5

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. (*Id.*) The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on

projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (*Id.*)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. J-5 (Continued)

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3,911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard.

C. Environmental Factors Impacting District Schools

The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause "significant and unavoidable" substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9-24.) The Draft EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to construct and open a middle school on the site it already owns in the Specific Plan area and may need to add additional facilities to existing sites, well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant. J-6

Environmental impacts on the District that should be analyzed in the Draft EIR include the following.

1. Noise Generated by Potential Construction

The Draft EIR defines a "sensitive receptor" as "a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants." (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the J-7

environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)

The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify the middle school site the District already owns with the Plan area (or any future high school site) as a sensitive receptor that could be affected by construction of the Project. (*Id.*) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as "less than significant with mitigation," but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate at least one new school within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR.

J-7 (Continued)

2. Hazards and Hazardous Emissions

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate measures to mitigate those hazards during Specific Plan construction.

J-8

3. Noise

The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools during Project construction.

J-9

D. Cumulative Impacts

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

J-10

The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

J-10 (Continued)

E. Conclusion and Requested Revisions and Amendments

In sum, the Draft EIR should more accurately reflect the realities of school facilities funding and more appropriately analyze and address the effects on District schools that will result from development of the Specific Plan, including, but not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts, which may impact the District's ability to serve the influx of students resulting from the Central Area Specific Plan and other significant development projects.

J-11

The District remains an active and cooperative partner and welcomes further discussions with the City and the developers of the Specific Plan. We are hopeful for the opportunity to discuss our concerns and work together to ensure that quality school facilities can be provided, and other concerns can be mitigated, for District families and staff residing and working within the Specific Plan area. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

cc: Dan Burns, Superintendent, Salinas Union High School District
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(By Email: ana.aguillon@salinasuhsd.org)

Response to Letter J: Devon B. Lincoln, Lozano Smith Attorneys at Law representing Salinas Union School District

Response J-1: The commentor provides an introductory statement and provides a summary of the commentor's concerns with the Draft EIR. Discussion of each of the issues summarized in this portion of the comment letter are provided in the responses, below.

Response J-2: The commentor states:

> *"1. District Communications with City and Developers*
>
> *As envisioned by its developers, the 760 acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units.*
>
> *The Specific Plan includes three school sites, totaling approximately 48 acres: one 18-acre middle school site owned by SUHSD; one 12-acre elementary school site owned by Alisa! Union School District ("AUSD"); and one 18-acre site currently located within the Santa Rita Union School District ("SRUSD") that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)*
>
> *As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD , and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft BIR but as further discussed below, the proposed territory transfer has been planned, with the City's knowledge, for at least two years.*
>
> *The Specific Plan states that the Project developers "have worked with and continue to work with, all three School Districts to identify each District's needs in terms of the appropriate size and location of the elementary and middle school sites." (Draft EIR, p. 2.0-16.) That claim overstates the communications between the parties that have occurred concerning the Specific Plan."*

This comment is noted. This comment focuses on the school district communications with the City and developers, which is an environmental topic subject to CEQA. It is worth noting that the Draft EIR accounts for the potential district boundary change identified by this comment in *Section 3.9: Public Services* of the Draft EIR. Specifically, the text and tables provided on pages 3.9-24 through 3.9-26 provide an analysis of the potential for adverse physical impacts from the construction of new schools associated with the project, for both the scenario where no boundary change were to occur, as well as the scenario were a boundary change to occur. Additionally, Table 3.9-12 on page 3.9-25 of the Draft EIR identifies the student generation that is anticipated to occur were the district boundary change to go forward.

Because the demand for new schools will gradually increase over the time period in which buildout

of the Specific Plan occurs, the City is committed to consulting with the school district, as may be applicable as part of the City's process for considering proposed tentative subdivision maps within the Specific Plan area. Such consultations will allow the City to keep the school districts apprised of the project proponents' progress in seeking and obtaining entitlements for incremental amounts of new development within the Specific Plan area, thereby helping the districts to keep pace with new residential development as it occurs. Over time, as the Plan Area gradually builds out, the districts might reassess their needs or consider new or different sites for their proposed facilities, depending on factors such as the number of potential students living within newly developed areas and the number of additional students projected to live within the Plan Area at buildout. These tentative map consultations, then, will provide a kind of development phasing that will allow the districts to proactively plan for obtaining the sites and construction funds they will need to allow for the timely construction of new schools as the demands for them materialize over time. No further response is warranted.

Response J-3: The commentor states:

> "2. Potential Increases in Enrollment
>
> *The District, which enrolls more than 16,000 students, operates four middle schools, five high schools, a continuation high school, a community day school, an alternative school, and an adult education center. Presently, students attending AUSD, Graves, Lagunita, Salinas City, Santa Rita, Spreckels and Washington Union school districts matriculate to Salinas for middle and/or high school.*
>
> *The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate up to 837 middle and high school students if the pending territory transfer is approved. Of that number, 311 would be new middle school students and 526 would be new high school students.1 (Draft EIR, p. 3.9-25)*
>
> *As an initial matter, the District notes that these figures are inaccurate, as they were calculated using student generation rates ("SGRs") from the District's 2018 School Facility Needs Analysis, rather than the May 2020 School Facility Needs Analysis ("2020 SFNA"). As noted in the 2020 SFNA, the District's total 2019-2020 enrollment of 16,250 students exceeds its current capacity of 13,433 by 2,817 students (428 students in grades 7-8 and 2,389 students in grades 9-12). Based on information from the City of Salinas and the County of Monterey, the number of new residential units projected to be built in the District over the next five years is 1,040 single-family and 200 multi-family units. These numbers do not include residential units to be constructed within the Central Area Specific Plan. This future residential growth is expected to generate 269 additional students. This means that the District has zero excess pupil capacity available for students in grades 7-12 generated by future residential development, excluding students generated by the Project. (2020 SFNA, pp. 1, 8.)*

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include "two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled." (Draft EIR, p. 3.10-28.) Even assuming the District could accommodate middle school students generated by the Project on the site it already owns within the Specific Plan, it will also need new facilities to serve its unhoused high school age students, as well as new high students generated by the Project. However, with the exception of the middle school site already owned by the District, the Draft EIR does not consider the additional facilities or staffing at its existing sites the District will need in order to serve its projected numbers of unhoused pupils, as well as the students generated by the Project. This does not comply with the City's General Plan Policy LU-9.1, which requires the developers to "work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR."

The commentor states that the estimates for student generation contained in the Draft EIR are inaccurate, as they did not utilize the current school district SGRs, as set out in the May 2020 School Facilities Needs Analysis for the SUHSD. Therefore, based on this comment, we have updated page the Draft EIR, which is also noted in Section 3.0 (Errata) of the Final EIR, as provided at the end of this comment response.

The commentor then provides information regarding the school district's planning for serving the students generated by the project, in addition to the students the school district is already planning to serve. However, the Draft EIR was not required to undertake a site-specific analysis for any of the school sites. The City's approach to CEQA compliance has been correct. Consistent with SB 50 (see Draft EIR, pp. 39-14 - 3.9-15, 3.9-20), the City addressed the physical effects of school construction and operation, along with all other land uses within the Specific Plan area (e.g., effects on biological resources, cultural resources, air quality, greenhouse gases, etc.) but did not treat school overcrowding as an environmental impact category subject to CEQA. Rather, the City is requiring the applicants to pay their school impact fees, as contemplated by Government Code Section 65996, which provides that the payment of such fees is deemed to be "full and complete school facilities mitigation" for any demands on school facilities caused by new development. The Districts' demand for analysis of impacts on the Districts' financial condition goes beyond what the Legislature has declared is required or allowed under CEQA. The demand is also contrary to long-standing distinctions between environmental impacts, on the one hand, and economic or social impacts, on the other. (See, e.g., CEQA Guidelines, § 15131.)

The commentor is essentially demanding project-specific analysis for schools that have not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term Specific Plan. (See Response to Comment I-3.) The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. (See Pub. Resources Code, § 21151.8.)

Moreover, the commentor argues that the City has violated General Plan policy LU- 9.1, which reads as follows: "Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students." This policy creates an ongoing obligation, which the City continues to satisfy. The proposed project contains proposed school sites that, based on the information that the City had at the time it released the document, the City thought were likely to be viable school sites. The fact that the school districts might disagree, or ask for refinements to the Specific Plan, does not mean that the City is not satisfying its obligation to identify lands that the City considers to be potentially suitable for schools. This policy does not change the fact that, at the end of the day, the school districts themselves, working under Department of Education criteria, must decide where they want to build new schools.

Based on the first part of this comment, pages 3.9-24 through 3.9-26 of the Draft EIR have been updated as follows (in conjunction with other errata updates associated with the following text), which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

TABLE 3.9-10: STUDENT GENERATION RATES FOR THE SUHSD, AUSD, AND SRUSD

DWELLING UNIT TYPE	*EDUCATION LEVEL*	*GENERATION FACTORS*
ALISAL UNION SCHOOL DISTRICT (AUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**~~0.6755~~0.4180**
	Middle	**N/A**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**~~0.7398~~0.2857**
	Middle	**N/A**
	High	**N/A**
SANTA RITA UNION SCHOOL DISTRICT (SRUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**0.3148**
	Middle	**0.1955**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**0.5715**
	Middle	**0.1892**
	High	**N/A**
SALINAS UNION HIGH SCHOOL DISTRICT (SUHSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**N/A**
	Middle	**~~0.1350~~0.114**
	High	**~~0.2080~~0.137**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**N/A**
	Middle	**~~0.0090~~0.028**
	High	**~~0.0410~~0.011**

SOURCES: SALINAS UNION HIGH SCHOOL DISTRICT: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020 ; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, JULY ~~20~~2, ~~2018~~2020. NOTES: AUSD ONLY CONTAINS ELEMENTARY SCHOOLS; SRUSD ONLY CONTAINS ELEMENTARY AND MIDDLE SCHOOLS; SUHSD ONLY CONTAINS MIDDLE AND HIGH SCHOOLS.

TABLE 3.9-11: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (NO BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	0.1955	429
		High	0.208	456
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.5715	~~1,270~~981
		Middle	0.1892	325
		High	0.041	70
Total	**3,911**			**~~4,033~~3,178**

*SOURCE: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, ~~JULY 20, 2018~~JULY 2, 2020. NOTES: * ASSUMES DEVELOPMENT OCCURS EQUAL TO OR GREATER THAN MAXIMUM ALLOWED DENSITIES WOULD ALLOW. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ASSUMES THE HIGHEST VALUES WHEN COMPARING ALL SCHOOL DISTRICT GENERATION RATES FOR EACH GRADE COHORT. ACTUAL ATTENDANCE BOUNDARIES AND STUDENTS GENERATED MAY VARY DEPENDING ON FUTURE ATTENDANCE BOUNDARIES. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

It should be noted that a district boundary change between the Santa Rita Union School District and the Alisal Union School District is currently underway and may be completed in 2020, although the City of Salinas has no control over when, or if, such a boundary change is to occur. If the boundary adjustment is finalized, no portion of the Specific Plan will be located within the boundaries of the SRUSD. Therefore, two separate tables are provided below to evaluate student enrollment/generation: the first (Table 3.9-11) reflects the student generation in the event the district boundary adjustment does not occur. The second (Table 3.9-12) reflects the student generation in the event the district boundary change does occur. It should be noted that the projections provided in Table 3.9-11 reflect the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11).

TABLE 3.9-12: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (WITH BOUNDARY

CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	~~0.135~~0.114	~~296~~250
		High	~~0.208~~0.137	~~456~~301
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.2857	~~1,270~~491
		Middle	~~0.009~~0.028	~~15~~48
		High	~~0.041~~0.011	~~70~~19
Total	**3,911**			**~~3,591~~2,025**

*SOURCE: ~~2018 School Facility Needs Analysis and Justification Report~~School Facility Needs Analysis for the Salinas Union High School District May 2020, ~~July 20, 2018~~July 2, 2020. NOTES: *ASSUMES DEVELOPMENT EQUAL TO OR GREATER THAN THE MAXIMUM ALLOWED DENSITIES. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ELEMENTARY SCHOOL GENERATE FACTORS ARE PROVIDED BY THE ALISAL UNION SCHOOL DISTRICT, WHILE THE MIDDLE AND HIGH SCHOOL GENERATION FACTORS ARE PROVIDED BY THE SALINAS UNION HIGH SCHOOL DISTRICT, SINCE THE PROPOSED PROJECT WOULD NOT BE WITHIN THE SANTA RITA UNION SCHOOL DISTRICT UNDER THE WITH BOUNDARY CHANGE SCENARIO. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

As shown in Table 3.9-11, assuming no school district boundary changes are expected to occur, the proposed project is expected to generate up to approximately ~~4,033~~3,178 additional students. This value is conservative, since this projection is based on the use of the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11). However, as shown in Table 3.9-12, if a boundary change were to occur between the Santa Rita Union School District and the Alisal Union School District (such that only the AUS and the SUHSD would serve the Specific Plan Area), the proposed project is projected to generate approximately ~~3,591~~2,025 students. In this second scenario, only two school districts (instead of three) would serve the Specific Plan Area; therefore, only student generation factors for the two school districts remaining to serve the Specific Plan Area (AUSD and SUHUSD) under this scenario were used.[10]

No further response is required.

Response J-4: The commentor states:

"3. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists "School District Fees" (i.e. school impact or developer fees) and "TAMC State and Federal", which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

The Draft EIR states that the payment of school impact fees is "full and complete facilities mitigation" for the impact of new development. (Draft EIR, p. 3 .9-26.) This is incorrect. In

[10] For the purposes of these projections, while under the 'No Boundary Change' scenario, student generation factors from the SRUSD (in addition to the other two school districts) were utilized, under the 'With Boundary Change scenario', the SRUSD school generation factors were not utilized.

making that assertion, the Draft EIR relies on the language of Senate Bill ("SB") 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities." (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (Chawanakee Unified Sch. Dist. v. Cty. of Madera (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical "three-legged stool" of school facilities financing, conceptualizing the funding of school facilities from three primary sources - State, local, and developer fees.

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to "match" the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim "hardship" status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State's "workload list" where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the "Unfunded List," which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive State funding, and will only then receive funding sufficient to cover a portion of the district's project. However, if State bond funding is depleted (as is now the case after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an "Applications Received Beyond Bond Authority" list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorize $8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. In this case, the District is seeking passage of a bond in November 2020 that would, in part, fund construction of its middle school site. However, it will still face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built - a tough sell, to say the least.

Finally, as noted, statutory school impact fees (also known as "developer fees") are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often falls woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified "regional, State and or federal sources" to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The cost to acquire property and construct a single new middle school can exceed 60 million dollars. The estimated cost of a new high school is closer to 100 million dollars. This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

The 2020 SFNA also reports the costs of providing school facilities to for the District's 2,817 currently "unhoused" students. For its 428 unhoused 7-8 grade students, those costs total $25,500,668. The District has a total amount of $21. 7 million in funding (bond funds, developer fees, and special reserve funds) available for facilities for its existing unhoused 7-8 grade students-a shortfall of approximately 3.8 million dollars. The cost for providing

school facilities for the District's existing unhoused pupils in grades 9 to 12 totals $144,835,514. The District's total available funds for housing these students is approximately $42,986, 786-a shortfall of approximately $101 million dollars. In sum, the District does not have sufficient funds for school facilities for its projected 2,817 unhoused pupils over the next five years, let alone more than 800 new 7-12 grade students generated by the Project. (2020 SFNA, pp. 8-9.)

It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a "lump sum" amount of developer fees to fund needed new facilities.

The City and the developers may take the attitude that the dire state of funding for school facilities is "not our problem" or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns or add new facilities to its existing sites to accommodate the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include bussing and other transportation to existing District sites, as well as further overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project."

The commentor state that, if sufficient money for school construction does not materialize, then the school districts may have to add new facilities at existing schools or may have to change transportation or bussing patterns. The analysis requested by the commentor would be "speculative." The City has no way of knowing how, over a 20-year period, each individual school might deal with its inability to build a particular school within the Specific Plan Area. Importantly, the commenter has not offered any specific scenarios for the City to consider, despite being in a far better position than the City to predict how the school districts might react to funding shortfalls over the coming years. CEQA does not require speculation. (CEQA Guidelines, § 15145.) "[O]rdering CEQA review in the absence of a plan involving an identifiable impact would not be meaningful." (Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist. (2007) 147 Cal.App.4th 643, 657.) No good " purpose would be served by an [environmental impact report] that could only speculate on future environmental consequences." (*Id.*) (See Response to Comment I-3.)

No land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely identifying locations where schools would complement other land uses. The footprint-related impacts of schools are generally no different than those of other uses. Nor are school residents any more or less susceptible to atmospheric environmental conditions than are

other area residents. School districts must ultimately make their own siting decisions, and must conduct their own project-specific CEQA analysis in doing so.

