

Jill Miller

From: Totton, Gayle@NAHC <Gayle.Totton@nahc.ca.gov>
Sent: Monday, March 4, 2019 1:55 PM
To: Jill Miller
Subject: SCH# 2006021072 West Area Specific Plan

Good afternoon Ms. Miller,

I have reviewed the DEIR for the project referenced above. Since the document is substantially in compliance, I did not want to send a formal comments letter. However, there is an error and an oversight that I wanted to bring to your attention.

First, in Mitigation Measure 3.3-3 (a), the timeline for a Most Likely Descendant (MLD) to make recommendation on the disposition of Native American human remains is in error. Public Resources Code section 5097.98 specifies that the MLD has 48 hours from the time they are give access to the site to make recommendations to the landowner. Please make that correction prior to the document being certified.

Also, in the Cultural and Tribal Resources section, a statement is made that the outreach letters supporting the statement that SB-18 consultation was done would be found in Appendix A. The comments received on the Notice of Preparation are there, but the tribal consultation letters are not. Were you going to include them (recommended)? If not, the statement in the text should be deleted.

Please let me know if you have any questions about these items.

Sincerely,

Gayle Totton, M.A., Ph.D.
Associate Governmental Program Analyst
Native American Heritage Commission
(916) 373-3714



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

Nationally Accredited for Providing Quality Health Services

April 10, 2019

*City of Salinas
Community Development Department
65 West Alisal St.
Salinas, CA 93901
Attention: Jill Miller, Senior Planner*

Dear Ms. Miller

The Monterey County Health Department, Environmental Health Bureau (EHB) has reviewed the West Area Specific Draft Plan Environmental Impact Report and the Draft Specific Plan. Our office appreciates the opportunity to provide comments on the project in accordance with State CEQA Guidelines Section 15087 and Government Code Section 65453. The comment(s) for each of the Service Sections within the EHB are listed below.

Solid Waste Management Services and Recycling Resource Recovery Services oversees solid waste disposal, liquid waste hauling/disposal as well as recycling and waste diversion in the unincorporated area of Monterey County. EHB does not oversee waste hauling and recycling in the City of Salinas. Our office will work collaboratively with the Salinas community in ongoing education and outreach assistance to residents.

Hazardous Materials Management Services works with the US EPA, state Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) on site cleanup where soil and groundwater have been impacted by hazardous materials or hazardous wastes. Several locations were identified. Our office concurs with the recommendations shown in Mitigation Measures 3.5-1.

Environmental Health Review Services ensures proper disposal of wastewater and greywater in the unincorporated area of Monterey County. As part of the project, the City of Salinas is working with Monterey 1 Water (M1W) to ensure proper infrastructure is constructed to augment the existing wastewater disposal system so that it will accept the increase in wastewater discharge at the M1W centralized collection facility. Properties within the construction boundary that have existing onsite septic systems and that will be within 200 feet of the sewer line will be required to connect to sewer, and the owners must file for permits to destroy the existing onsite wastewater treatment systems.

Drinking Water Protection Service ensures potable water to residents in Monterey County through drinking water well construction oversight, well water sampling, and working with the state to inspect and monitor existing systems. Property owners that have existing wells on properties within the project boundary may be required to decommission an existing well/existing wells after connecting to the public water system. Our office concurs with Mitigation Measures 3.5-2 and 3.5-3.

Consumer Health Protection Services is responsible for retail food protection and cottage food operation regulations, substandard rental housing inspections, recreational and beach water quality monitoring, public swimming pools and spa inspections, vector control, agricultural field toilet inspections, tobacco licensing inspections, the Childhood Lead Poisoning Prevention Program, and other general health protection activities. This service section concurs with the proposed project recommendations.

Cannabis Management Services reviews and issues permits for cannabis cultivation or nursery sites, dispensaries, manufacturing facilities, testing facilities, and transportation and distribution operations in both the unincorporated area of Monterey County and within city jurisdictions. Our office will work with any cannabis business applicant proposing to operate within this project boundary. This service section concurs with the proposed project recommendations.

If you have any questions please contact me at (831) 755-4724.

Sincerely,

*Matt Krenz, Senior Environmental Health Specialist
Monterey County Health Department, Environmental Health Bureau*

*Cc: John Ramirez, Director, Environmental Health Bureau
Ricardo Encarnacion, Assistant Director, Environmental Health Bureau
Nicole Fowler, Supervising Environmental Health Specialist
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DEPARTMENT OF TRANSPORTATION

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a California Way of Life.*

April 12, 2019

MON-1-91.002
SCH#2000021072

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) – WEST AREA
SPECIFIC PLAN, SALINAS, CA**

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the West Area Specific Plan which will provide up to 4,340 new residences, 571,500 square feet of commercial/office space, 5 schools, and associated infrastructure. Caltrans offers the following comments in response to the DEIR:

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.
2. Caltrans requests the traffic study be updated using the most current Highway Capacity Manual (HCM) 6 methodology for Level of Service (LOS) calculations. Both the HCM 2000 and HCM 2010 are outdated methods. In response to the LOS information provided, Caltrans requests that the cusp of C/D be used as standard for all state facilities.
3. Please note, the optimization of traffic signals is not acceptable as mitigation unless the configuration of the intersection or phase changes are proposed as part of the mitigation. Please provide the signal timing sheets used for the existing signal timing, and the proposed optimization for review.
4. Caltrans requests the Synchro and Sidra sheets to verify the traffic impact analysis findings. Also, Synchro and Sidra sheets should show the signal timing for existing, near term, and cumulative conditions.

5. We request a Leisch weaving analysis be used for analyzing freeway weaving segments.
6. The heavy vehicle percentages need to be based on the traffic count percentages; knowing the nature of the transportation network being impacted (heavy agriculture and commercial-oriented) the assumptions in the DEIR appear low at 2-5%. Caltrans would also like to review the traffic counts with heavy vehicle percentages along with the peak hour calculations.

Thank you for the opportunity to review and comment on the proposed project. In light of the significant technical and methodology concerns with the traffic analysis, we request a meeting with the City to provide assistance in revising the analysis or clarifying the comments in this letter. Please contact me at (805) 549-3157 or email christopher.bjornstad@dot.ca.gov to arrange the meeting.

Sincerely,



Chris Bjornstad
Transportation Planner
District 5 Development Review

cc: Mike Zeller, TAMC
Heather Adamson, AMBAG
Chad Alinio, Monterey County DPW



April 11, 2019

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

Subject: DEIR for Salinas' West Area Specific Plan

Dear Ms. Miller:

As currently proposed, Salinas' West Area Specific Plan is a case study in urban sprawl. The plan proposes developing approximately 797 acres of annexed farmland with up to 4,340 residential dwelling units, up to 571,500 square feet of commercial/mixed use building area, and up to 177 acres of public facilities. Average residential density is 9 units per acre, which favors large expensive single family homes over apartments and homes designed for affordability. By favoring cars rather than walking and biking, low density also generates significant greenhouse gas emissions.

LandWatch urges a more sustainable planning approach. The Draft EIR offers an improved Reduced Land Area (RLA) Project alternative. Under the RLA alternative the average residential density (units per net acre) would increase from 9.0 to approximately 11.3 units – a modest improvement that would conserve agricultural land, lower housing prices, and lead to more economically and environmentally sustainable outcomes.

With that perspective, LandWatch Monterey County offers the following comments on the Draft Environmental Impact Report for Salinas' West Area Specific Plan.

Project Description

The West Area Specific Plan establishes the land use planning and regulatory guidance for approximately 797 acres. It is anticipated the Specific Plan Area will house up to 15,928 residents at project build-out. Buildout is expected in 2040. The project area was annexed to the City of Salinas in 2008.

Data on the number and types of residential units were found in the Air Quality analysis. The Plan assumes 1,351 single family dwelling units on 441.88 acres with a population of 3,892 people; 91 apartments on 2.39 acres with a population of 260 people; and 2,888 condominium/townhouse units on 180.5 acres with a population of 8,260 people. (DEIR, Appendix B).

If these unit count and acreage data assumptions are incorrect, please identify assumptions regarding number of units by residential type per acre.

The acres reported by Appendix B for residential uses (totaling 624.77 acres) are greater than the net residential acres listed in Table 2-1 (totaling 480.55 acres). The DEIR states that "net

residential acres” are “private lands zoned for residential uses exclusive of streets, parks, and all other uses.” (DEIR, p. 2.0-11.) We note that Appendix B and DEIR Table 2-2 list 50 acres for parks separately, implying that the Appendix B residential acreage does not include parks. Please explain and provide the calculations used to determine the “net residential acres,” the “planning area net acres,” and the “net acres” in Tables 2-1 and 2-2. For example, what uses and acreage were subtracted from the acreage set out in Appendix B to obtain “net residential acres?” We seek to understand how to calculate “net developable residential acres” (DEIR, p. 2.0-9) and “net residential acres” (DEIR, pp. 2.0-14 to 2.0-15) from acres set out in the CalEEMod runs in Appendix B.