Impacts associated with schools are analyzed in Section 3.9 Public Services. Page 3.9-15 of the Draft EIR presents the City's policy toward working with school districts to identify land needed for new schools, and to consider impacts of proposed projects on school enrollment and facilities when considering new projects. The City's policies are as follows:

Policy LU-9.1: Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.

Policy LU-9.2: Consider impacts of proposed projects on school enrollment and facilities when acting on annexation applications to ensure that public services and facilities service standards identified in Table LU-4 are met.

The purpose for identifying sites for new schools is to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA task the school districts with the responsibility for design and construction of their own schools, and for conducting their own project-specific CEQA analyses in doing so. (See esp. Pub. Resources Code, § 211251.8.) While the City is not the lead agency responsible for school development, the City fully supports the school districts with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school districts through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees; instead, that responsibility lies with the school district. Education Code (EC) section 17620 grants the school districts the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

The school district has established the appropriate fee for all development in the City of Salinas. This fee established by the school district, following the requirements of State law, is the fair share funding that the City will require of this development. By statute, the City and school district cannot

require fees beyond that allowed by the State law, and affirmed by the District through their approved nexus study. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

Moreover, in *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, 1028, the court said in that case is that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The City did that here, as the City considered school construction as part of full buildout of the project area. The physical impacts of school construction are not different than the impacts of any kind of development. Grading and site alteration are required for any kind of development.

The City's approach to CEQA compliance has been correct. Consistent with SB 50 (see Draft EIR, pp. 39-14 - 3.9-15, 3.9-20), the City addressed the physical effects of school construction and operation, along with all other land uses within the Specific Plan Area (e.g., effects on biological resources, cultural resources, air quality, greenhouse gases, etc.) but did not treat school overcrowding as an environmental impact category subject to CEQA. Rather, the City is requiring the applicants to pay their school impact fees, as contemplated by Government Code Section 65996, which provides that the payment of such fees is deemed to be "full and complete school facilities mitigation" for any demands on school facilities caused by new development. The Districts' demand for analysis of impacts on the Districts' financial condition goes beyond what the Legislature has declared is required or allowed under CEQA. The demand is also contrary to long-standing distinctions between environmental impacts, on the one hand, and economic or social impacts, on the other. (See, e.g., CEQA Guidelines, § 15131.)

The City has established sites for new schools to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school district with the responsibility for design and construction of its own schools, and for conducting its own project-specific CEQA analysis in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school district with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school district through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees, instead that responsibility lies with the school district. Education Code (EC) 17620 grants the school district the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. No further response is warranted.

Response J-5: The commentor states:

> *"4. Environmental Impacts from Project "Phasing"*

The Draft EIR provides for a "phased" approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the Draft EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are "assumed" by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (Id.) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. (Id.) The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (Id.)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area.

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3, 911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard.

The commentor faults the City for not including any phasing analysis, and states that the Draft EIR mainly just looks at the environmental impacts of buildout. Yet the school district does not cite any authority for the alleged need to address phasing, nor does the commentor cite any authority indicating that addressing full project buildout is inappropriate. Indeed, looking at buildout is the normal approach taken in EIRs, and is consistent with CEQA case law. CEQA does not require analysis of individual phases of projects. For market-driven projects such as specific plans, lead agencies have no way of identifying a specific "schedule" for development, as requested by the commentor. Therefore, the school district is incorrect in stating that "the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area" and that "[t]he Draft EIR is deficient in this regard." (See also Response to Comment I-6.) No further response to this comment is warranted.

Response J-6: The commentor states:

> *"**C. Environmental Factors Impacting District Schools***
>
> *The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause "significant and unavoidable" substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9-24.) The Draft EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to construct and open a middle school on the site it already owns in the Specific Plan area and may need to add additional facilities to existing sites, well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant.*
>
> *Environmental impacts on the District that should be analyzed in the Draft EIR include the following."*

This commentor provides an introduction to its individual requests for specific environmental impacts to be analyzed further in the Draft EIR. Further response to the specifics of this comment are provided under responses J-7 through J-9 (below). The City believes that, in assessing the impacts of developing the entire Specific Plan Area, the EIR has sufficiently addressed, at least in general terms, the physical impacts of constructing new schools within the Specific Plan Area. And the City need not speculate about how the District might respond to funding shortfalls in the absence of specific strategies revealed by the District itself. (See Response to Comment I-3.) The footprint-related impacts of the schools are subsumed within the analysis of the footprint of the entire Specific Plan.

In addressing public service demand issues under CEQA, the appropriate focus is on the environmental effects of the steps that might be necessary to achieve or maintain adequate service. For example, if proposed new development would create an increased demand for public services, an EIR should inquire as to whether new or expanded physical facilities may be required in order to provide such service. The "impacts" addressed under CEQA are the physical effects of providing service, not any possible failure to provide adequate service under applicable standards. (See City of Hayward v. Board of Trustees of the Cal. State University (2015) 242 Cal.App.4th 833, 843 ["[t]he need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate"]; Goleta Union School Dist. v. Regents of Univ. of Cal. (1995) 37 Cal.App.4th 1025, 1031–1034 [school overcrowding attributable to new development is not an environmental effect subject to CEQA, though the physical effects of new facility construction to serve new students would be]; and CEQA Guidelines, § 15131, subd. (a) ["[e]conomic or social effects of a project shall not be treated as significant effects on the environment"].)

The Draft EIR discusses the environmental impacts associated with school development in the Specific Plan Area. The Draft EIR discloses that there would be impacts related to relevant environmental topics included throughout the Draft EIR, such as: air quality (Section 3.1), biological resources (Section 3.2), cultural resources (Section 3.3), greenhouse gas emissions and climate change (Section 3.4), hazards and hazardous materials (Section 3.5), hydrology and water quality (Section 3.6), noise (Section 3.7) population (Section 3.8), public services (Section 3.9), transportation (Section 3.10), and utilities (Section 3.11). Page 3.9-21 of the Draft EIR states that "[a] detailed discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Furthermore, site-specific environmental review would be required for each school by the responsible School District prior to approval of a design for the facility and would consider any site-specific impacts unknown at this time." (See Pub. Resources Code, § 21151.8.) The analysis in the Draft EIR considers the physical development of the sites that are identified in the Specific Plan, as well as operational impacts associated with a school facility in those locations. The Draft EIR does not speculate beyond the material facts that are available for any school sites that would serve the project at the time the Specific Plan is being considered.

Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

In *Chawanakee Unified School Dist. v. County of Madera* (June 21, 2011) 196 Cal.App.4th 1016, 1027-1028, the court determined that Government Code section 65996(a) obviated the need to analyze and mitigate a development's direct impacts on existing school facilities in an EIR because Education Code sets forth "exclusive methods" for consideration and mitigation of such impacts. The School District has established the appropriate fee for all development in the City of Salinas. This fee established by the School District, following the requirements of State law, is the fair share funding that the City will require of this development. By statute, the City and School District cannot require fees beyond those allowed by the State law, and affirmed by the District through their approved nexus study. Nor may the City deny the project proponents' request for approval of the Specific Plan solely due to projected funding shortfalls. The City will fully cooperate with the School District, as they have in the past, in the collection of the school impact fees that have been established by School District.

No further response to this comment is warranted.

Response J-7: The commentor states:

> *"1. Noise Generated by Potential Construction*
>
> *The Draft EIR defines a "sensitive receptor" as "a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants." (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)*
>
> *The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify the middle school site the District already owns with the Plan area (or any future high school site) as a sensitive receptor that could be affected by construction of the Project. (Id.) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as "less than significant with mitigation," but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate at least one new*

school within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR."

The commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-8: The commentor states:

"2. Hazards and Hazardous Emissions

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate measures to mitigate those hazards during Specific Plan construction."

Similar to the previous comment, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed

project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Hazards impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of hazard-related impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-9: The commentor states:

> *"3. Noise*
>
> *The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools during Project construction."*

Similar to the previous two comments, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-10: The commentor states:

> ***"D. Cumulative Impacts***
>
> *Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code§ 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)*
>
> *The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts."*

This comment is noted. Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response J-11: The commentor states provides concluding statements, summarizing the concerns the commentor has regarding the proposed project, particularly how the project may impact the District's ability to serve the students resulting from the project. No further response to this comment is warranted.

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August 11, 2020

City of Salinas
Community Development Department
Attn: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Santa Rita Union School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Please accept this letter as the Santa Rita Union School District's ("District" or "SRUSD") comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project").

The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within SRUSD that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.) K-1

As noted in the Draft EIR, on April 28, 2020, the three school districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site originally designated as a middle/elementary school would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). If the territory transfer is approved, the District will not serve students generated by the Project; however, approval of the petition is not a certainty. For that reason, and also in support of the comments regarding the Draft EIR submitted by AUSD and SUHSD, the District submits this letter.

The District's major area of concern is the Draft EIR's failure to consider the real impacts, environmental and otherwise of the Project on the school districts that will serve the families who will eventually make their homes within the Specific Plan area. Among other things, the K-2

Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of the Project. In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

K-2 (Continued)

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

K-3

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.

K-4

All of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

By the City of Salinas's own calculations, if the pending territory transfer is approved, the 3,911 new homes included in the Specific Plan will generate up to 3,591 new students. (Draft EIR, p. 3.9-25-3.9-26.) Of that number, 2,752 would be elementary-age students, 311 would be middle school students, and 526 would be new high school students. (*Id.*) In the event the territory transfer is not approved, the Project could generate up to 4,033 new students, including 2,752 elementary students, 754 middle school students, and 526 high school students. (*Id.*)

As discussed in comments letters submitted by AUSD and SUHSD, the critical issue here is that there are insufficient school facilities to house these students and limited available funding to construct new facilities. The funding mechanisms referenced in the Draft EIR are both inadequate and overly optimistic. The bottom line is that the Specific Plan and Draft EIR simply assume that new school facilities will be provided, despite the fact that funding for such facilities is likely to be extremely limited or in some cases, entirely unavailable. This will result in an influx of students to the existing facilities of the school districts serving the Specific Plan area as well as other school districts in the area, including the District, and the environmental impacts of this influx, when appropriate school facilities are not available, have not been properly assessed.

K-5

In the case of the District, denial of the pending territory transfer would mean that SRUSD will be responsible for serving elementary and middle school students generated by the Project. SRUSD currently serves approximately 3,569 students in kindergarten through eighth grade at its four elementary schools and two middle schools. As acknowledged in the Draft EIR, the District's existing school sites are already over-capacity. In addition to students generated by this Project, the District will also be responsible for serving students generated by the West Area Specific Plan.

K-5 (Continued)

The Specific Plan identifies the 18-acre site in the western part of the Project area as a potential location for a District middle/elementary school (if a boundary adjustment is not approved). As discussed in the letter submitted by AUSD, a CDE consultant who reviewed the Draft EIR has identified a number of potential concerns with the proposed site. As an initial concern, the CDE consultant noted the need for a hydrology study to evaluate the potential for flooding. The consultant indicated that the road and greenway/pedestrian pathway running through the center of the site is likely to collect runoff from adjacent houses and Gabilan Creek and then run downslope through the site. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site. As the property has been used for agriculture, a new Department of Toxic control Substances ("DTSC") survey to identify contaminants such as pesticides, is also essential. The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. Inspections and repairs to pipes and water main components would be highly disruptive to school operations.

These and other concerns may render the proposed site unsuitable for use as a school. As discussed in the letter submitted by AUSD, the Project developers had close to two years' advance notice of the pending territory transfer, but the Draft EIR does not identify or address any environmental impacts related to the western school site with regard to its use as a campus for elementary or middle school students.

K-6

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to fund the construction of new school facilities and the influx of students to existing school facilities. Installation of portables and ongoing construction on existing sites necessary to accommodate these students will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. The changing of attendance boundaries, bussing, and inter-district transfer or parents electing to send their children to other school districts or school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The current Draft EIR fails in this regard.

As was the case with the West Area Specific Plan EIR, the Draft EIR describes a "phased" approach to development of the Specific Plan area that is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) The few other references to phasing in the Draft EIR suggest that development of the Specific Plan area will take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is unsupported. *(Id.)* In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR simply states that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (*I*d.)

K-7

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. The Draft EIR is deficient in this regard.

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

K-8

As noted above, the District will also be responsible for serving students generated by the West Area Specific Plan. This Project's anticipated impacts on the District, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

The Specific Plan's failure to ensure funding for necessary school facilities and the resulting inadequacies of the Draft EIR are a significant concern for every local educational agency serving the City of Salinas. The District fully supports other local educational agencies that have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR and agrees with the issues raised in their respective comment letters.

K-9

We are hopeful for the opportunity to discuss our concerns and work together to reach a solution that ensures that quality school facilities can be provided. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

cc: Timothy Ryan, Superintendent, Santa Rita Union School District

Response to Letter K: Devon B. Lincoln, Lozano Smith Attorneys at Law representing Santa Rita Union

Response K-1: The commentor provides an introductory statement and provides a summary of the commentor's concerns with the Draft EIR. Discussion of each of the issues summarized in this portion of the comment letter are provided in the responses, below.

Response K-2: The commentor states:

> *"The District's major area of concern is the Draft EIR's failure to consider the real impacts, environmental and otherwise of the Project on the school districts that will serve the families who will eventually make their homes within the Specific Plan area. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of the Project. In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in tum, fails to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.*
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> *In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in tum, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR."*

No land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely identifying locations where schools would complement other land uses. The footprint-related impacts of schools are generally no different than those of other uses. Nor are school residents any more or less susceptible to atmospheric environmental conditions than are other area residents. School districts must ultimately make their own siting decisions, and must conduct their own project-specific CEQA analysis in doing so. (See Response to Comment I-3.)

Impacts associated with schools are analyzed in Section 3.9 Public Services. Page 3.9-15 of the Draft EIR presents the City's policy toward working with school districts to identify land needed for new schools, and to consider impacts of proposed projects on school enrollment and facilities when considering new projects. The City's policies are as follows:

Policy LU-9.1: Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.

Policy LU-9.2: Consider impacts of proposed projects on school enrollment and facilities when acting on annexation applications to ensure that public services and facilities service standards identified in Table LU-4 are met.

The purpose for identifying sites for new schools is to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (i.e., Pub. Resources Code, § 21151.8) task the school districts with the responsibility for design and construction of its own schools, and for conducting its own project-specific CEQA analysis in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school districts with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school districts through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees; instead, that responsibility lies with the school district. Education Code (EC) section 17620 grants the school districts the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

The school district has established the appropriate fee for all development in the City of Salinas. This fee established by the school district, following the requirements of State law, is the fair share funding that the City will require of this development. By statute, the City and school district cannot require fees beyond that allowed by the State law, and affirmed by the District through their approved nexus study. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

Moreover, in *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, 1027-1028, the court said in that case is that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The

City did that here, as the City considered school construction as part of full buildout of the project area. The physical impacts of school construction are not different than the impacts of any kind of development. Grading and site alteration are required for any kind of development.

The City's approach to CEQA compliance has been correct. Consistent with SB 50 (see Draft EIR, pp. 39-14 - 3.9-15, 3.9-20), the City addressed the physical effects of school construction and operation, along with all other land uses within the Specific Plan Area (e.g., effects on biological resources, cultural resources, air quality, greenhouse gases, etc.) but did not treat school overcrowding as an environmental impact category subject to CEQA. Rather, the City is requiring the applicants to pay their school impact fees, as contemplated by Government Code Section 65996, which provides that the payment of such fees is deemed to be "full and complete school facilities mitigation" for any demands on school facilities caused by new development. The Districts' demand for analysis of impacts on the Districts' financial condition goes beyond what the Legislature has declared is required or allowed under CEQA. The demand is also contrary to long-standing distinctions between environmental impacts, on the one hand, and economic or social impacts, on the other. (See, e.g., CEQA Guidelines, § 15131.)

The City has established sites for new schools to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school district with the responsibility for design and construction of its own schools, and for conducting its own project-specific CEQA analysis in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school district with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school district through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees, instead that responsibility lies with the school district. Education Code (EC) 17620 grants the school district the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. No further response is warranted.

Response K-3: The commentor states:

> *"As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts."*

This comment is noted. In *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, 1027-1028, the court said in that case is that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The City did that here, as the City considered school construction as part of

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Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school district with the responsibility for design and construction of its own schools. While the City is not the lead agency responsible for school development, the City fully supports the school district with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school district through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees, instead that responsibility lies with the school district. Education Code (EC) 17620 grants the school district the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. No further response is warranted.

Response K-4: The commentor states:

> *" Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.*
>
> *All of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR."*

This comment is noted. Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time,

but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response K-5: The commentor states:

> *"By the City of Salinas's own calculations, if the pending territory transfer is approved, the 3,911 new homes included in the Specific Plan will generate up to 3,591 new students. (Draft EIR, p. 3.9-25-3.9-26.) Of that number, 2,752 would be elementary-age students, 311 would be middle school students, and 526 would be new high school students. (Id.) In the event the territory transfer is not approved, the Project could generate up to 4,033 new students, including 2,752 elementary students, 754 middle school students, and 526 high school students. (Id.)*
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This comment is noted. As previously provided under Response K-2 (above), no land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely

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Response K-6: The commentor states:

"The Specific Plan identifies the 18-acre site in the western part of the Project area as a potential location for a District middle/elementary school (if a boundary adjustment is not approved). As discussed in the letter submitted by AUSD, a CDE consultant who reviewed the Draft EIR has identified a number of potential concerns with the proposed site. As an initial concern, the CDE consultant noted the need for a hydrology study to evaluate the potential for flooding. The consultant indicated that the road and greenway/pedestrian pathway running through the center of the site is likely to collect runoff from adjacent houses and Gabilan Creek and then run downslope through the site. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site. As the property has been used for agriculture, a new Department of Toxic control Substances ("DTSC") survey to identify contaminants such as pesticides, is also essential. The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. Inspections and repairs to pipes and water main components would be highly disruptive to school operations.

These and other concerns may render the proposed site unsuitable for use as a school. As discussed in the letter submitted by AUSD, the Project developers had close to two years' advance notice of the pending territory transfer, but the Draft EIR does not identify or address any environmental impacts related to the western school site with regard to its use as a campus for elementary or middle school students.

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to fund the construction of new school facilities and the influx of students to existing school facilities. Installation of portables and ongoing construction on existing sites necessary to accommodate these students will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. The changing of attendance boundaries, bussing, and inter-district transfer or parents electing to send their children to other school districts or school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The current Draft EIR fails in this regard."

This comment is noted. The commentor identifies that the potential boundary changes between the respective school districts would be environmentally significant; however, the generalized footprint impacts of individual schools would not presumably differ simply because the schools are operated on one district rather than another. For example, the commentor identifies that a 'road and public

pedestrian path' would run through the middle of an elementary school campus (were the district boundary change to occur). However, it is not clear how this would generate serious safety concerns beyond those that would occur if the site were to stay within the boundaries of the SRUSD, where the site would be developed as a middle/elementary school. City, state, and federal road and sidewalk public safety requirements would apply in both cases. Furthermore, it is not clear how such a pathway would limit the land available for the construction of school facilities, including in one case versus the other. Moreover, crucially, both scenarios were analyzed in *Section 3.9: Public Services* of the Draft EIR.

The commentor states that approvals from the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) would be required prior to the Alisal Union School District (AUSD) acquiring property for the new school site, were the boundary change to occur. The commentor identifies that, although the CDE has not yet evaluated the suitability of the site for use as an elementary school site, a CDE consultant has raised concerns about the location of the site in a floodplain and the need for a hydrology study, and that a gas pipeline study would almost certainly be needed for approval of the property for use as a school site. In addition, the commentor states that the installation of a large underground water main below the road running through the school site would require inspections and repairs to pipes and water main components that would be highly disruptive to school operations.

While these claims may or may not be true, the Draft EIR was not required to undertake a site-specific analysis for the school sites. In preparing the Specific Plan, the City attempted to identify viable school sites, but was aware that, under CEQA and the Education Code, school districts have the ultimate say over school sites, and, in their capacity as lead agencies for such site-specific projects, they are responsible for addressing site specific issues under criteria found in the Education Code and CEQA (e.g., in Public Resources Code section 21151.8). (See Response to Comment I-3.)

The commentor is essentially demanding project-specific analysis for schools that have not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term Specific Plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. (See Response to Comment I-3.) No further response is warranted.

Response K-7: The commentor states:

> *"As was the case with the West Area Specific Plan EIR, the Draft EIR describes a "phased" approach to development of the Specific Plan area that is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) The few other references to phasing in the Draft EIR suggest that development of the Specific Plan area will take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (Id.) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the*

Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is unsupported. (Id.) In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR simply states that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (Id.)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. The Draft EIR is deficient in this regard."

The commentor faults the City for not including any phasing analysis, and states that the Draft EIR mainly just looks at the environmental impacts of buildout. Yet the school district does not cite any authority for the alleged need to address phasing; nor does the commentor cite any authority indicating that addressing full project buildout is inappropriate. Indeed, looking at buildout is the normal approach taken in EIRs, and is consistent with CEQA case law. CEQA does not require analysis of individual phases of projects. For market-driven projects such as specific plans, lead agencies have no way of identifying a specific "schedule" for development, as requested by the commentor. Therefore, the school district is incorrect in stating that "the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area" and that "[t]he Draft EIR is deficient in this regard." (See also Response to Comment I-6.) No further response to this comment is warranted.

Response K-8: The commentor states:

"Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code§ 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

As noted above, the District will also be responsible for serving students generated by the West Area Specific Plan. This Project's anticipated impacts on the District, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts."

This comment is noted. As previously described, cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response K-9: The commentor states:

"The Specific Plan's failure to ensure funding for necessary school facilities and the resulting inadequacies of the Draft EIR are a significant concern for every local educational agency serving the City of Salinas. The District fully supports other local educational agencies that have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR and agrees with the issues raised in their respective comment letters.

We are hopeful for the opportunity to discuss our concerns and work together to reach a solution that ensures that quality school facilities can be provided. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly."

This is a conclusion to the comment letter. Detailed responses to the points identified in this conclusion are provided throughout Responses K-1 through K-8 (above). No further response is required.

Monterey Bay Air Resources District

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

August 11, 2020

Community Development Department
ATTN: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, CA 93901

Email: jill.miller@ci.salinas.ca.us

Re: City of Salinas Central Area Specific Plan DEIR

Dear Ms. Miller:

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments: L-1

3.1. AIR QUALITY

- **Mitigation Measure 3.1-1:** While *traffic calming measures* in neighborhoods can improve public safety, the Air District encourages the City to implement Vehicle Miles Traveled (VMT) reduction measures to maximize emission reductions and for congestion management.

  The Air District highly supports the inclusion of roundabouts and making the project plan area a bike- and ped-friendly community. If signalizing intersections is selected, then the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design should be employed. *Local annual funding opportunities from the Air District are available for ATCS and roundabout design and construction projects. Please contact Alan Romero, aromero@mbard.org, for more information.* L-2

- **Mitigation Measure 3.1-2:** The Air District supports incorporating electric vehicle infrastructure in the project plan area designs. To achieve further emission reduction of criteria pollutants and greenhouse gases, the Air District suggests including publically available dual port Level 2 & DC fast-charge charging stations throughout the project plan area. *Local annual funding opportunities from the Air District are available for EV charging infrastructure. Please contact Alan Romero, aromero@mbard.org, for more information.*

- The Air District prefers that operational emissions be mitigated at the project level; however, since mitigation measures cannot reduce emissions below significance thresholds, the Air District requests that the City of Salinas cooperate with the Air District to develop off-site mitigation measures. Please contact David Frisbey at the Air District office at (831) 647-9411 or dfrisbey@mbard.org.

3.5. HAZARDS AND HAZARDOUS MATERIALS

- **Mitigation Measure 3.5-1-3.5.3:** Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work. L-3

Richard A. Stedman, Air Pollution Control Officer

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

Please contact Shawn Boyle or Cindy Searson in the Compliance Division at (831) 647-9411 for more information regarding these rules. https://www.arb.ca.gov/drdb/mbu/cur.htm

L-3
(Continued)

Please let me know if you have any questions. I can be reached at (831) 718-8021 or hmuegge@mbard.org.

Best Regards,

Hanna Muegge
Air Quality Planner

cc: Richard A. Stedman
David Frisbey

Richard A. Stedman, Air Pollution Control Officer

Response to Letter L: Hanna Muegge, Monterey Bay Air Resources District (MBARD)

Response L-1: This comment provides introductory text. No comment response is warranted.

Response L-2: The comment provides suggestions for modifying and/or improving air quality mitigation measures. In particular, the commentor states that the Air District (i.e. MBARD) encourages the City to implement vehicle-miles-travelled (VMT) reduction measures, rather than traffic calming measures (as identified in Mitigation Measure 3.1-1), to maximize emission reductions and for congestion management.

However, it should be noted that the proposed project *Section 3.10-1: Transportation and Circulation* does not include VMT analysis, as the Draft EIR was submitted for public review prior to the deadline associated with requiring a VMT analysis as part of the transportation impact analysis (i.e. LOS was used as the criteria instead). Nevertheless, the Specific Plan includes a design that functionally deemphasizes the motor vehicle by establishing new urban principals in the community design, and uses extensive bike and ped facilities with high accessibility and connectivity to the community. The mitigation measures found throughout *Section 3.1: Air Quality* and *Section 3.4: GHG, Climate Change, and Energy* represent the feasible mitigation associated with the significant and unavoidable aspects of the proposed project for these environmental topics.

The commentor also states that the Air District supports the inclusion of roundabouts and making the project plan area a bike- and ped-friendly community. The commentor states that, if signalizing intersections is selected, then the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design should be employed. As provided *Section 3.10: Transportation and Circulation*, mitigation measures where intersection improvements are required incorporate the requirement that ATCS are implemented in the applicable intersection design.

The commentor further states that the Air District supports incorporating electric vehicle infrastructure in the project plan area designs. To achieve further emission reduction of criteria pollutants and greenhouse gases, the Air District suggests including publicly available dual port Level 2 & DC fast-charge charging stations throughout the project plan area. The commentor also states that local annual funding opportunities from the Air District are available for EV charging infrastructure. Mitigation Measure 3.1-7, as provided in *Section 3.1: Air Quality* of the Draft EIR, requires the installation of Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development) within the Plan Area.

Lastly, the commentor states that the Air District prefers that operational emissions be mitigated at the project level; however, since mitigation measures cannot reduce emissions below significance thresholds, the Air District requests that the City of Salinas cooperate with the Air District to develop off-site mitigation measures. As provided in *Section 3.1: Air Quality* of the Draft EIR, Mitigation Measure 3.1-8 requires the project applicant(s) to develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of

the Air District and the City of Salinas on a project by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Therefore, the proposed project already incorporates these suggested mitigation measures.

Separately, it is noted that Mitigation Measure 3.4-1, which is provided in *Section 3.4: GHG, Climate Change, and Energy* of the Draft EIR, also requires off-site measures as part of the Greenhouse Gas Reduction Plans (GGRP) aimed at achieving specific performance standards.

In summary, as provided throughout *Section 3.1: Air Quality* and *Section 3.4: GHG, Climate Change, and Energy* of the Draft EIR, these proposals are incorporated into the mitigation measures found in the Draft EIR (including Mitigation Measures 3.1-1, which includes traffic calming measures; Mitigation Measure 3.1-7, which includes the installation of Level 2 electric vehicle (EV) charge stations at workplace sites; Mitigation Measure 3.1-8, which requires the project applicant(s) to develop a reasonably feasible offsite mitigation program to reduce project-generated air emissions below the applicable thresholds; the nineteen mitigation measures provided in *Section 3.10: Transportation and Circulation* that require installation of ATCS in the applicable intersection design; and Mitigation Measure 3.4-1, which requires off-site measures as part of the Greenhouse Gas Reduction Plans (GGRP) aimed at achieving specific performance standards). Therefore, the proposed project already incorporates the mitigation measures associated with air quality as required by CEQA case law. No further response to this comment is warranted.

Response L-3: The commentor states:

> *"Mitigation Measure 3.5-1-3.5.3: Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.*
>
> *Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.*
>
> *Please contact Shawn Boyle or Cindy Searson in the Compliance Division at (831) 647-9411 for more information regarding these rules. https://www.arb.ca.gov/drdb/mbu/cur.htm"*

This comment is noted. Based on this comment, the City has updated Mitigation Measure 3.5-1 of the Draft EIR, as follows, to incorporate this language into Mitigation Measure 3.5-1, as well as the associated mitigation measure contained in the Executive Summary of the Draft EIR, as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

Pages 3.5-20 and 3.5-21:

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

   Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

   Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require*

further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

5) *Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010, and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Pages ES-33 and ES-35 (Tables ES-2):

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

   In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

   Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health*

Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

5) *Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

No further response is required.

LAFCO of Monterey County

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August 11, 2020

Jill Miller, Senior Planner
City of Salinas Community Development Department
65 West Alisal Street
Salinas, CA 93901

RE: City of Salinas' Central Area Specific Plan Draft Environmental Impact Report

Dear Ms. Miller,

Thank you for this opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Salinas' Central Area Specific Plan (CASP) Project. LAFCO is a Responsible Agency under the California Environmental Quality Act for the proposed project, and will have regulatory authority for any future annexations for areas included in the proposed project, which have not been annexed into the City of Salinas. It is in this role that LAFCO is commenting on the Draft EIR. M-1

1. Annexation of the Settrini/Garcia/Igaz Properties within the City's Sphere of Influence

If the City approves the CASP, LAFCO anticipates that, in the future, the City may request annexation of the Settrini/Garcia/Igaz Properties from LAFCO. If this occurs, as a CEQA Responsible Agency, LAFCO would plan to use the City's plan-level CASP Draft EIR and future project-level CEQA document prepared by the City.

We appreciate that the Draft EIR references LAFCO's October 9, 2017 comment letter on the Salinas CASP Notice of Preparation. LAFCO has reattached this letter for reference. M-2

In our review of the Draft EIR, LAFCO Housing and Jobs Policy is described on page 3.8-7. However, in our review, the Draft EIR did not include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws as requested in our October 9, 2017 letter. We ask that you respond to this request to the extent possible. Inclusion of this information will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency should a future annexation proposal be submitted to LAFCO. LAFCO's adopted policies are available on LAFCO's web site: http://www.monterey.lafco.ca.gov/

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Similarly, in our October 9, 2017 letter, we requested that you include an analysis of the CASP's consistency with the adopted 2006 City-County MOU. In our review of the Draft EIR, we did not find that this analysis was included. We also ask that you address this request to the extent possible. M-3

We appreciate this opportunity to review the Draft EIR. Please continue to keep us informed throughout your process. City staff and consultants are welcome to contact

LAFCO staff if you have any questions. We would be happy to meet with you and your staff for more detailed discussions.

M-3
(Continued)

Sincerely,

Kate McKenna

Kate McKenna, AICP
Executive Officer

Enclosure

LAFCO of Monterey County

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October 9, 2017

Jill Miller, Senior Planner
Community Development Department
City of Salinas
65 West Alisal Street
Salinas, California 93901

RE: Notice of Preparation – Salinas Central Area Specific Plan (CASP)

Dear Ms. Miller:

Thank you for this opportunity to comment on the Notice of Preparation for a draft Environmental Impact Report for the Salinas Central Area Specific Plan. In order to comply with the deadline for commenting on the Notice of Preparation, I am providing the following comments in draft form. This letter is subject to review and authorization at the next regular meeting of the Local Agency Formation Commission on October 23. 2017.

LAFCO's statutory authority is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.). Among LAFCO's purposes are: Discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Cortese-Knox-Hertzberg Act identifies factors that must be considered, and determinations that must be made, as part of LAFCO's review of annexation proposals.

M4

Under the California Environmental Quality Act (CEQA), LAFCO is a Responsible Agency for this proposal, and will have regulatory authority for the proposed annexation application. It is in this role that LAFCO is commenting on the Notice of Preparation.

Most of the proposed 760-acre future development area was annexed to the City on May 19, 2008 following a collaborative effort which also resulted in a sphere of influence expansion and a new Memorandum of Understanding between the City and the County of Monterey. However, a portion of the northwest corner of the CASP includes three parcels (totaling 50 acres) currently outside of the existing city limits but within the City's Sphere of Influence, as designated by the Local Agency Formation Commission of Monterey County (LAFCO). Development of currently unincorporated areas would be subject to LAFCO's approval of annexation at a future date.

1. <u>Annexation of the Settrini Property within the City's Sphere of Influence</u>

The September 2002 Salinas General Plan included the designation of an area to the northeast of the City as a "Future Growth Area" for urban development. A portion of this area now forms the CASP. At that time, the area was outside the City's sphere and

jurisdictional boundary and required annexation prior to any city development. In the late 2000s, the City submitted an application to LAFCO requesting two actions: (1) sphere of influence expansion of approximately 3,350 acres and (2) annexation of approximately 2,400 acres within this proposed sphere of influence boundary. The portion of the sphere amendment area that was not included within the annexation area, referred to as the "Remainder Areas," totaled approximately 950 acres and encompassed two non-contiguous sub-areas. One of the remainder areas is known as the "Settrini" property, which includes 3 parcels totaling 50 acres, and is currently located in the CASP. The second area is located northeast of the Salinas Municipal Airport and not part of the CASP. As part of the May 19, 2008 sphere resolution, the City acknowledged that additional studies, including but not limited to ones relating to water supply, traffic, and wastewater treatment, needs to be completed prior to the annexation of areas not annexed back in 2008.