Consistency with the Salinas General Plan

The Salinas General Plan mandates that new residential development have a minimum average density of 9 dwelling units per net developable residential acre with 15% to 25% of residential units at a density of 16-24 units per acre and 34% to 45% with a density at 7-14 units per acre. (DEIR p. 2.0-9). As noted above, the project residential density averages 9 units per acre, only nominally meeting General Plan requirements. This contrasts with the Reduced Land Use Area Project Alternative, which increases density to 11.3 units per acre.

Air Quality

The DEIR finds the project would have significant and unavoidable impacts on ozone levels both at the project level and cumulatively. Impacts are mainly due to motor vehicle emissions. Proposed mitigation measures do not address increasing project density, which would mitigate air quality impacts by reducing motor vehicle emissions. For example, 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.

Increased density (i.e., increased residential units/acre) should be identified as a mitigation measure.

Greenhouse Gas Emissions

Because other specific mitigation measures identified in the DEIR would not reduce impacts to less than significant, Mitigation Measure 3.4-1 would require applicants to prepare Greenhouse Gas Reduction Plans (GGRPs) prior to the approval of the tentative maps and development review permits. The GGRPs would be aimed at achieving per-capita-based specific performance standards through implementation of on-site measures. Off-site measures, including purchase of offsets, would only be considered if sufficient onsite measures were unable to attain performance standards. If sufficient feasible reduction measures included in the GGRPs were unavailable to reduce GHG emissions to below the threshold of significance, the project applicant would be required to include evidence in the Plan to this effect. Implementation of Mitigation Measure 3.4-1 would not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application is deemed complete. (DEIR p. 3.4-37).

Because it is possible that individual projects within the Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant, the DEIR finds that implementation of the Specific Plan would have a cumulatively considerable contribution and significant and unavoidable impact to GHGs. (DEIR p. 3.4-49)

Increasing residential unit density is a feasible on-site mitigation method that would help attain the per capita-based performance standard. As identified in comments regarding air quality, increased density should be identified as a mitigation measure.

Utilities – Water Supply

The estimated 4,320 AFY groundwater pumping for existing agricultural use in the West Area Specific Plan is 2,947 AFY more than the total buildout estimated demand for the West Area Specific Plan, which is 1,373 AFY.

The project proposes to construct three new wells, each with a minimum capacity of 1.72 million gallons per day (mgd) to meet a maximum day demand at full plan development of 2,257.6-acre feet/year (AFY). Two wells would be in operation and one well would be in reserve as a backup (this capacity greatly exceeds the projected demand of the Specific Plan of approximately 1,373 AFY, as provided in greater detail below). (DEIR p.2.0-18)

Water Impacts – Setting Description

The 2019 DEIR relies on the out-of-date 2015 West Area Specific Plan Salinas California SB610 Water Supply Assessment and the out-of-date 2015 Cal Water Salinas District Urban Water Management Plan (UWMP). The most recent groundwater reports show substantial increase in the areas subject to seawater intrusion, which the DEIR fails to acknowledge. (See MCWRA, 2017 Salinas Valley Groundwater level contours and Seawater intrusion Maps, available at <http://www.co.monterey.ca.us/home/showdocument?id=63777>.) In response to this new information, MCWRA staff issued *Recommendations to Address Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin*, Special Reports Series 17-01, dated October 2017. (Available at <https://www.co.monterey.ca.us/home/showdocument?id=57394>.) MCWRA recommended moratoria on new wells in a defined Area of Impact, an expansion of the Castroville Seawater Intrusion Project (CSIP) Service Area, termination of pumping from the Area of Impact, certain well destructions, and a moratorium on new wells in the Deep Aquifer pending a study of its viability as a groundwater source. The proposed moratoria would exempt municipal supply wells but not agricultural wells.

Please update the setting description to reflect the most recently available data and analysis for the Salinas Valley.

Please explain whether the project would draw water from wells in the Area of Impact identified in MCWRA's *Recommendations to Address Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin*.