If the CASP is approved, LAFCO anticipates at a future date a request to consider approval of the Settrini property annexation, in accordance with the Cortese-Knox-Hertzberg Act and local LAFCO policies. The full text of LAFCO's adopted Policies is available on LAFCO's web site: http://www.monterey.lafco.ca.gov/

As a CEQA Responsible Agency, LAFCO plans to use the City's environmental document to fulfill CEQA clearance for the annexation, and to support the evaluation of the proposal's consistency with the applicable LAFCO laws and policies, including adopted "Preservation of Open-Space and Agricultural Lands" and "Housing and Jobs" policies, among others. LAFCO requests that the draft EIR currently being prepared include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws to the extent possible, recognizing that "plan-level" review may only provide for generally limited conformance analysis. LAFCO staff can provide examples of similar analyses from other recent proposals.

M4
(Continue

A more detailed, site-specific, and updated analysis to LAFCO laws and policies should also be anticipated as a required part of subsequent, project-level CEQA documents when future proposals are brought forward to LAFCO. Provision of this information in current and future CEQA documents will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency, when the future annexation proposal for the area within the CASP is submitted to LAFCO.

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Please include in the draft EIR an analysis of the CASP's consistency with the adopted 2006 City-County MOU. The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

We appreciate this opportunity to provide comments on the Notice of Preparation, subject to Commission authorization on October 23. Please continue to keep us informed throughout your process. I would be happy to meet with you and your staff for more detailed discussions.

Sincerely,

Kate McKenna

Kate McKenna, AICP
Executive Officer

Response to Letter M: Kate McKenna, Local Agency Formation Commission of Monterey County (LAFCo)

Response M-1: This comment serves as an introduction to the comment letter. No further response is warranted.

Response M-2: The commentor states:

> *"1. Annexation of the Settrini/Garcia/Igaz Properties within the City's Sphere of Influence*
>
> *If the City approves the CASP, LAFCO anticipates that, in the future, the City may request annexation of the Settrini/Garcia/Igaz Properties from LAFCO. If this occurs, as a CEQA Responsible Agency, LAFCO would plan to use the City's plan-level CASP Draft EIR and future project-level CEQA document prepared by the City.*
>
> *We appreciate that the Draft EIR references LAFCO's October 9, 2017 comment letter on the Salinas CASP Notice of Preparation. LAFCO has reattached this letter for reference.*
>
> *In our review of the Draft EIR, LAFCO Housing and Jobs Policy is described on page 3.8-7. However, in our review, the Draft EIR did not include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws as requested in our October 9, 2017 letter. We ask that you respond to this request to the extent possible. Inclusion of this information will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency should a future annexation proposal be submitted to LAFCO. LAFCO's adopted policies are available on LAFCO's web site: http://www.monterey.lafco.ca.gov/"*

Based on this comment, the City has updated the Draft EIR to include an analysis of the Specific Plan's conformance to the relevant LAFCO's adopted policies and State laws as requested in our October 9, 2017 letter.

Based on this comment, we have updated page 3.8-19 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

> The construction of new developments within the Specific Plan Area would increase temporary construction jobs in the area. As buildout of the project is expected to occur gradually in response to market demand, construction related employment would be similarly dispersed over time. Local construction companies are likely to find ample pools of employable personnel in the Salinas area, based on the current and projected employment trends. Due to the fact there is currently a surplus of unemployed workforce within the City, it is likely that area residents would fill the majority of these temporary construction positions.
>
> CONFORMANCE TO LAFCO'S ADOPTED POLICIES AND STATE LAWS
>
> LAFCO maintains a variety of adopted policies relating to spheres of influence and changes of organization and reorganization. LAFCO has requested an analysis of the conformance of

the project to related LAFCO laws and policies, as they relate to annexations of unincorporated areas (such as housing and jobs policies). The following discussion provides a plan-level analysis of the relevant LAFCO policies that relate to the environment (it should be noted that a Plan-level review only provides for a limited conformance analysis; further detailed analysis would be provided to LAFCO upon a potential request at a future date request to consider approval of the annexation of the Settrini/Garcia/Igaz properties).

TABLE 3.8-3: PROJECT CONFORMANCE TO LAFCO'S ADOPTED LAWS AND POLICIES

LAFCO Law/Policy	***Analysis of Project Conformance***
Preservation of Open-Space and Agricultural Lands Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence or urban service area (hereinafter, "Proposal" or "Proposals"), shall provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. To implement this policy, it is the further policy of LAFCO that:* 1. *A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development.(Government Code section 56001.) Proposals that fail to discuss this balance, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the need for orderly development is balanced against the preservation of open space and prime agricultural lands.* 2. *A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands. (Government Code section 56668 (a).) Proposals that fail to discuss their effect, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the physical and economic integrity of agricultural lands is maintained.* 3. *A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses. (Government Code section 56377.) Proposals that fail to discuss potential conversion, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that: a) they guide development or use of land for other than open-space uses away from existing prime agricultural lands in open-space use and toward areas containing nonprime agricultural lands (Government Code section 56377 (a)); and b) development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency will*	**Consistent**: The proposed project would be consistent with this policy. Specifically, the potential annexation of the Settrini/Garcia/Igaz properties are consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. The annexation of these properties would provide further residential and commercial development to an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. The physical and economic integrity of the adjacent and other nearby agricultural lands would be maintained with the potential annexation of the Settrini/Garcia/Igaz properties. Potential annexation of the Settrini/Garcia/Igaz properties would increase the amount of publically available open space, as parks planned for these properties would provide open space land uses that do not currently exist. In addition, the potential annexation and development of the Settrini/Garcia/Igaz properties is consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General

occur prior to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency (Government Code section 56377 (b)). 4. *A Proposal must, if applicable, provide for pre-zoning (Government Code section 56375 (a)), and must demonstrate that it is consistent with the General Plans and Specific Plans of the existing local agency and any immediately adjacent local agency (Government Code sections 56375 (a) and 56668 (g)). Proposals may be denied if they are not consistent with such plans, or, if not pre-zoned, if the Proposal does not demonstrate to the satisfaction of LAFCO that the existing development entitlements are consistent with the local agency's plans.*	Plan Final Program EIR (EDAW/AECOM 2007)]. Appropriate zoning has been provided for the Settrini/Garcia/Igaz properties, in conformance with the Central Area Specific Plan, and consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan.
Housing and Jobs Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation. Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). These factors and their impacts, if any, shall be considered by the Commission in acting upon the Proposal.*	**Consistent**: Potential annexation of the Settrini/Garcia/Igaz properties would add to local and county-wide housing supply that is currently at an enormous deficit. Moreover, at the State level, the Legislature has recently found that "[t]he lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a).) The Central Area Specific Plan has been long in coming, and reflects City and County growth management decisions made long ago. (See Chapter 2, Project Description, § 2.2, Project Goals and Objectives.). Moreover, the project would generate employment growth through the commercial development throughout the Settrini/Garcia/Igaz properties. The annexation of these properties would develop an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. This approach to planning complements the local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). See the mitigation measures provided throughout Section 3.1: Air Quality; Section 3.4: GHG, Climate Change and Energy, and Section 3.10: Transportation and Circulation for mitigation measures that would further these goals and objectives.

SOURCE: LAFCO OF MONTEREY COUNTY, POLICIES AND PROCEDURES (AS ADOPTED BY THE LAFC) OF MONTEREY COUNTY ON FEBRUARY 24, 2020)

It is noted that any future annexation of the Settrini/Garcia/Igaz properties would require an evaluation of consistency with LAFCO policies, including those policies that are not specifically environmental topics. No further response is required.

Response M-3: The commentor states:

> *"2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)*
>
> *Similarly, in our October 9, 2017 letter, we requested that you include an analysis of the CASP's consistency with the adopted 2006 City-County MOU. In our review of the Draft EIR, we did not find that this analysis was included. We also ask that you address this request to the extent possible.*
>
> *We appreciate this opportunity to review the Draft EIR. Please continue to keep us informed throughout your process. City staff and consultants are welcome to contact LAFCO staff if you have any questions. We would be happy to meet with you and your staff for more detailed discussions."*

Based on this comment, the City has updated the Draft EIR to include an analysis of the Specific Plan's consistency with the adopted 2006 City-County MOU, as requested in our October 9, 2017 letter.

Based on this comment, we have updated page 3.8-19 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

> CONFORMANCE TO THE ADOPTED 2006 GREATER SALINAS AREA OF MEMORANDUM UNDERSTANDING (MOU)
>
> The following Table provides an analysis of the project's consistency with the adopted 2006 City-County Memorandum of Understanding (MOU). The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

TABLE 3.8-4: PROJECT CONFORMANCE TO THE 2006 CITY-COUNTY MOU

MOU Agreements	***Analysis of Project Conformance***
City Growth: 1. *City and County agree that the future growth direction of the City shall be to the north and east of the current City limits, except as otherwise provided in this MOU.* 2. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the north and east of the City's existing City Limits (Exhibit A).* 3. *County supports the City's 2005 Preliminary Sphere of*	**Consistent:** The proposed project (including the Settrini/Garcia/Igaz properties) is consistent with each of the relevant provisions, as follows: *Provision 1*: The project

	Influence/Annexation Proposal to LAFCO to the south of the City's existing City Limits (Exhibit A) for the exclusive purpose of agricultural processing and processing capacity (Fresh Express). County further supports future City Sphere of Influence/Annexation proposals to the south of the City's existing City Limit for the exclusive purpose of agricultural processing capacity (Unikool), subject to the establishment of appropriate agricultural conservation easements	development is to the north of the previous and current City limits. The project would not conflict with this provision.
4.	*City and County agree to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence insofar as the easements are consistent with the adopted General Plans of the two jurisdictions.*	*Provision 2*: The project development is to the north of the previous and current City limits.
5.	*City and County agree to work cooperatively and in concert with the affected property owners to annex developed unincorporated areas (e.g. Bolsa Knolls) adjacent to or within the City's Sphere of Influence as shown in Exhibit A and to transfer existing County sanitation facilities (e.g. Boronda) upon future City annexation that support these areas subject to the property owners paying any required sanitation system connection fees established by MRWPCA. It is anticipated that an initial effort consistent with this annexation commitment shall be cooperation by all parties to consider and facilitate the proposed Chapin Rogge annexation application insofar as the annexation is consistent with the provisions of LAFCO.*	*Provision 3*: Not applicable. *Provision 4*: Not applicable. *Provision 5*: The project, inclusive of the Settrini/Garcia/Igaz properties, would not conflict with this provision.
6.	*City and County agree that developments within the 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after annexation to the City and that the City shall consult with the County in the planning process. City and County also agree that the developments within the area designated by the County General Plan as the Greater Salinas Planning Area shall only occur after consultation with the City in the Planning process.*	*Provision 6*: The project would not conflict with this provision.
7.	*City and County agree that the County shall not process any proposals for development in areas contiguous (immediately adjacent) to the City's City Limit if those proposals would require either or both a County General Plan amendment or rezoning. Proposals for development requiring a General Plan amendment or a rezoning shall be referred to the City for consideration and possible annexation to the City.*	*Provision 7*: The project would not conflict with this provision. *Provision 7*: The project would not conflict with this provision.
8.	*City and County agree to work cooperatively and expeditiously in annexation matters consistent with this agreement.*	*Provision 8*: The project would not conflict with this provision.
9.	*City and County agree to support fees and taxes needed to mitigate the collective impact of new and existing development on the regional transportation system to the extent that the fees and taxes reflect the overall financing program adopted by the TAMC.*	*Provision 9*: The project would not conflict with this provision. TAMC fees are identified in Section 3.10: Transportation and Circulation of this Draft EIR.
10.	*City and County agree that County will develop a County-wide Traffic Impact fee program for the improvement of major County roads in accordance with the County's adopted General Plan. The County fee program will be developed in consultation with TAMC and Monterey County cities. It is recognized that there will be development within the City of Salinas related to the anticipated annexation of land to the north and east of the existing City Limits, and it is the desire of both jurisdictions that the County not rely on the imposition of an ad hoc traffic fee on City development. Therefore the development of the Traffic Impact fee for the Salinas Area, as shown in Exhibit B, will be a priority and a nexus study and hearing process should be completed within 18 months of the adoption of the 2006 County General Plan. The County Traffic Impact Fee will be imposed on development in affected cities and unincorporated areas.*	*Provision 10*: The project would not conflict with this provision. The project will be applicable traffic fees. See Section 3.10: Transportation and Circulation of this Draft EIR.
11.	*City and County agree to work cooperatively on establishing the alignment, phasing and financing of the regional roadway facility commonly referred to as Westside Bypass and will expedite the completion of a Project Study Report for this future roadway. City and County agree that the ultimate alignment of the future Westside Bypass shall establish the boundary for the City. It is the intent of both parties*	*Provision 11*: The project would not conflict with this provision.

to minimize the impact on agricultural land in establishing the Westside Bypass alignment so that the ultimate alignment shall not result in the development of acres of agricultural land in excess of that anticipated by the Westside Bypass alignment as shown in the City of Salians 2002 adopted General Plan (Exhibit C). 12. *City and County agree that future development between the area west of Davis Road and the future Westside Bypass, excluding the Boronda Redevelopment Project Area, shall be limited to expansion of the City' retail sale capacity and shall take place after annexation.* 13. *City and County agree to work cooperatively to address the collective impact of current and anticipated land uses in the reclamation Ditch Watershed Area. There is a recognition that a comprehensive financing program is needed that includes grants, benefits assessments, appropriate development impact fees, and special taxes required to address current and anticipated impacts. The County, in consultation with the City, should complete a nexus study and hearing process, assessing benefit of current and existing land uses, withn 36 months of adoption of this MOU. The adopted impact fee will be imposed on current and existing land uses in both the City and unincorporated areas.*	*Provision 12*: The project would not conflict with this provision. *Provision 13*: The project would not conflict with this provision.
Boronda Redevelopment Project Area: 14. *City and County agree that in the undeveloped southern portion of the Boronda Redevelopment Project Area (Exhibit D), the County shall take the lead in the planning, review, and approval process subject to concurrent City review so that the final approved project is consistent with existing City development standards. City recognizes the County's desire and intent to assure development that is consistent with commitments made to the Boronda community regarding required amendments to the current adopted Boronda Community Plan and the anticipated development is assumed to provide financial benefit (i.e. tax increment) to the Boronda Development Area. City and County will work cooperatively to assure that those commitments will result from and through the final approvals for development and annexation to the City of Salinas. City and County further agree that there will be no final development approvals prior to completion of all requirements (including LAFCO approval) for annexation of the subject area to the City of Salinas.* 15. *City and County agree that property tax generated within the Boronda Redevelopment Area shall continue to accrue to the Boronda Redevelopment Area for implementation of the current (January 1, 2006) adopted Redevelopment Area. Upon completion of the aforementioned Plan, the former Redevelopment Property tax increment shall be allocated between the City and County on a 50/50 basis.*	*Provision 14*: The project would not conflict with this provision. *Provision 15*: The project would not conflict with this provision.
Affordable Housing: 16. *City and County agree to support each other's efforts to construct affordable housing throughout the County necessary to achieve the Fair Share Housing Allocation as approved by the Association of Monterey Bay Area Governments (AMBAG)* 17. *City and County mutually agree that neither will pursue future development related litigation against the other insofar as the subject development is consistent with this agreement.*	*Provision 16*: The project would not conflict with this provision. *Provision 17*: The project would not conflict with this provision.

SOURCE: GREATER SALINAS AREA MEMORANDUM OF UNDERSTANDING, 2006

No further response is required.

Response M-4: This comment represents an appendix to the comment letter, providing the comments originally included in LAFCo's comment on the project Notice of Preparation (NOP) in 2017. No further response is required.

Revisions made to the Draft EIR are identified below. None of the revisions identify new significant environmental impacts, nor does any of the revisions result in substantive changes to the Draft EIR.

3.1 REVISIONS TO THE DRAFT EIR

SECTION 0.0 EXECUTIVE SUMMARY

Page ES-9:

TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-7	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less
Section 3.1~~2~~ – Biological Resources (BIO)					
BIO Impact 3.2-1	LS	Less	Slightly Less	Equal	Slightly Less
BIO Impact 3.2-2	~~LS/MM~~SU	Less	Slightly Less	Equal	Slightly Less

Pages ES-21 through ES-22 of the Draft EIR is amened as follows:

Mitigation Measure 3.2-1*: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted*

well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.

The regulatory approvals are ~~This is~~ anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat.

It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).

CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.

***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) ~~scientific collecting permit~~ for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP ~~scientific collecting permit~~ every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.*

In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP

by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.

Page ES-31 and ES-32 of the Draft EIR is amended as follows:

Mitigation Measure 3.4-1*: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, ~~pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:*

1) *The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*
2) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050),

the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

Pages ES-33 and ES-35 (Tables ES-2):

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall*

comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.

In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

SECTION 3.1 AIR QUALITY

Pages 3.1-27 of the Draft EIR is amended as follows:

The City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The population estimates for the Central Area Specific Plan are included in these growth forecasts. Additionally, as the proposed project has been planned for over twenty years, the project has been incorporated into earlier versions of the Regional Growth Forecast, including AMBAG's 2014 Regional Growth Forecast, which feeds into the current AQMP (i.e. MBARD's 2012 – 2015 AQMP). As such, the City has met the action recommended by MBARD in the *CEQA Air Quality Guidelines* (MBARD, 2008a) to ensure consistency with the applicable air quality plan (i.e. "*Ensure that the jurisdiction's population forecasts are updated in the next AQMP by working with AMBAG or the appropriate local agency*.").

Pages 3.1-44 of the Draft EIR is amended as follows:

CONCLUSION

The increases in criteria pollutants generated by the proposed project when combined with the existing criteria pollutants emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Specific Plan Area. Construction emissions would be temporary in nature, while the operational activities of a project would be most likely to cause substantial adverse effects on human beings, since ongoing, chronic, and lifetime exposure to criteria pollutants are key in the level of health impact. However, the increases of these pollutants generated by the proposed project are not on their own likely to generate an increase in the number of days exceeding the health-based NAAQS or CAAQS standards, based on the size of the project in comparison the Monterey County as a whole. For these reasons, with implementation of Mitigation Measure 3.1-~~2~~10, the Specific Plan would have a ***less than significant*** impact related to this topic.

Pages 3.1-46 of the Draft EIR is amended as follows:

MITIGATION MEASURES

Implement Mitigation Measures 3.1-1 through 3.1-1~~1~~0.

SECTION 3.2 BIOLOGICAL RESOURCES

Pages 3.2-40 and 3.2-41 of the Draft EIR is amended as follows:

MITIGATION MEASURES

Mitigation Measure 3.2-1*: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.*

The regulatory approvals are ~~This is~~ anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat.

It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any

recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).

CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.

***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) ~~scientific collecting permit~~ for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP ~~scientific collecting permit~~ every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.*

In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.

SECTION 3.4 GHG, CLIMATE CHANGE, AND ENERGY

Pages 3.4-40 and 3.4-41 of the Draft EIR is amended as follows:

***Mitigation Measure 3.4-1**: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable~~, pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5, Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:*

3) *The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*

4) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including

requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

SECTION 3.5 HAZARDS AND HAZARDOUS MATERIALS

Pages 3.5-20 and 3.5-21 of the Draft EIR is amended as follows:

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010, and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

SECTION 3.8 POPULATION AND HOUSING

Page 3.8-19 of the Draft EIR is amended as follows:

The construction of new developments within the Specific Plan Area would increase temporary construction jobs in the area. As buildout of the project is expected to occur gradually in response to market demand, construction related employment would be similarly dispersed over time. Local construction companies are likely to find ample pools of employable personnel in the Salinas area,

based on the current and projected employment trends. Due to the fact there is currently a surplus of unemployed workforce within the City, it is likely that area residents would fill the majority of these temporary construction positions.

CONFORMANCE TO LAFCO'S ADOPTED POLICIES AND STATE LAWS

LAFCO maintains a variety of adopted policies relating to spheres of influence and changes of organization and reorganization. LAFCO has requested an analysis of the conformance of the project to related LAFCO laws and policies, as they relate to annexations of unincorporated areas (such as housing and jobs policies). The following discussion provides a plan-level analysis of the relevant LAFCO policies that relate to the environment (it should be noted that a Plan-level review only provides for a limited conformance analysis; further detailed analysis would be provided to LAFCO upon a potential request at a future date request to consider approval of the annexation of the Settrini/Garcia/Igaz properties).

TABLE 3.8-3: PROJECT CONFORMANCE TO LAFCO'S ADOPTED LAWS AND POLICIES

LAFCO Law/Policy	***Analysis of Project Conformance***
Preservation of Open-Space and Agricultural Lands Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence or urban service area (hereinafter, "Proposal" or "Proposals"), shall provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. To implement this policy, it is the further policy of LAFCO that:* 1. *A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development.(Government Code section 56001.) Proposals that fail to discuss this balance, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the need for orderly development is balanced against the preservation of open space and prime agricultural lands.* 2. *A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands. (Government Code section 56668 (a).) Proposals that fail to discuss their effect, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the physical and economic integrity of agricultural lands is maintained.* 3. *A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses. (Government Code section 56377.) Proposals that fail to discuss potential conversion, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that: a)*	**Consistent**: The proposed project would be consistent with this policy. Specifically, the potential annexation of the Settrini/Garcia/Igaz properties are consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. The annexation of these properties would provide further residential and commercial development to an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. The physical and economic integrity of the adjacent and other nearby agricultural lands would be maintained with the potential annexation of the Settrini/Garcia/Igaz properties. Potential annexation of the Settrini/Garcia/Igaz properties would increase the amount of publically available open space, as parks planned for these properties would provide open space land uses that do not currently exist. In addition, the potential annexation and

they guide development or use of land for other than open-space uses away from existing prime agricultural lands in open-space use and toward areas containing nonprime agricultural lands (Government Code section 56377 (a)); and b) development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency will occur prior to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency (Government Code section 56377 (b)). 4. *A Proposal must, if applicable, provide for pre-zoning (Government Code section 56375 (a)), and must demonstrate that it is consistent with the General Plans and Specific Plans of the existing local agency and any immediately adjacent local agency (Government Code sections 56375 (a) and 56668 (g)). Proposals may be denied if they are not consistent with such plans, or, if not pre-zoned, if the Proposal does not demonstrate to the satisfaction of LAFCO that the existing development entitlements are consistent with the local agency's plans.*	development of the Settrini/Garcia/Igaz properties is consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. Appropriate zoning has been provided for the Settrini/Garcia/Igaz properties, in conformance with the Central Area Specific Plan, and consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan.
Housing and Jobs Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation. Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). These factors and their impacts, if any, shall be considered by the Commission in acting upon the Proposal.*	**Consistent**: Potential annexation of the Settrini/Garcia/Igaz properties would add to local and county-wide housing supply that is currently at an enormous deficit. Moreover, at the State level, the Legislature has recently found that "[t]he lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a).) The Central Area Specific Plan has been long in coming, and reflects City and County growth management decisions made long ago. (See Chapter 2, Project Description, § 2.2, Project Goals and Objectives.). Moreover, the project would generate employment growth through the commercial development throughout the Settrini/Garcia/Igaz properties. The annexation of these properties would develop an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. This approach to planning complements the local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG)

	emissions and local vehicle miles traveled (VMT). See the mitigation measures provided throughout Section 3.1: Air Quality; Section 3.4: GHG, Climate Change and Energy, and Section 3.10: Transportation and Circulation for mitigation measures that would further these goals and objectives.

SOURCE: LAFCO OF MONTEREY COUNTY, POLICIES AND PROCEDURES (AS ADOPTED BY THE LAFC) OF MONTEREY COUNTY ON FEBRUARY 24, 2020)

CONFORMANCE TO THE ADOPTED 2006 GREATER SALINAS AREA OF MEMORANDUM UNDERSTANDING (MOU)

The following Table provides an analysis of the project's consistency with the adopted 2006 City-County Memorandum of Understanding (MOU). The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

TABLE 3.8-4: PROJECT CONFORMANCE TO THE 2006 CITY-COUNTY MOU

MOU Agreements	***Analysis of Project Conformance***
City Growth: 1. *City and County agree that the future growth direction of the City shall be to the north and east of the current City limits, except as otherwise provided in this MOU.* 2. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the north and east of the City's existing City Limits (Exhibit A).* 3. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the south of the City's existing City Limits (Exhibit A) for the exclusive purpose of agricultural processing and processing capacity (Fresh Express). County further supports future City Sphere of Influence/Annexation proposals to the south of the City's existing City Limit for the exclusive purpose of agricultural processing capacity (Unikool), subject to the establishment of appropriate agricultural conservation easements* 4. *City and County agree to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence insofar as the easements are consistent with the adopted General Plans of the two jurisdictions.* 5. *City and County agree to work cooperatively and in concert with the affected property owners to annex developed unincorporated areas (e.g. Bolsa Knolls) adjacent to or within the City's Sphere of Influence as shown in Exhibit A and to transfer existing County sanitation facilities (e.g. Boronda) upon future City annexation that support these areas subject to the property owners paying any required sanitation system connection fees established by MRWPCA. It is anticipated that an initial effort consistent with this annexation commitment shall be cooperation by all parties to consider and facilitate the proposed Chapin Rogge annexation application insofar as the annexation is consistent with the provisions of LAFCO.* 6. *City and County agree that developments within the 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after annexation to the City and that the City shall consult with the County in*	**Consistent:** The proposed project (including the Settrini/Garcia/Igaz properties) is consistent with each of the relevant provisions, as follows: *Provision 1*: The project development is to the north of the previous and current City limits. The project would not conflict with this provision. *Provision 2*: The project development is to the north of the previous and current City limits. *Provision 3*: Not applicable. *Provision 4*: Not applicable. *Provision 5*: The project, inclusive of the Settrini/Garcia/Igaz properties, would not conflict with this provision. *Provision 6*: The project

the planning process. City and County also agree that the developments within the area designated by the County General Plan as the Greater Salinas Planning Area shall only occur after consultation with the City in the Planning process.	would not conflict with this provision.
7. City and County agree that the County shall not process any proposals for development in areas contiguous (immediately adjacent) to the City's City Limit if those proposals would require either or both a County General Plan amendment or rezoning. Proposals for development requiring a General Plan amendment or a rezoning shall be referred to the City for consideration and possible annexation to the City.	*Provision 7*: The project would not conflict with this provision.
8. City and County agree to work cooperatively and expeditiously in annexation matters consistent with this agreement.	*Provision 8*: The project would not conflict with this provision.
9. City and County agree to support fees and taxes needed to mitigate the collective impact of new and existing development on the regional transportation system to the extent that the fees and taxes reflect the overall financing program adopted by the TAMC.	*Provision 9*: The project would not conflict with this provision. TAMC fees are identified in Section 3.10: Transportation and Circulation of this Draft EIR.
10. City and County agree that County will develop a County-wide Traffic Impact fee program for the improvement of major County roads in accordance with the County's adopted General Plan. The County fee program will be developed in consultation with TAMC and Monterey County cities. It is recognized that there will be development within the City of Salinas related to the anticipated annexation of land to the north and east of the existing City Limits, and it is the desire of both jurisdictions that the County not rely on the imposition of an ad hoc traffic fee on City development. Therefore the development of the Traffic Impact fee for the Salinas Area, as shown in Exhibit B, will be a priority and a nexus study and hearing process should be completed within 18 months of the adoption of the 2006 County General Plan. The County Traffic Impact Fee will be imposed on development in affected cities and unincorporated areas.	*Provision 10*: The project would not conflict with this provision. The project will be applicable traffic fees. See Section 3.10: Transportation and Circulation of this Draft EIR.
11. City and County agree to work cooperatively on establishing the alignment, phasing and financing of the regional roadway facility commonly referred to as Westside Bypass and will expedite the completion of a Project Study Report for this future roadway. City and County agree that the ultimate alignment of the future Westside Bypass shall establish the boundary for the City. It is the intent of both parties to minimize the impact on agricultural land in establishing the Westside Bypass alignment so that the ultimate alignment shall not result in the development of acres of agricultural land in excess of that anticipated by the Westside Bypass alignment as shown in the City of Salians 2002 adopted General Plan (Exhibit C).	*Provision 11*: The project would not conflict with this provision.
12. City and County agree that future development between the area west of Davis Road and the future Westside Bypass, excluding the Boronda Redevelopment Project Area, shall be limited to expansion of the City' retail sale capacity and shall take place after annexation.	*Provision 12*: The project would not conflict with this provision.
13. City and County agree to work cooperatively to address the collective impact of current and anticipated land uses in the reclamation Ditch Watershed Area. There is a recognition that a comprehensive financing program is needed that includes grants, benefits assessments, appropriate development impact fees, and special taxes required to address current and anticipated impacts. The County, in consultation with the City, should complete a nexus study and hearing process, assessing benefit of current and existing land uses, withn 36 months of adoption of this MOU. The adopted impact fee will be imposed on current and existing land uses in both the City and unincorporated areas.	*Provision 13*: The project would not conflict with this provision.
Boronda Redevelopment Project Area:	*Provision 14*: The project would not conflict with this provision.
14. City and County agree that in the undeveloped southern portion of the Boronda Redevelopment Project Area (Exhibit D), the County	

shall take the lead in the planning, review, and approval process subject to concurrent City review so that the final approved project is consistent with existing City development standards. City recognizes the County's desire and intent to assure development that is consistent with commitments made to the Boronda community regarding required amendments to the current adopted Boronda Community Plan and the anticipated development is assumed to provide financial benefit (i.e. tax increment) to the Boronda Development Area. City and County will work cooperatively to assure that those commitments will result from and through the final approvals for development and annexation to the City of Salinas. City and County further agree that there will be no final development approvals prior to completion of all requirements (including LAFCO approval) for annexation of the subject area to the City of Salinas. 15. *City and County agree that property tax generated within the Boronda Redevelopment Area shall continue to accrue to the Boronda Redevelopment Area for implementation of the current (January 1, 2006) adopted Redevelopment Area. Upon completion of the aforementioned Plan, the former Redevelopment Property tax increment shall be allocated between the City and County on a 50/50 basis.*	*Provision 15*: The project would not conflict with this provision.
Affordable Housing: 16. *City and County agree to support each other's efforts to construct affordable housing throughout the County necessary to achieve the Fair Share Housing Allocation as approved by the Association of Monterey Bay Area Governments (AMBAG)* 17. *City and County mutually agree that neither will pursue future development related litigation against the other insofar as the subject development is consistent with this agreement.*	*Provision 16*: The project would not conflict with this provision. *Provision 17*: The project would not conflict with this provision.

SOURCE: GREATER SALINAS AREA MEMORANDUM OF UNDERSTANDING, 2006

SECTION 3.9 PUBLIC SERVICES

Pages 3.9-24 through 3.9-26 of the Draft EIR is amended as follows:

TABLE 3.9-10: STUDENT GENERATION RATES FOR THE SUHSD, AUSD, AND SRUSD

DWELLING UNIT TYPE	*EDUCATION LEVEL*	*GENERATION FACTORS*
ALISAL UNION SCHOOL DISTRICT (AUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**~~0.6755~~0.4180**
	Middle	**N/A**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**~~0.7398~~0.2857**
	Middle	**N/A**
	High	**N/A**
SANTA RITA UNION SCHOOL DISTRICT (SRUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**0.3148**
	Middle	**0.1955**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**0.5715**
	Middle	**0.1892**
	High	**N/A**
SALINAS UNION HIGH SCHOOL DISTRICT (SUHSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**N/A**
	Middle	**~~0.135~~0.114**
	High	**~~0.208~~0.137**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**N/A**
	Middle	**~~0.009~~0.028**
	High	**~~0.041~~0.011**

SOURCES: SALINAS UNION HIGH SCHOOL DISTRICT: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020 ; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, JULY ~~202~~, ~~2018~~2020. NOTES: AUSD ONLY CONTAINS ELEMENTARY SCHOOLS; SRUSD ONLY CONTAINS ELEMENTARY AND MIDDLE SCHOOLS; SUHSD ONLY CONTAINS MIDDLE AND HIGH SCHOOLS.

TABLE 3.9-11: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (NO BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	0.1955	429
		High	0.208	456
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.5715	~~1,270~~981
		Middle	0.1892	325
		High	0.041	70
Total	**3,911**			**~~4,033~~3,178**

*SOURCE: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, ~~JULY 20, 2018~~JULY 2, 2020. NOTES: * ASSUMES DEVELOPMENT OCCURS EQUAL TO OR GREATER THAN MAXIMUM ALLOWED DENSITIES WOULD ALLOW. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ASSUMES THE HIGHEST VALUES WHEN COMPARING ALL SCHOOL DISTRICT GENERATION RATES FOR EACH GRADE COHORT. ACTUAL ATTENDANCE BOUNDARIES AND STUDENTS GENERATED MAY VARY DEPENDING ON FUTURE ATTENDANCE BOUNDARIES. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

It should be noted that a district boundary change between the Santa Rita Union School District and the Alisal Union School District is currently underway and may be completed in 2020, although the City of Salinas has no control over when, or if, such a boundary change is to occur. If the boundary adjustment is finalized, no portion of the Specific Plan will be located within the boundaries of the SRUSD. Therefore, two separate tables are provided below to evaluate student enrollment/generation: the first (Table 3.9-11) reflects the student generation in the event the district boundary adjustment does not occur. The second (Table 3.9-12) reflects the student generation in the event the district boundary change does occur. It should be noted that the projections provided in Table 3.9-11 reflect the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11).