The DEIR identifies the Salinas Valley Water Project Phase II (SVWP Phase II) as a “Current/Planned Water Project to Reduce Groundwater Overdraft.” (DEIR, pp. 3.11-27 to 3.11-28.) MCWRA issued a Notice of Preparation for an EIR for the project on June 25, 2014. (See MCWRA websites at <http://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/salinas-valley-water-project-phase-ii#wra>; <http://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/background#wra>; <http://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/salinas-valley-water-project-phase-ii/project-status#wra>; <http://www.co.monterey.ca.us/home/showdocument?id=2425>.) MCWRA has explained that a Settlement Agreement amending Water Right Permit #11043 requires MCWRA to meet “a series of milestones . . . in order to demonstrate progress toward implementation of the Salinas Valley Water Project, Phase II.” (see MCWRA website at <http://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/background#wra>; SWRCB Order WR 2013-0030-EXEC, Order Approving Settlement Agreement and Partial Revocation, August 7, 2013, available at <http://www.co.monterey.ca.us/home/showdocument?id=24248>.) In the five years since issuing the 2014 NOP, MCWRA has not issued an EIR for the SVWP Phase II; and there is no evidence that MCWRA has met any of the SWRCB's milestones since 2014. The SVWP Phase II is not funded, and MCWRA acknowledges that it does not have adequate funding.

Please correct the misleading impression that the SVWP Phase II represents a foreseeable part of the solution to Basin overdraft.

Water Impacts – Project Level

The DEIR concludes the project would have a less than significant project level impact on the Salinas Valley Basin groundwater:

Water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future water demands associated with the West Area Specific Plan, to the year 2035 under all hydrologic conditions. ... Moreover, the development of the West 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. Therefore, overall, buildout of the West Area Specific Plan would result in a less than significant impact relative to this topic. (DEIR p. 3.11-41)

A project-specific Water Supply Assessment (WSA) has been prepared to evaluate the City's current and future water demands (including those of the Plan Area) against water supplies to ensure that adequate water is, or will be, available to accommodate the West Area Specific Plan. This WSA was prepared in December 2015 (see West Area Specific Plan Salinas California SB610 Water Supply Assessment). This report feeds into the update to the Cal Water Salinas District Urban Water Management Plan (UWMP), in its 2015 Update). The studies conclude that adequate water supplies are available to serve the West Area Specific Plan. However, the DEIR notes that the overdraft of the Salinas Valley Groundwater Basin is approximately 45,300 acre-feet per year in non-drought years. (DEIR 3.6-4).

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 no identified projects 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 devotes two sentences to the Salinas Valley Basin Groundwater Sustainability Agency. (DEIR p. 3.11-35.) Yet it is this agency that is currently preparing plans to bring the critically overdrafted 180/400 foot sub-basin into sustainability with a plan due in 2020. While specific projects to address seawater intrusion have not been identified, broad categories of projects to reduce groundwater pumping are under consideration, including the fallowing of agricultural land. The EIR should acknowledge 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 followed.

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 recommended exempting municipal supply wells from the proposed moratoria on pumping in the 400-foot and Deep Aquifers.

Groundwater supplies may be cut back 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. And in fact, the County has recently ordered certain moratoriums on groundwater use. Those moratoriums have exempted water used for municipal supply purposes and have thus disproportionately targeted agricultural and

industrial uses. 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. In short, diversion of groundwater to housing may deny groundwater to agriculture. As discussed above, unlike agricultural wells, municipal supply wells may be exempted from existing and future moratoriums on groundwater pumping, as MCWRA has already recommended. Because of this likelihood, 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.

Water Supply-Cumulative Impacts

The DEIR finds the project would not have a significant and unavoidable cumulative impact on the groundwater basin:

There would be sufficient water resources available to provide supply for buildout of the cumulative scenario, so that no significant cumulative effect on the overall water supply would result. Therefore, this would result in a less than significant cumulative impact and a less than cumulatively considerable impact on water utilities. (DEIR p. 3.11-431)

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 <http://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 <http://co.monterey.ca.us/home/showdocument?id=43988>.) 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. (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**

the evidence 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.

Transportation

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. Because implementation of the West Area Specific Plan under cumulative conditions would cause significant and unavoidable impacts to some facilities, implementation of the proposed project would make a cumulatively considerable contribution to significant traffic impacts. (DEIR p. 4.0-27).

The proposed project 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's impact on transportation based on this criterion. Again, we note that increased residential unit density per acre would reduce VMT.

Project Alternatives

The following alternatives are evaluated in the DEIR:

- No Project (No Build) Alternative
- Reduced Land Area Project Alternative - Under this alternative, approximately 162 acres of land in the northeast corner of the Plan Area would be removed. The proposed land uses within this area identified for removal under this alternative would be incorporated into the remaining 635 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. Under this alternative the average residential density (units per net acre) would increase from 9.0 to approximately 11.3 units/acre. (DEIR p.5.0-6)
- Reduced Residential Intensity/Density Project Alternative - Under this alternative, the Plan Area would be developed with a reduction in the overall residential intensity/density while maintaining the approximate overall project footprint. For the purposes of discussion, this option considers a 25 percent reduction in the intensity/density of the residential components of the project while maintaining the approximately 797-acre project footprint. This would result in fewer residential lots, but larger lot sizes. This alternative would result in up to 3,255 residential units. Under this alternative, the average residential density (units per net acre) would decrease from 9.0 to approximately 6.8 units/acre. (DEIR p.5.0-6)
- Smaller-Scale Project Alternative-Under this alternative, the Plan Area would be reduced by approximately 33 percent and the proposed residential and non-residential uses would also be reduced by approximately 33 percent. The resultant Plan Area under this alternative would

be approximately 533 acres in size, and include up to 2,908 residential units, up to 382,905 square feet of commercial/mixed use building area, and up to 119 acres of public facilities (including two elementary schools, a high school, a middle school, open space (including supplemental detention/retention basins) and up to 8 parks). The number of residential units under this alternative would not meet the minimum of 3,553 residential units as provided within the City of Salinas General Plan. The residential densities under this alternative would be similar to the proposed Project. (DEIR p.5.0-7)

Reduced Land Area Project Alternative

The DEIR purports to provide conclusions regarding the Reduced Land Area Project alternative (RLA Alternative) in Table 5.0-1 (Ability of Alternatives to Meet Proposed Project Objectives) and Table 5.0-10 (Comparison of Alternative Project Impacts to the West Area Specific Plan). The Tables contain unexplained and apparently erroneous conclusions.

Public Services And Infrastructure Objective: Table 5.0-1 indicates without any explanation that the RLA Alternative would not “Provide public services and infrastructure improvements that achieve and maintain City service standards.” Please indicate in what respect the RLA Alternative would fail to meet this objective. Which service standards would not be met by the RLA Alternative and why? We note that the DEIR states that the RLA Alternative would result in development of public facilities, such as schools and parks, and would be required to pay public safety impact fees. (DEIR, p. 5.0-25.)

Table 5.0--1 does not indicate whether the West Area Specific Plan would *itself* meet this objective. Please indicate whether the West Area Specific Plan would itself meet this objective.

Table 5.0-1 does not provide any explanation as to whether the RLA Alternative would *better* meet this objective than the West Area Specific Plan. Please indicate whether the RLA Alternative or the West Area Specific Plan would better meet this objective and why. We note that the DEIR states that the RLA Alternative “would have a slightly reduced impact to public services when compared to the proposed project” (DEIR, p. 5.0-25) and “the demand for utilities would be reduced under this alternative when compared to the proposed project” (DEIR, p. 5.0-26).

Interconnected Pathway Objective: Table 5.0-1 indicates without any explanation that the RLA Alternative would not “Establish an interconnected sidewalk/pathway and open space system throughout the development which links to the greater FGA and City as a whole.” Please indicate in what respect the RLA would fail to meet this objective. Note that the discussion of the RLA Alternative states that it would provide “greater opportunities for non-motorized transportation choices (such as walking or cycling).” (DEIR, p. 5-0-18, emphasis added.)

Table 5.0--1 does not indicate whether the West Area Specific Plan would *itself* meet this objective. Please indicate whether the West Area Specific Plan would itself meet this objective. Table 5.0-1 does not provide any explanation as to whether the RLA Alternative would *better* meet this objective than the West Area Specific Plan. Please indicate whether the RLA Alternative or the West Area Specific Plan would better meet this objective and why.

Air Quality Impacts: Table 5.0-10 indicates that the RLA Alternative would have “greater” impacts with respect to AQ Impact 3.1-1, which is identified as “the potential to conflict with or obstruct implementation of the applicable air quality plan.” This determination is unexplained and inconsistent with the determination in Table 5.0-10 and in the discussion section that in all other respects the RLA Alternative would have slightly less air quality impacts due to its more compact development size and reduction in mobile source emissions, the predominant source of air quality impacts. (DEIR, pp. 5.0-16 to 5.0-18.) Please explain how the RLA Alternative could have “greater impacts” with respect to AQ Impact 3.1-1 than the West Area Specific Plan.

The DEIR identifies AQ Impact 3.1-1 as less than significant for the West Area Specific Plan. Please explain whether AQ Impact 3.1-1 would also be less than significant for the RLA Alternative.