TABLE 3.9-12: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (WITH BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	~~0.135~~0.114	~~296~~250
		High	~~0.208~~0.137	~~456~~301
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.2857	~~1,270~~491
		Middle	~~0.009~~0.028	~~15~~48
		High	~~0.041~~0.011	~~70~~19
Total	**3,911**			**~~3,591~~2,025**

*SOURCE ~~Source:~~ ~~2018 School Facility Needs Analysis and Justification Report~~School Facility Needs Analysis for the Salinas Union High School District May 2020, ~~July 20, 2018~~July 2, 2020. NOTES: *ASSUMES DEVELOPMENT EQUAL TO OR GREATER THAN THE MAXIMUM ALLOWED DENSITIES. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ELEMENTARY SCHOOL GENERATE FACTORS ARE PROVIDED BY THE ALISAL UNION SCHOOL DISTRICT, WHILE THE MIDDLE AND HIGH SCHOOL GENERATION FACTORS ARE PROVIDED BY THE SALINAS UNION HIGH SCHOOL DISTRICT, SINCE THE PROPOSED PROJECT WOULD NOT BE WITHIN THE SANTA RITA UNION SCHOOL DISTRICT UNDER THE WITH BOUNDARY CHANGE SCENARIO. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

As shown in Table 3.9-11, assuming no school district boundary changes are expected to occur, the proposed project is expected to generate up to approximately ~~4,033~~3,178 additional students. This value is conservative, since this projection is based on the use of the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11). However, as shown in Table 3.9-12, if a boundary change were to occur between the Santa Rita Union School District and the Alisal Union School District (such that only the AUS and the SUHSD would serve the Specific Plan Area), the proposed project is projected to generate approximately ~~3,591~~2,025 students. In this second scenario, only two school districts (instead of three) would serve the Specific Plan Area; therefore, only student generation factors for the two school districts remaining to serve the Specific Plan Area (AUSD and SUHUSD) under this scenario were used.[1]

CHAPTER 4.0 OTHER CEQA-REQUIRED TOPICS

Page 4.0-39 of the Draft EIR is amended as follows:

- Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation.
- Impact 3.1-7: Cumulative impact on the region's air quality.
- Impact 3.2-2: Impact on endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian.

[1] For the purposes of these projections, while under the 'No Boundary Change' scenario, student generation factors from the SRUSD (in addition to the other two school districts) were utilized, under the 'With Boundary Change scenario', the SRUSD school generation factors were not utilized.

- Impact 3.2-9: The proposed project has the potential to interfere with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites.
- Impact 3.2-12: Cumulative loss of biological resources including habitats and special status species.
- Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Impact 3.4-4: Cumulative Impact on climate change from increased project-related greenhouse gas emissions.
- Impact 3.7-1: The proposed project has the potential to increase traffic noise levels at existing receptors.
- Impact 3.7-8: Cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development.
- Impact 3.9-1: The proposed project may require the construction of fire department facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.9-3: Project implementation may result in in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts.
- Impact 3.9-4: Project implementation may result in effects on parks, or has the potential to require the construction of park facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.9-5: Project implementation may result in effects on other public facilities.
- Impact 3.9-6: Under cumulative conditions the proposed project may result in effects on public facilities, which may cause substantial adverse physical environmental impacts.

CHAPTER 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

Page 5.0-20 of the Draft EIR is amended as follows:

> The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the ~~Monterey Bay Air Resources Board's (MBARD)~~AMBAG's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to the proposed project.

Page 5.0-51 of the Draft EIR is amended as follows:

TABLE 5.0-8: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-7	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less
Section 3.1~~2~~ – Biological Resources (BIO)					
BIO Impact 3.2-1	LS	Less	Slightly Less	Equal	Slightly Less
BIO Impact 3.2-2	~~LS/MM~~SU	Less	Slightly Less	Equal	Slightly Less

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Salinas Central Area Specific Plan Project (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Chapter 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP. The FMMRP also includes mitigation measures which are required by the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002).

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Salinas will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing**: Identifies at which stage of the Project mitigation must be completed.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