Hydrological Impacts: Table 5.0-10 indicates that the RLA Alternative would have “slightly greater” impact with respect to HYD Impact 3.6-3, which is identified as the “potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge.” Table 5.0-10 indicates that the RLA Alternative would have a “slightly greater” impact with respect to HYD Impact 3.6-10, which is identified as “Cumulative impacts related to degradation of groundwater supply or recharge.” These determinations appear to be founded on the discussion that concludes that the areas “not to be developed would remain under agricultural production” and would “continue to require intensive groundwater pumping for the agricultural production.” (DEIR, p. 5.0-23.) This analysis is inconsistent with the impact analysis used elsewhere in the DEIR, which considers only the difference in the water use for urban and agricultural uses *in the area to be developed*. Indeed, the RLA Alternative description states that “162 acres in the northeast corner of the plan Area would be removed.” (DEIR, p. 5.0-17.) Because the 162 acres would not be part of the RLA Alternative it is improper to charge the RLA Alternative with the water that would be used in that area for purposes that are not part of the project.

Furthermore, the comparison of hydrological impacts of the RLA Alternative and the West Area Specific Plan omits any consideration of two critical differences. First, as the DEIR admits, the RLA Alternative “would have a greater chance of groundwater recharge because it would reduce the amount of impervious surfaces by 20 percent as compared to the West Area Specific Plan.” Second, the DEIR fails to assess the reduction in per-unit water use for denser residential development. Multi-family residential use and smaller single-family lots uses less water. Please estimate the reduction in per-unit and overall water use attributable to increased recharge and denser residential development in the RLA Alternative compared to the West Area Specific Plan.

Population And Housing Impacts: Table 5.0-10 indicates that the RLA Alternative would have “greater” impact with respect to POP Impact 3.8-1, which is identified as the “potential to induce substantial population growth in an area.” Table 5.0-10 indicates that the RLA Alternative would have a “greater” impact with respect to POP Impact 3.8-2, which is identified as “Cumulative impact on the potential to induce substantial population growth in an area.” These determinations are based on the erroneous statement in the discussion section that under the RLA Alternative “fewer units would be build” and the City would have to look to other undeveloped areas to accommodate the demand that would have been met by the West Area Specific Plan. (DEIR, p. 5.0-24.) This is not true. The RLA Alternative is described as increasing the residential density from 9 to 11.3 units per acre by reducing the footprint 20% “while retaining the same number of residences, mixed use commercial areas, schools, parks, etc. as the proposed project.”¹ (DEIR, p. 5.0-6, emphasis added.) Please correct the erroneous determination that the RLA Alternative would have greater population and housing impacts which is founded on a mischaracterization of the RLA Alternative.

Transportation Impacts: Table 5.0-10 indicates that the RLA Alternative would have “slightly greater” impact with respect to TC Impact 3.10-7, which is identified as “impacts related to emergency access.” There is no apparent basis for this determination. The discussion section states that the RLA Alternative would have less of an overall traffic impact than the proposed project. Please explain the basis for the determination that the RLA Alternative would have “slightly greater” impact with respect to TC Impact 3.10-7.

The DEIR identifies TC Impact 3.10-7 as less than significant for the West Area Specific Plan. Please explain whether TC Impact 3.10-7 would also be less than significant for the RLA Alternative.

¹ If the RLA Alternative does not in fact retain the same number of residential units, then a reduced area alternative that does retain the same number of units should be evaluated.

Table 5.0-10 indicates that the RLA Alternative would have a “slightly greater” impact with respect to TC Impact 3.10-8, which is identified as “conflict with adopted multi-modal circulation policies, plans, or programs” or a “decrease [in] the performance or safety of public transit, bicycle, or pedestrian facilities.” There is no apparent basis for this determination. The discussion section states that the RLA Alternative would have less of an overall traffic impact than the proposed project. Furthermore, it states that the more compact development of the RLA Alternative would provide “greater opportunities for non-motorized transportation choices (such as walking or cycling),” i.e., greater opportunity for multi-modal circulation. (DEIR, p. 5.0-18.) Please explain the basis for the determination that the RLA Alternative would have “slightly greater” impact with respect to TC Impact 3.10-8.

Loss of Agricultural Land: As this project’s DEIR acknowledges, the Salinas General Plan EIR acknowledges that there is a significant and unavoidable impact related to the loss of important farmland. (DEIR, p. 1.0-16.) The mitigation required by the General Plan EIR and by regulation will not render this impact less than significant for this project. However, the adoption of the RLA Alternative will serve to substantially reduce this significant impact by reducing the loss of agricultural land by 20%. This DEIR’s alternatives analysis should identify the reduction in this significant impact to agricultural land as a benefit of the RLA Alternative compared to the proposed West Area Specific Plan.

Environmentally Superior Alternatives.

The Smaller-Scale Project Alternative is identified as the Environmentally Superior Alternative even though it does not meet the number of residential units as provided in the Salinas General Plan. (DEIR 5.0-45.) However, the Reduced Land Area Alternative meets all the same project objectives as the Smaller-Scale alternative as identified in Table 5.0-1. Furthermore, as discussed above, there appears to be no basis for the determinations in Table 5.0-1 that the RLA Alternative does not meet the project objectives related to public service standards or connected pathways as well as the proposed West Area Specific Plan would meet these two objectives.

Compared to the proposed West Area Specific Plan, the RLA Alternative would increase density to 11.3 units per acre, meet the number of residential units as provided in the Salinas General Plan, and reduce the project foot print by 162 acres. As discussed above, there is no basis for the determinations in Table 5.0-10 that any specific impacts for the RLA alternative are greater, or even slightly greater, than for the West Area Specific Plan.

Please explain whether the Reduced Land Area Project Alternative is environmentally superior to the proposed West Area Specific Plan.

Thank you for the opportunity to review the DEIR.

Sincerely,



Michael DeLapa
Executive Director



Salinas Union High School District

Dan Burns
Superintendent
dan.burns@salinasuhd.org

April 12, 2019

City of Salinas
Community Development Department
Attn: Jill Miller, Senior Planner
65 West Alisal Street
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Ana V. Aguillon
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Re: Comments to the Draft Environmental Impact Report for the West Area Specific Plan

Dear Ms. Miller:

Please accept this letter as the Salinas Union High School District's ("District") comments to the Draft Environmental Impact Report ("Draft EIR") for the West Area Specific Plan ("Specific Plan").

The District's major area of concern is the Draft EIR's failure to consider the realities of school facilities funding, and in turn, its failure to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place. The 4,340 new homes included in the Specific Plan will generate approximately 900 high school students within the District's boundaries. The Specific Plan will also generate between 1,300 and 2,000 elementary and middle school students, the vast majority of which will make their way into the District's system. The crucial issue here is that there is simply insufficient school facilities to house these students and no available funding to construct new facilities. What will occur instead is an influx of students to the District's existing school facilities, which are already at or exceeding capacity.

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. Here, there will be impacts resulting directly the inability to construct new school facilities and the influx of students to the District's existing facilities. This includes, but is not limited, to increased traffic, air quality, noise, and other reasonably foreseeable impacts needed to serve students from the Specific Plan development. The Specific Plan alone causes these impacts, and the Draft EIR needs to analyze and address them appropriately.

Capacity of Existing School Facilities and Generation of New Students

The District understands that the Specific Plan includes up to 4,340 residential units and 571,500 square feet of mixed-use/commercial development. There is no question that such growth will generate additional students to be served by the District. However, the Specific Plan and Draft EIR fail to consider the true impacts of such growth on a school district that already has more students than seats.

The District currently operates four high school sites, with a fifth set to open in the fall at full capacity. The District's enrollment has continued to increase during the past several years, and student enrollment currently exceeds the capacity of the District's school facilities. The District expects student enrollment to continue to increase over the next several years (without even considering students generated by the Specific Plan). The new high school has been planned for nearly 15 years and has always been intended to alleviate overcrowding at the District's other high school sites. This new school site was not built with the Specific Plan in mind, and will already be at or near capacity when opened in the fall of 2019.

With respect to student generation, the Draft EIR provides that a minimum of 600 and a maximum of 731 high school students will be generated by the development of the Specific Plan. (See Draft EIR, Table 3.9-9.) The District believes that these numbers are too low, and that actual student generation will be considerably higher. Using the student generation rates from the District's recent facilities needs analysis, the District expects the number of high school students generated by the Specific Plan will be approximately 900 students. As mentioned above, this is in addition to the roughly 2,000 elementary and middle school students that will also be generated by the Specific Plan and will make their way into the District. These students—whether generated immediately as high school students or after they funnel through the elementary and middle schools—must be served by the District, which will continue to exceed its own capacity (despite opening a brand new school in the Fall) and is continuing to increase in enrollment each year.