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TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
AIR QUALITY				
Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-1:*** *Prior to approval of tentative maps, conditional use permits or site plan review, the project applicant(s) shall incorporate the following features into project plans and specifications, as directed by the City of Salinas:* • *Provide traffic calming measures (such as speed bumps, traffic circles, and/or other standard measures) on at least 50% of streets and intersections within the Plan Area;* • *Require the parking lots or parking structures for new commercial, office, retail, and multifamily development to provide enough parking spaces for carpools and vanpools to accommodate reasonably foreseeable consumer demand at the time of the approval of such development, consistent with State of California laws and policies intended to encourage the use of carpools and vanpools;* • *Require the use of low-VOC paint for all new building architectural coatings within the Plan Area, consistent with or better than, what is required by the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of tentative maps, conditional use permits or site plan review	
	Mitigation Measure 3.1-2: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate effective methods to facilitate the use of cleaner alternative fuel (e.g., electric vehicles, carpooling, etc.) within the Plan Area. Effective methods may include the installation of alternative fuel (e.g. electric) charging stations at locations spaced throughout the Plan Area including but not limited to those specified in this Draft EIR, as applicable, consistent with or better than what is required by the City's Municipal Code and Specific Plan. Additionally, this can be achieved by providing preferential parking for alternatively-powered vehicles, including electric cars, and/or by providing carpool/vanpool parking spaces.*	City of Salinas Community Development Department	Prior to approval of development review permit(s)	
	Mitigation Measure 3.1-3: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate the use of alternative*	City of Salinas	Prior to	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	energy for the residential and mixed use/commercial developments, including by implementing alternative energy (e.g. PV solar) building requirements, consistent with or better than, what is required by the City's Municipal Code and State requirements (e.g. the 2019 California Solar Mandate). Project applicant(s) shall also ensure that pre-installed electrical hookups and/or charging stations, as applicable, are incorporated into all project plans and specifications.	Community Development Department	approval of development review permit(s)	
	Mitigation Measure 3.1-4: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that low-flow (high-efficiency) indoor water fixtures will be installed throughout the Plan Area, including for bathroom and kitchen faucets, toilet fixtures, and showers, in both residential and non-residential buildings, in compliance with or better than the standards required within the most recent version of the California Green Building Standards Code.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-5: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that water-efficient irrigation systems will be installed throughout the Plan Area, consistent with or better than the requirements contained within the State's Model Water Efficient Landscape Ordinance, the City's Water Conservation Ordinance and the Salinas Zoning Code Landscaping and Irrigation requirements.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-6: *Prior to approval of improvement plans or development review permits, as applicable, the project applicant(s) shall ensure that pedestrian/bicycle facilities (e.g. pedestrian paths, outdoor bike racks, etc.) are provided within the Specific Plan Area, in coordination with and subject to approval by the City of Salinas. The project proponent shall also provide bicycling parking near the entrance to commercial establishments within the Specific Plan Area, consistent with or better than the requirements contained within the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of improvement plans or development review permits, as applicable	
	Mitigation Measure 3.1-7: *Prior to the issuance of development review permit(s), the project applicant(s) shall incorporate the following additional Plan Area requirements, as applicable:* • *Install secured bicycle storage facilities (bike lockers, cages, interior*	City of Salinas Community Development Department	Prior to approval of development review	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	space, or similar as approved by the City Engineer) at all commercial and public facilities with 50 employees or more; • *Incorporate park-and-ride lots.* • *Install Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development); and* • *Install publicly-available dual post Level 2 charge stations within the VC or NG zones, and/or other zones as deemed acceptable by the City of Salinas. (Note: The 'level' of the charging station refers to the voltage that the electric vehicle charger uses. Level 1 charging is your typical traditional home outlet, while level 2 is a 240 Volt Portable Cordset or Wall-mounted Charging Station (2-10 hours charging).* ***Mitigation Measure 3.1-8****: Prior to the approval of individual phases (i.e. tentative maps, site plan review, etc.), the project applicant(s) shall develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of the Air District and the City of Salinas on a project-by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Example projects that could be included in the offsite mitigation program may include, but are not limited to, the following:* • *Replace existing agricultural combustion-based generators/pumps with electric agricultural water pumps (in place of generators/pumps;* • *Replace combustion school buses with electric school buses within the local community;*	City of Salinas Community Development Department	permit(s) Prior to approval of individual phases (i.e. tentative maps, site plan review, etc.)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Install adaptive traffic control systems;* *Install solar photovoltaic (PV) systems.*			
Impact 3.1-3: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-9****: Prior to the issuance of grading permits, the project applicant shall prepare a grading plan subject to review and approval by the City. In the event that ground-disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (e.g., grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth-moving (e.g., finish grading), the required grading plans shall include the following measures to be implemented as needed to prevent visible dust emissions:* • *Water all active construction sites to prevent visible dust emissions. Frequency should be based on the type of operation, soil, and wind exposure;* • *Prohibit grading and earthmoving activities, and cover stock piles, during periods of high wind (over 15 mph);* • *Limit vehicle speed on construction sites to 15 mph.* • *Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);* • *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area;* • *Maintain at least 1-foot of freeboard in each haul truck;* • *Provide windbreaks on the windward perimeter of construction projects where adjacent to open land;* • *Cover inactive storage piles;* • *Sweep streets if visible soil material is carried out from the construction site; and/or* • *Post a publicly visible sign written in English and Spanish which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District (MBARD) shall be visible to*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	ensure compliance with Rule 402 (Nuisance). The sign shall be in accordance with MBARD and/or City requirements, as applicable • *Use cleaner construction equipment that conforms to EPA's second or first-most stringent Tier emission standards (e.g. Tier 3 or Tier 4 emission standards in 2019), or better; and/or* • *Further, where reasonably feasible, construction equipment should include the use of alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.*			
Impact 3.1-5: The proposed project has the potential for public exposure to toxic air contaminants	***Mitigation Measure 3.1-10:*** *Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations), the project applicant shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in accordance with the California Air Pollution Control Officers Association Air Toxic "Hot Spots" Program guidance. The prioritization screening shall also be conducted consistent with the guidance provided by the Monterey Bay Air Resources District, which will be responsible for determining which facilities based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the Monterey Bay Air Resources District considers the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.* *If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the applicable thresholds (utilizing an air dispersion modelling program such as AERMOD). As of the time of this writing, the commonly accepted threshold for cancer risk is 10 in a million for carcinogens, and the reference exposure level for non-carcinogens (HI = 1). Facilities that exceed the applicable threshold(s) have the potential to expose the public to toxic air contaminants*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	levels that would be considered significant. Facilities that exceed the applicable threshold(s) must incorporate mitigation to reduce the risks from emission of toxic air contaminants to an acceptable level (i.e., to a level that does not exceed the applicable threshold[s]). Potential mitigation includes: reducing the size of the facility area; rearranging the site to reduce the potential for impacts on the nearest sensitive receptors; and utilizing products that reduce the level of toxic air contaminants, or removal of such products from the operational phase of the project.			
Impact 3.1-7: Cumulative impact on the region's air quality	*Implement Mitigation Measures 3.1-1 through 3.1-10.*	See Mitigation Measures 3.1-1 through 3.1-8	See Mitigation Measures 3.1-1 through 3.1-8	
BIOLOGICAL RESOURCES				
Impact 3.2-2: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian	***Mitigation Measure 3.2-1****: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.* *The regulatory approvals are anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	Prior to issuance of grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	treatment activities in areas deemed to be viable CTS habitat. *It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).* *CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.* ***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development	Prior to issuance of grading and/or building permits Prior to issuance of grading and/or	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season. *In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.* ***Mitigation Measure 3.2-3**: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CRLF. This is anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CRLF habitat.* *The Gabilan and Natividad Creek are CRLF habitat and both are anticipated to be expanded through habitat creation/restoration. The restoration and habitat creation include up to 30 acres along Gabilan Creek and 74 acres (net of any recreational amenities and public facilities required to facilitate the project) along Natividad Creek. Given that the creation/restoration is an*	Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community	building permits Prior to issuance of grading and/or building permits Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	expansion of habitat beyond what exists presently, it is anticipated that there would be a net increase in CRLF habitat. There is, however, the potential for temporary impacts to CRLF during the creation/restoration effort. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW. ***Mitigation Measure 3.2-4****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to CRLF to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with a scientific collecting permit for CRLF to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with a scientific collecting permit every 72 hours during the migration/breeding season 5) installation of pit traps to capture CRLF migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CRLF found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report.* ***Mitigation Measure 3.2-5****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to WPT to the extent feasible, the proposed project activities shall be compliant with the following Avoidance and Minimization Measures: 1) conduct environmental education training for all construction personnel, 2) conduct western pond turtle surveys within creek corridors, ponded/basin areas, and irrigation ditches by a qualified biologist, 3) survey upland areas within 0.5 miles of the aquatic features for evidence of nests as well as individual turtles, 4) make a reasonable effort to capture and relocate as many western pond turtles as possible to minimize take, 5) if a nest is observed, move eggs to a suitable location or facility for incubation, and release hatchlings into the creek corridor the following autumn, 6) design habitat elements within the creek corridor to benefit western pond turtle (i.e. include logs or rafts for emergent basking sites, and upland areas adjacent to ponds in a relatively open condition), and 7) post construction report. All survey and/or handling of WPT shall be performed by a qualified biologist in consultation with the*	Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	CDFW.			
Impact 3.2-3: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Birds	***Mitigation Measure 3.2-6****: Building and grading permits and plans issued for development in the project area shall note the following: If construction activities occur during the avian breeding season (February 1 – September 15) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Specific Plan Area, and shall be submitted to the City. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The biologist will conduct a survey in the Specific Plan Area for all special-status birds protected by the federal and state ESA, MBTA and CFGC. The biologist shall map all nests that are within, and visible from, the Specific Plan Area. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Nests shall be monitored at least twice per week during the nesting season and a report submitted to the City and CDFW monthly.*	City of Salinas Community Development Department Qualified Biologist California Department of Fish and Wildlife	In conjunction with issuance of building and grading permits and plans	
Impact 3.2-5: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or	***Mitigation Measure 3.2-7****: Grading and/or building permits and plans issued for development in the project area shall note the following:* • *Monterey Dusky-Footed Woodrat: Any vegetation/ground disturbance to the Gabilan Creek associated with the crossings or restoration should be conducted when woodrats are least likely to breed in October through November. No more than 30 days prior to construction located within 50-feet of Gabilan Creek, a qualified biologist shall conduct a preconstruction survey for Monterey dusky-footed woodrat middens. At the discretion of a qualified biologist, an exclusion buffer shall be established around any woodrat middens that can be avoided, and these exclusion zones shall be fenced as Environmentally Sensitive Areas to protect the nest. If a woodrat midden cannot be avoided, potential dismantling and relocation strategies shall be developed and presented to the*	City of Salinas Community Development Department Qualified Biologist	In conjunction with issuance of building and/or grading permits and plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
USFWS - Mammals	*City of Salinas Community Development Department by a qualified biologist for review and/or approval. Potential dismantling and relocation strategies may include hiring a qualified biologist to dismantle the middens by hand for relocation within the restored/created habitat along Gabilan and Natividad Creeks, or outside of the project site as appropriate. If approved by the City, a qualified wildlife biologist may dismantle only middens within the project site that would be disturbed by construction activities. If young are encountered during dismantling of the midden, any removed material may be replaced and a 50-foot no-disturbance buffer would be established around the active midden. The buffer would remain until young are weaned and are able to disperse on their own accord (typically for a period of 14 days). All removed midden substrate would be collected and relocated to suitable woodland habitat outside of the project footprint. Appropriate personal protective equipment (e.g., respirator, gloves, and Tyvek suit) shall be used while dismantling and relocating woodrat nest material to protect against disease carried by rodents (e.g. hantavirus).* • *Bats: Fifteen days prior to construction activities within 200 feet of potential bat roosting habitat, the project applicant shall retain a qualified biologist familiar with bat biology to perform a preconstruction survey for roosting special-status bats, which shall be submitted to the City. The areas with potential bat roosting habitat include: 1) the three residential complexes located between Natividad Road and Gabilan Creek, 2) the outbuildings/structures located throughout the Specific Plan Area, and 3) Gabilan Creek. The survey shall include a minimum of one daytime and one evening survey. The survey shall cover the trees, structures, and debris located within these complexes. If active roosting is observed, removal of the tree or building shall be avoided until the bats can be excluded. All active non-maternity roosting sites shall be fitted with passive exclusion devices, such as one-way flaps or doors, and all bats shall be allowed to leave voluntarily. Once it is confirmed that all bats have left the roost (minimum of five days), crews shall be allowed to continue work in the area. If a maternity roosting site is discovered, a minimum 50-foot buffer shall be established around*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the roost. The project applicant shall consult with the qualified biologist in order to determine if a greater buffer is warranted based on the bat species, roost location, and specific construction activities to be performed in the vicinity. The buffer shall stay in effect until all young are determined to be volant (i.e., able to fly and feed independently) by a qualified biologist. Once it is determined that all young are volant (generally by August 1st), passive exclusion devices shall be installed and all bats shall be allowed to leave voluntarily. Once it is determined by the qualified biologist that all bats have left the roost (minimum of five days), crews shall be allowed to work within the buffer zone. Project Improvement Plans will include this measure as a note in the plans.			
Impact 3.2-7: The proposed project has the potential to have substantial adverse effect on federally - or state- protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	***Mitigation Measure 3.2-8****: Prior to grading/building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek (and its tributaries), the project applicant shall obtain jurisdictional determinations from the USACE, RWQCB, and CDFW for the creeks and ditches that are proposed to be disturbed. The creeks are confirmed jurisdictional and authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, CDFW-1600 Streambed Alteration Agreement) will be necessary. The irrigation ditches are anticipated to be exempt. If these regulatory agencies concur that these irrigation ditches are exempt, then no further mitigation is necessary for the irrigation ditches. If it is determined that these ditches are not exempt, authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, 1600 Streambed Alteration Agreement) will be necessary. At a minimum, the project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations, although a higher mitigation measure may be required by the USACE, RWQCB, and CDFW through their permitting processes. It is anticipated that the restoration of Gabilan and Natividad Creeks will result in up to 104 acres of wetland and riparian habitat creation (net of any recreational amenities and public facilities required to facilitate the project), which will serve as onsite mitigation; however, a mitigation plan must be submitted and approved by the USACE, RWQCB, and CDFW through the permitting processes conducted pursuant to Clean Water Act Sections 401 and 404, Fish and Game Code Section 1600, and State Water Board*	City of Salinas Community Development Department U.S. Army Corps of Engineers Regional Water Quality Control Board California Department of Fish and Wildlife	Prior to grading / building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Procedures for the Discharge of Dredged or Fill Material to Waters of the State.			
CULTURAL AND TRIBAL RESOURCES				
Impact 3.3-1: Project implementation may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5	***Mitigation Measure 3.3-1:*** *Grading and/or building permits and plans for development in the project area shall note the following: In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading, all work shall stop in the area of the find until an appropriate avoidance or data recovery program can be developed and implemented by a qualified archaeologist. This archaeologist shall determine whether the uncovered deposits or features qualify as either "historical resources" within the meaning of CEQA Guidelines section 15064.5, subdivision (a), "unique archaeological resources" as defined in Public Resources Code section 21083.2, subdivision (g), or "tribal cultural resources," as defined in Public Resources Code section 21074. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approve and imposed by the City. In assessing whether avoidance is feasible, the City Planner shall consider project design, logistics, and cost considerations. All costs associated with the City's Planner's determination of project design, logistics and cost considerations shall be borne by the developer/applicant. Avoidance is infeasible where it would preclude the construction of important structures or infrastructure or require exorbitant expenditures. Recommended mitigation measures shall be reviewed by the City Planner and shall be approved if feasible in light of project design, logistics, and cost considerations and, if approved, shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City Planner. Data recovery, including photo documentation, excavation and recovery, laboratory analysis, etc., shall be an option if preservation in place is infeasible. Where resources have been determined to be "unique archaeological resources" but not "historical resources" or "tribal cultural resources," the project proponent's obligations shall be limited as set forth in Public Resources Code section 21083.2, subdivisions (d), (e), and (f). Grading/building permits and plans shall note this measure.*	City of Salinas Community Development Department Qualified Archaeologist	In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.3-2: Project implementation may cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5	*Implement Mitigation Measure 3.3-1.*	See Mitigation Measure 3.3-1	See Mitigation Measure 3.3-1	
Impact 3.3-3: Project implementation may directly or indirectly destroy a unique paleontological resource	***Mitigation Measure 3.3-2:*** Grading and/or building permits and plans for development in the project area shall note the following: *If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Salinas shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where the resource could be curated and displayed for public education purposes.*	City of Salinas Community Development Department Qualified Paleontologist	If paleontological resources are discovered during the course of construction	
Impact 3.3-4: Project implementation may disturb human remains, including those interred outside of formal cemeteries	***Mitigation Measure 3.3-3****: Grading and/or building permits and plans for development in the project area shall note the following: If human remains are found during construction within the Specific Plan Area, or at off-site infrastructure improvement locations, there shall be no further excavation or disturbance of the area of the find or any nearby area reasonably suspected to overlie adjacent human remains until a qualified archeological monitor and the coroner of Monterey County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if:* *a) the Native American Heritage Commission is unable to identify a*	City of Salinas Community Development Department Monterey County Coroner Native American Heritage Commission	If human remains are discovered during the course of construction within the Specific Plan Area	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; *b) the descendent identified fails to make a recommendation; or* *c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*			
Impact 3.3-5: Project implementation may cause a substantial adverse change in the significance of a tribal cultural resource	*Implement mitigation measures 3.3-1 through 3.3-3.*	See Mitigation Measures 3.3-3 and 3.3-4	See Mitigation Measures 3.3-3 and 3.3-4	
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	***Mitigation Measure 3.4-1****: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, ~~pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b) and shall include the following:* *1) The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO2e/service population/year by year 2040, and 0.80 MT CO2e/service population/year by year 2050.* *2) Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.* *GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section*	City of Salinas Community Development Department	Prior to the approval of the tentative maps and development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to: • *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.* • *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.* *If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. *Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.			
Impact 3.4-2: Potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	*Implement Mitigation Measure 3.4-1.*	See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
Impact 3.4-4: Cumulative impact on climate change from increased project-related greenhouse gas emission		See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.5-1: Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	***Mitigation Measure 3.5-1:*** *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:* *1) Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *2) Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings,*	City of Salinas Community Development Department	Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility. *In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.* *Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.* *3) The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies. *4) Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *5) Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* ***Mitigation Measure 3.5-2:*** *Prior to the issuance of grading permits, existing water wells within the grading area shall be destroyed under permit from the City of Salinas and/or the Monterey County Health Department, as applicable. Any destruction of these facilities shall be in accordance with the Monterey County Well Standards for Abandonment/Destruction. The project applicant shall provide the City of Salinas with a copy of the permit and a*	City of Salinas Community Development Department Monterey County Health Department City of Salinas Community Development Department Monterey County Health Department	Prior to the issuance of grading permits Prior to the issuance of building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	report or other information documenting the appropriate destruction of these facilities. ***Mitigation Measure 3.5-3:*** *Prior to the issuance of building permits, the water well or wells that will be providing water for the applicable portion of the Specific Plan Area, shall be constructed and tested for water quality under permit from the Monterey County Health Department. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate construction and operation of these facilities.*			
Impact 3.5-2: Create a significant hazard to school sites due to siting or the placement of infrastructure	***Mitigation Measure 3.5-4:*** *The property line of all school sites (even if it is a joint use agreement as described in subsection (o) of § 14010) shall be at least the following distance from the edge of respective power line easements as identified in the California Code of Regulations Title 5, Article 2. School Sites § 14010, Standards for School Site Selection (c):* • *100 feet for power lines that are between 50 and 133 kV.*	City of Salinas Community Development Department	Prior to approval of improvement plans for any school site	
HYDROLOGY AND WATER QUALITY				
Impact 3.6-1: The proposed project has the potential to violate water quality standards or waste discharge requirements during construction	***Mitigation Measure 3.6-1:*** *Prior to issuance of grading permits, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the City of Salinas prior to submitting to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed to be effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and shall not preclude the use of equally or more effective new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Salinas. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB or the*	City of Salinas Public Works Department Regional Water Quality Control Board	Prior to issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	City of Salinas.			
Impact 3.6-2: The proposed project has the potential to violate water quality standards or waste discharge requirements during operation	***Mitigation Measure 3.6-2:*** *Prior to the issuance of grading permits, the project proponent shall submit to the Salinas Public Works Department the project Improvement Plans. The Improvement Plans shall be consistent with the City's Development Standards, Standard Plans, and current NPDES permit requirements at the time of permitting. The NPDES permit granted to the City of Salinas by the Central Coast RWQCB (RWQCB – Central Coast Region, 2019) requires the following:* *I. Erosion and Sediment Control BMPs – Erosion control and sediment control BMPs shall be designed, installed, and maintained to reduce the discharge of pollutants from construction sites to the maximum extent practical (MEP) and protect water quality;* *II. Erosion and sediment from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other sediment control BMPs; and* *III. Soil Stabilization – Stabilization of disturbed areas shall, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased.* *Additionally, the Improvement Plans shall be consistent with the requirements of the City's most current Stormwater Development Standards for New and Redevelopment Projects. The City of Salinas Stormwater Standards for New and Redevelopment Projects (City of Salinas, 2013) require the following practices:* *I. Limit disturbance of creeks and natural drainage features and provide setbacks according to the City's latest NPDES permit;* *II. Minimize compaction of highly permeable soils; and* *III. Limit clearing and grading of native vegetation to the minimum needed to build the project and provide fire*	City of Salinas Public Works Department	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	protection. ***Mitigation Measure 3.6-3:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for water quality best management practices (BMPs) and water quality detention/retention basins designed to meet the applicable regulatory requirements and to reduce contaminant loadings to receiving waters to the maximum extent practicable.* *The approved Stormwater Control Plans shall be submitted to the Central Coast RWQCB through SMARTS as part of the project's SWPPP permit documents.* ***Mitigation Measure 3.6-4:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for operational water quality best management practices (BMPs) and water quality detention basins designed to prevent to the maximum extent practicable the creation of new sources of polluted runoff. Operational water quality BMPs may include extended detention basins, wet ponds/detention basins, porous pavement, inlet filters, vegetative BMPs, underground infiltration systems, vegetative swales, or storm drain stenciling and posting of signage. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.* ***Mitigation Measure 3.6-5:*** *Prior to the approval of site improvement plans, the project applicant shall submit a Hydrologic study as part of the Stormwater Control Plan to the Salinas Public Works Department detailed plans and calculations for supplemental retention and peak flow control. BMPs will be designed to meet regulatory requirements and to reduce peak flows during storm events below peak flows under pre-project conditions. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.6-3: The proposed project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge	***Mitigation Measure 3.6-6:*** *Prior to the approval of site improvement plans, the project applicant shall site, and design and include an Operation and Maintenance Plan for stormwater retention/infiltration basins and infiltration promoting BMPs sufficient to assure that there is no reduction in groundwater recharge. In order to assure there is no reduction in recharge, the plan shall result in circumstances which maintain infiltration to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater. The site, design, and installation shall be consistent with the requirements of the City's Stormwater Development Standards for New and Redevelopment Projects. The contents of the site, landscaping (ground cover, bushes and trees, etc.) and irrigation (as applicable), design, and installation shall be included in a Stormwater Control Plan. The Stormwater Control Plan shall be reflected on the Improvement Plans and subject to review and approval by the Salinas Public Works Department and the City Planner. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for the review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-7:*** *Prior to the approval of site improvement plans, the project applicant shall site, design, and include an Operation and Maintenance Plan for post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Maintenance procedures (including frequency of procedure, cleaning schedules, applicant responsibility for each procedure, performance standards, or other means) and funding mechanisms shall be established for those facilities to assure adequate long-term performance and success in treating the water and controlling infiltration into the groundwater. The Improvement Plans and Operation and Maintenance Plan shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.6-6: Place housing or structures that would impede/redirect flows within a 100-year, or 200-year flood	***Mitigation Measure 3.6-8****: Prior to the approval of site improvement plans, the project applicant shall submit an application for a letter of map revision based on fill (LOMR-F) to the City of Salinas floodplain administrator and FEMA with pertinent information and studies for approval that indicates no*	City of Salinas Public Works Department	Prior to the approval of site improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	*building construction would take place within remapped FEMA flood zones AE and A and that no changes to the regulated floodway will result in an increase in the base flood elevation or impact the downstream waterways.* ***Mitigation Measure 3.6-9****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department detailed grading plans and calculations designed to place enough fill onto the shaded Zone X area as to raise the land surface elevation above the base flood elevation so that flooding hazards are minimized to a FEMA flood standard. The project applicant shall submit an application for a LOMR-F to the City of Salinas floodplain administrator and FEMA with pertinent information for approval.* ***Mitigation Measure 3.6-10****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department and the City Planner, detailed plans, calculations, landscaping (and irrigation, as applicable) plans, and design basis reports for creek corridor restoration, including detention/retention/water quality basins, within the flood hazard extents identified as Zones A and AE that provide assurances that during large storm events, creek flows and sediment transport from upstream sources are not impeded at the same time as when the adjacent basins are at or near capacity. The design basis reports for creek corridor restoration shall also be submitted to the USACE, USFWS, and RWQCB and any required permitting processed prior to City approval. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-11****: Prior to the approval of site improvement plans, the project applicant shall submit a Stormwater Control Plan that provides sufficient supporting documentation and calculations to the Salinas Public Works Department to address sediment transport issues of fine-grained materials from upstream and local sources that could clog*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	infiltration capacities and could fill required storage space within the stormwater basins at the downstream boundaries of the project area to the extent practicable. *The calculations to address these sediment transport issues may include:* • *A streamflow and sediment transport (bedload and suspended sediment) data collection monitoring program that begins one- to two-years pre-construction and continues through a mandated post-project timeframe and would provide volumetric information for calculations related to the potential for sediment deposition.* • *Pre-project measurements could be used to estimate sediment loading, which could inform the design of mitigation measures and enable estimates of maintenance frequencies needed ensure ongoing efficacy of the measures. During project execution and after project completion, measurements of bedload and suspended sediment in the channel at the downstream boundary of the project could be used to verify performance of sediment management measures and avoidance of associated sediment transport impacts.* • *The United States Geological Survey gage record on Gabilan Creek (#11152600) contains limited suspended sediment data that was collected in March and April of 2017. These data could be used to compare to and/or validate measurements obtained via field data collection.* *Strategies and measures to address these sediment transport issues may include:* • *Bioretention Basins: Bioretention basin features provide multiple water quality functions for stormwater systems, including performing as depositional areas for sediments that settle and get trapped in the bioretention media.* *An operations and maintenance plan shall be used to address specific*		plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	maintenance requirements related to sediment accumulation, such that basin media remediation would take place when a threshold condition (such as a certain amount of sediment accumulation on the basin floor) is reached. For instance, if sediment deposition exceeds a depth of 2-inches, even a small patch, the sediment would require removal to keep the basin functioning properly. *Furthermore, the functional lifespan of bioretention media (mulch, soils, drain rock, underdrain) is generally about 15 years. Annual monitoring reports could be used to track basin performance under varying wet season conditions and used to guide media replacement timing.* • *Treatment Wetlands: Treatment wetlands are designed to mimic the natural infiltration, nutrient cycling, habitat, and a myriad of other important ecological functions provided by natural wetlands. Treatment wetlands could be constructed at storm drain outfall locations or adjacent to or off-channel from a creek channel. Wetlands could vary between those that are highly designed and may need relatively high levels of maintenance to more naturally based designs that may need more limited maintenance, each with varying levels of treatment potential.* *Treatment performance is a function of wetland to watershed ratio, wetland treatment design, area hydrology, hydraulic residence time, and source pollutants. The preferred residence time through wetlands varies based on vegetation type and quantity, water depth, temperature, and design flow rates. Having a lower design flow rate can result in longer hydraulic residence time, which is preferred particularly at the start of a rainy season, since the "first flush" volume of stormwater runoff will generally contain the highest concentrations of pollutants. Treatment wetland design generally considers dry season irrigation return flows and first flush principles.* • *Vegetated Banks/Riparian Corridor: Trees and other riparian corridor vegetation appropriate to the environment, such as willows, could*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	grow rapidly on channel banks and trap sediments, removing sediment from streamflows as well as from local surface runoff. • *Floodplains: Floodplains provide one of the most important storage spaces for sediment as it moves discontinuously through a watershed. Naturally functioning floodplains generally extend laterally past the immediate riparian buffer zone into relatively flat areas. Floodplain access could be provided by bank and channel grading at specified design storm flows. The rate of sediment deposition on floodplains is largely dependent on the frequency of inundating flows, the suspended sediment loads in the river, available floodplain area, and presence of vegetation.* ***Mitigation Measure 3.6-12**: Prior to the approval of site improvement plans, the project applicant shall provide an Operation and Maintenance Plan as part of the Stormwater Control Plan with sufficient supporting documentation and calculations for review and approval by the Salinas Public Works Department demonstrating that risks associated with reduction of infiltration capacity in the detention/retention/water quality basins shall be minimized to the maximum extent practicable.* ***Mitigation Measure 3.6-13**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with sufficient supporting documentation and calculations that the risks associated with basin embankment side slope failure because of the non-cohesive nature of Gabilan and Natividad Creek corridor sediments will be minimized to the extent practicable.* ***Mitigation Measure 3.6-14**: Prior to the approval of site improvement plans, the project applicant shall provide operations, maintenance, and SWPPP procedures for review and approval by the Salinas Public Works Department such that any detention/retention/water quality basin issues associated with sedimentation or loss of infiltration capacities are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that sedimentation or loss of infiltration capacities are addressed and subsequently approve the operations,*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project. ***Mitigation Measure 3.6-15**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with operations, maintenance, and SWPPP procedures such that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed and subsequently approve the operations, maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project.* *All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.*	City of Salinas Public Works Department	Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
NOISE				
Impact 3.7-2: The proposed project has the potential to increase noise levels associated with construction activities	***Mitigation Measure 3.7-1:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that construction activities shall adhere to the requirements of the City of Salinas Municipal Code with respect to hours of operation.* ***Mitigation Measure 3.7-2:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that all equipment shall be fitted with factory equipped mufflers and in good working order. All stationary noise generating equipment (i.e. generators) shall be located at least 200 feet from a sensitive receptor. All construction staging areas shall be located at least 200 feet from a sensitive receptor.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.7-4: The proposed project has the potential to expose new sensitive receptors to excessive transportation noise	***Mitigation Measure 3.7-3:*** *Prior to the approval of site improvement plans and respective permits, the plans shall note the location, design, and construction details of the eight-foot to nine-foot tall sound walls and/or landscaped berm/wall combinations, as applicable, that will be constructed along the primary Specific Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. At the City's discretion, wall heights which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. See the Draft EIR Table 3.7-14 for specific noise barrier/wall heights along each roadway. Additionally, at the City's discretion, alternative noise reduction measures which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. Alternative noise reduction measures, such as building orientation and use of noise-attenuating features, can be utilized provided that a site-specific acoustical analysis is conducted that demonstrates that the alternative methods would ensure that noise levels do not exceed the City's conditionally acceptable 60-70 dB L_{dn} noise standard.* *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the City of Salinas based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable. The design/appearance of the wall is subject to*	City of Salinas Community Development Department	Prior to approval of improvement plans and respective permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the design approval by the City of Salinas to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti. These graffiti prevention best management practices may include, without limitation: *(1) The use or the installation and maintenance of ant-graffiti materials and surface treatments approved by the City on likely graffiti-attracting surfaces.* *(2) Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.* *(3) Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.* *(4) Immediate removal of graffiti by appropriate means within seventy-two hours.* *(5) Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).* *(6) Authorizing right of access by city employees or contract agents to remove graffiti if not removed within specified time periods.* *(7) Supplying the city at its request with paint (of the appropriate color and type), cleaning agents, and/or other materials acceptable to the city to abate or to deter graffiti.* *(8) Other requirements, as deemed reasonably feasible by the city planner, to deter, to protect or to reduce the potential for graffiti*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	defacement. ***Mitigation Measure 3.7-4:*** *Prior to the approval of building permits, the first row of residential dwellings located along E. Boronda Road and Constitution Boulevard shall include windows having a Sound Transmission Class (STC) 35, or higher, rating installed in second floor facades and rooms that have windows or doors that abut or face E. Boronda Road and/or Constitution Boulevard. Exterior walls shall also require 3-coat stucco and RC-channels, sheathing, or another acceptable construction application that effectively attenuates noise intrusion to the interior of the house. The exterior wall specifications would specifically apply to the first row of homes that abut or face E. Boronda Road and/or Constitution Boulevard and only apply to the facades facing these roadways. The specifications do not apply to single story homes, or the first floor of a two-story home, both of which are attenuated by the sound wall. These requirements shall be included in the building plans for the specific dwelling units and noted on the building permits. A detailed analysis of any additional interior mitigation measures shall be conducted when building plans are available and prior to building permit issuance to verify these requirements. These requirements shall also be noted in the site improvement plans prior to approval by the City.* ***Mitigation Measure 3.7-5:*** *Prior to the approval of building permits, mechanical ventilation shall be required in the first row of all residential dwellings that abut E. Boronda Road and Constitution Boulevard, as desired for acoustical isolation, to keep their doors and windows closed and still maintain acceptable interior temperature and noise levels. This requirement shall be included in the building plans for the specific dwelling units and noted on the building permits. This requirement shall also be noted in the site improvement plans prior to approval by the City.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to approval of building permits Prior to approval of building permits	
Impact 3.7-5: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed park and school uses	***Mitigation Measure 3.7-6:*** *Prior to the approval of site improvement plans, as applicable, when parks or play areas are located near residential uses, the center of active play areas, such as football fields, soccer fields or other athletic fields, shall be located at a minimum distance of 90-feet from the nearest residential property lines. Large active play areas shall comply with the 60 dB L_{eq} and 70 dB L_{max} standards, and shall include these further noise level evaluations during the design phases of future park areas.*	City of Salinas Community Development Department	Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Parks shall be designed such that residences front, or side in limited locations where approved by the City Planner, to the park. Minimum 6-foot tall sound walls and/or landscaped berms shall be constructed where school site directly abuts a residential property line in instances where site design (i.e., minimum distances, siting of activity areas, etc.) cannot achieve the 60 dB L_{eq} and 70 dB L_{max} noise standards. No wall shall be required where residential uses are fronted towards a park or school site and separated by a roadway or a walkway. *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the Salinas Public Works Department and the City Planner. The design/appearance of the walls is subject to the design approval by the Salinas Public Works Department and the City Planner based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti (see Mitigation Measure 3.7-3 for further discussion of best management practices).*			
Impact 3.7-6: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed commercial mixed-uses	***Mitigation Measure 3.7-7:*** *Prior to the approval of development review permits, the plans shall demonstrate: where mixed use commercial, business professional, office, or similar uses face residential uses or where loading docks or truck circulation routes face residential areas, the following measures shall be included in the project design:* • *All HVAC equipment shall be located within mechanical rooms where possible or shielded from view with solid or grated barriers;* • *Emergency generators shall comply with the City's noise criteria at the nearest noise-sensitive receivers;*	City of Salinas Community Development Department	Prior to the approval of development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Delivery/loading activities shall comply with the Salinas Zoning Code standards and regulations; and* *The applicant shall submit a noise study to verify that the appropriate noise control measures have been incorporated into the project design and will achieve compliance with the City's noise level standards.*			
Impact 3.7-7: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed well sites	***Mitigation Measure 3.7-8:*** *The potential well sites are shown in the Specific Plan. The actual wells are subject to the approval of a Conditional Use Permit (CUP) by the City pursuant to the requirements of the Salinas Zoning Code and the Central Area Specific Plan. The potential well sites and the CUP requirement for said facilities shall be clearly noted on the site improvement plans.* *Prior to approval of the CUP and subsequent issuance of the building permits for the wells, the plans shall demonstrate that the following measures shall be included in the project design:* • *The wells have been designed and will be built to not exceed a noise level of 55 dB L_{eq} at the nearest residential or school property line during normal operation of the facilities;* • *The generators shall not be permitted to exceed the City's daytime noise standard of 60 dB L_{eq};* • *The generators shall be tested only during daytime hours; and* *Additionally, that the wells have been designed (in accordance with the Central Area Specific Plan) to incorporate decorative screen walls, landscaping and other features to ensure compatibility with surrounding land uses.*	City of Salinas Community Development Department	Prior to approval of the CUP and subsequent issuance of the building permits for the well and treatment plant facilities	
PUBLIC SERVICES AND RECREATION				
Impact 3.9-1: The proposed project may require the construction of fire department facilities which may cause substantial adverse physical	***Mitigation Measure 3.9-1:*** *Prior to the issuance of a Certificate of Occupancy for each dwelling unit (and prior to issuance of building permits for non-residential uses), the applicant shall pay all applicable project impact fees per the impact fee schedule.*	City of Salinas Community Development Department	Prior to the issuance of a Certificate of Occupancy for each dwelling	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
environmental impacts			unit (and prior to issuance of building permits for non-residential uses)	
Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts	***Mitigation Measure 3.9-2:*** *Prior to the issuance of building permits for each dwelling unit, the applicant shall pay applicable school fees mandated by SB 50 to the Salinas Union High School District (SUHSD), Alisal Union School District (AUSD), and/or Santa Rita Union School District (SRUSD) (only required for the SRUSD if the school district boundary adjustment between the SRUSD and the AUSD is not completed as anticipated) and provide documentation of said payment to the City.*	City of Salinas Community Development Department	Prior to the issuance of building permits for each dwelling unit	
TRANSPORTATION AND CIRCULATION				
Impact 3.10-1: Under Existing Plus Project conditions, implementation of the proposed Specific Plan would conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-1****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings at North Main Street/Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-2****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the widening of the intersection at Natividad Road/East Laurel Drive to add additional northbound and southbound through lanes, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). This improvement is part of the City's Traffic Improvement Program. Total fees shall be determined by the City of Salinas. The final*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-3**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-4**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and to add an eastbound left turn pocket at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. This condition includes the addition of an eastbound left turn pocket and optimization of the existing signal timing to better accommodate the expected changes in traffic distribution and volume with implementation of the proposed project. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-5**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and splits at the South Sanborn/North Sanborn/John Street intersection, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-6**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall contribute its fair-share funding to the Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee (RDIF) Program and the City of Salinas' Traffic Impact Fee (TIF) Program, as determined by the TAMC and the City of Salinas, respectively, in proportion to the area planned for development by such project applicant. These programs include improvements to U.S. 101 that would improve mainline and ramp junction operations, which would mitigate the proposed project's impact to the U.S. 101 ramp junctions affected by the proposed project (i.e. the Northbound Boronda Road Off-Ramp and Northbound West Laurel Drive Off-Ramp.*	City of Salinas Public Works Department	issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-2: Under Existing Plus Project and Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-7**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a traffic signal at San Juan Grade Road/Van Buren Avenue, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans for each stage of project development shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-8**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to optimize the existing traffic signal timing and splits at intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall*	City of Salinas Public Works Department City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		non-residential development	
	***Recommended Condition of Approval 3.10-9**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of the existing signal timing at San Juan Grade Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-10**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to convert the eastbound right turn lane to a shared through-right turn lane at Natividad Road/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-11**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and*	City of Salinas Public Works	Prior to issuance of Certificate of Occupancy for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-12****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a traffic signal at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-13****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to add a southbound left turn pocket and optimize traffic signal timings at the traffic signal at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	Department City of Salinas Public Works Department City of Salinas Public Works Department	residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-3: Under Cumulative Plus Project conditions, implementation of the proposed Specific Plan may conflict with the transportation performance	***Recommended Condition of Approval 3.10-14****: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of funding to the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
measures established by the City of Salinas, Monterey County, and Caltrans	*traffic signal at intersection of U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road. Regional fees shall be determined by the City of Salinas in consultation with TAMC. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-15****: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a traffic signal at intersection of U.S. 101 Northbound Ramps/Crazy Horse Canyon Road. Total fees shall be determined by the City of Salinas in consultation with TAMC. Fees are payable prior to final improvement plans for each tentative map.* ***Recommended Condition of Approval 3.10-16****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Crazy Horse Canyon Road/San Juan Grade Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-17****: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Rogge Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	(ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		issuance for non-residential development	
	***Recommended Condition of Approval 3.10-18**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Russell Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-19**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of southbound and westbound left turn lanes at the intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-20:** Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound right turn overlap phase at the intersection of North Main Street/West Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-21**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a southbound left turn lane at the intersection of Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-22**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at the intersection of Old Stage Road/Williams Road/Private Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-23**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound through lane, the addition of a northbound right turn overlap phase, and the conversion of the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note these improvements and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-24**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound and southbound through lanes at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-25:** Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of an eastbound left turn lane at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-26**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a westbound left turn lane at the intersection of South Davis Road/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-27**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound left turn lane at the*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	intersection of Main Street/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.			
Impact 3.10-4: Under Cumulative Plus Project with Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-28****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Old Stage Road/Hebert Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-29:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound left turn lane at Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-30:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an appropriately sized roundabout at North Sanborn Road/Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of final improvement plans for each tentative map Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Recommended Condition of Approval 3.10-31: *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a southbound left turn lane at East Front Street/Sherwood Drive/Market Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-32*: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound through lane at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-33*: Implement previously identified Recommended Condition of Approval 3.10-14, which identifies the need to install a traffic signal at the intersection at U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-34*: Implement previously identified Recommended Condition of Approval 3.10-15, which identifies the need to install a traffic signal at the intersection at U.S. 101 Northbound Ramps/Crazy Horse Canyon Road.*	City of Salinas Community Development Department		
	Recommended Condition of Approval 3.10-35*: Implement previously identified Recommended Condition of Approval 3.10-16, which identifies the need to install a traffic signal at the intersection at Crazy Horse Canyon Road/San Juan Grade Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to	
	Recommended Condition of Approval 3.10-36*: Implement previously*	City of Salinas Community Development		

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	identified Recommended Condition of Approval 3.10-28, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Hebert Road.	Department	building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-37**: Implement previously identified Recommended Condition of Approval 3.10-17, which identifies the need to install a traffic signal at the intersection at Natividad Road/Rogge Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-38**: Implement previously identified Recommended Condition of Approval 3.10-18, which identifies the need to install a traffic signal at the intersection at Natividad Road/Russell Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-39**: Implement previously identified Recommended Condition of Approval 3.10-7, which identifies the need to install a traffic signal at the intersection at San Juan Grade Road/Van Buren Avenue.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-40**: Implement previously identified Recommended Condition of Approval 3.10-8 and 3.10-19, which identifies the need to install southbound and westbound left turn lanes, and to optimize signal timing, at North Main Street/East Boronda Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-41**: Implement previously identified Recommended Condition of Approval 3.10-2, which identifies the need to install northbound and southbound through lanes at Natividad Road/East Laurel Drive.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-42**: Implement previously identified Recommended Condition of Approval 3.10-21 and 3.10-29, which identify the need to Install southbound left turn lane and an eastbound left turn lane at Constitution Boulevard/East Laurel Drive.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-43**: Implement previously identified Recommended Condition of Approval 3.10-3, which identifies the need to install a roundabout at the intersection at North Sanborn*	City of Salinas Community Development	Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Boronda Road. ***Recommended Condition of Approval 3.10-44****: Implement previously identified Recommended Condition of Approval 3.10-22, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Williams Road/Private Road.* ***Recommended Condition of Approval 3.10-45****: Implement previously identified Recommended Condition of Approval 3.10-23, which identifies the need to install a northbound through lane, add in a northbound right turn overlap phase, and convert the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive.* ***Recommended Condition of Approval 3.10-46****: Implement previously identified Recommended Condition of Approvals 3.10-4 and 3.10-24, which identify the need to install northbound and southbound through lanes, Optimize existing signal timings, and add an eastbound left turn pocket, at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way.* ***Recommended Condition of Approval 3.10-47****: Implement previously identified Recommended Conditions of Approval 3.10-12 and 3.10-25, which identify the need to* traffic signal or roundabout, to improve the intersection's LOS to A during the evening peak hour, and to install an eastbound left turn lane, at the intersection of Williams Road/East Boronda Road. ***Recommended Condition of Approval 3.10-48****: Implement previously identified Recommended Condition of Approval 3.10-31, which identifies the need install a southbound left turn lane at the intersection of East Front Street/Sherwood Drive/Market Drive.* ***Recommended Condition of Approval 3.10-49****: Implement previously identified Recommended Condition of Approval 3.10-26, which identifies the need* install a westbound left turn lane at the intersection of South Davis	Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Blanco Road. ***Recommended Condition of Approval 3.10-50****: Implement previously identified Recommended Conditions of Approval 3.10-13 and 3.10-32, which identify the need to install a southbound left turn lane and optimize signal timings, and to install an eastbound through lane, at the intersection of Salinas Street/North Main Street/West Market Street/East Market Street.* ***Recommended Condition of Approval 3.10-51****: Implement previously identified Recommended Condition of Approval 3.10-27, which identifies the need to install a northbound left turn lane at the intersection at South Main Street/Blanco Road.* ***Recommended Condition of Approval 3.10-52****: Implement previously identified Recommended Condition of Approval 3.10-6, which identifies the need to contribute to the TAMC RDIF Program and payment of the City of Salinas's Traffic Impact Fees for the U.S. 101 Mainline Segments.*	City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
OTHER ISSUES DISCUSSED IN THE INITIAL STUDY				
AESTHETICS				
a) Have a substantial adverse effect on a scenic vista? b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? c) Substantially degrade the existing visual character or quality of the site and its surroundings? d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	***Mitigation Measure A4:*** *The City will implement Implementation Program CD4 on an ongoing basis. Implementation Program CD4 requires the City to implement landscaping requirements for public and private development and redevelopment projects to promote greater visual and functional compatibility with residential development and pedestrian/bicycle use.* ***Mitigation Measure A5:*** *The City will implement Implementation Program CD5 on an ongoing basis. Implementation Program CD5 requires the City to review discretionary development proposals for potential aesthetics impacts per the California Environmental Quality Act (CEQA). The standards established in the Zoning Code, the City's Design Guidelines, Landscaping Standards, Lighting Ordinance, Gateway Guidelines, the projects incorporation of Traditional Neighborhood Development (TND) characteristics, and the projects potential to damage or block scenic resources and views will be used to determine the significance of impacts. If potential impacts are identified, mitigation in the form of project redesign (e.g., bulk, height, architectural details, lighting) will be required to reduce the impact to a level less than significant.*			

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