Lack of Specific School Funding

The Specific Plan and Draft EIR are non-committal with respect to the development and funding of school facilities, leaving these responsibilities solely to the District. The Specific Plan notes that the “[responsibility for development of public schools lies with District]”, with school facilities to be built “based on the projections of the need for those facilities” in a phased approach as “determined and controlled” by the District. (Specific Plan, Section 2.1 & 9.4). This concept is reinforced by the Draft EIR, which provides that “public schools . . . will be constructed based on projections of the need for these facilities,” with the District to “determine the appropriate phasing of [its] facilities” as driven by increased demand and enrollment. (Draft EIR, Section 2.0.)

What the Draft EIR does not do is consider the possibility that funding may not be available to fund new school facilities, and if that is the case, what will be the Specific Plan's impact on the environment if students are housed at the District's existing sites. Both the Draft EIR and Specific Plan provide only that the school development impact fees (also known as “developer fees”) will be paid prior to development of the Specific Plan area. (See Draft EIR, Mitigation Measure 3.9-2; Specific Plan, Sections 8.4, 8.5, 8.6, & 9.2.1.) Unfortunately, such reliance on

school development impact fees to fund school facilities is woefully optimistic. Construction costs for the District's fifth high school will exceed \$80 million, and this does not include site acquisition costs, design costs, or other related expenses. The funds needed to build another high school facility would meet or exceed that number, in addition to other significant costs, like site acquisition. While the actual amount of school development impact fees to be collected is unknown, such fees will not be sufficient to cover the site acquisition and construction costs for an additional high school site.

Based on the District's experience, school development impact fees are generally insufficient to cover all of the costs associated with the necessary infrastructure around schools and other impacts to schools caused by the development, let alone the construction of the additional schools themselves. It must also be noted that school impact fees would be collected incrementally across the 20 to 30 year build-out period of the Specific Plan, and are not funds that the District would receive up front or at once. It is also vital to recognize that school development impact fees will be needed to mitigate the immediate impacts of overcrowding at existing sites (installing portables, etc.), and all development impact fees collected will not necessarily go towards construction of new school sites.

The only other funding mechanisms for school facilities referenced in either document is in Table 8.1 of the Specific Plan, which suggests that "TAMC and State or Federal" funding sources may be available for the construction of new school facilities. The District is not aware of any school facilities funding available through TAMC (the Transportation Agency for Monterey County) or any Federal source, and does not believe that such funding exists for California K-12 facilities construction. Simply put, neither TAMC funds nor Federal funds are a viable option, and it is misleading for the Draft EIR to suggest that such funds may be available for the District's school facilities. Additionally, the District cannot reasonably expect to rely on State money to fund all of the necessary school facilities. While the District will aggressively pursue State facilities funding, such funding is in a perpetual state of flux and it is not certain if, or when, the District would receive State funding. In fact, no State facilities funds have been available in recent times.

Neither the Specific Plan nor the Draft EIR provide realistic options for securing funds that will be necessary to construct school facilities to accommodate students generated by the Specific Plan. Without a specific funding mechanism in place before development of the Specific Plan there will not be sufficient school facilities to house students. These students will be directed to the District's existing facilities, which are already at capacity.

Impacts to Existing Schools

The District's facilities are at capacity and there is simply insufficient funding to construct the school facilities needed to house students generated by the Specific Plan. The District has an obligation to serve students residing in its boundaries, and when they arrive, the District will have few options available to address this influx. One option, which is often the first utilized in these situations, is to install portable classrooms at existing school sites. This may be coupled with expansion to existing school facilities and/or the construction of new facilities at existing sites. Another option is reorganizing attendance boundaries, which leads to sending students to other existing school sites that can best accommodate them. If facilities are overcrowded, parents may also seek transfers to another high school, in which case students will travel to

another school site within the District. These options are not mutually exclusive, and it is very likely that any or all would be utilized in an attempt to offset the influx of students generated within the District by the Specific Plan.

Here, the crux of the matter is that the Draft EIR fails to address the environmental impacts that will result from the Specific Plan's implications for school facilities needs. Installation of portables and ongoing construction on existing sites 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. Changing of attendance boundaries, bussing, or parents electing to send their children to other 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 District 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.

Conclusion and Requested Mitigation

The Specific Plan proposes a "balanced, walkable community" comprised of different neighborhoods, each of which is supported by school facilities that are nearby and accessible to the residents in the Specific Plan area. The City of Salinas General Plan also acknowledges the goal of the City to "continue to work with the school districts . . . to ensure adequate school and recreational facilities are provided and maintained by the community." Under the existing Specific Plan and Draft EIR, neither goal is achieved.

The Specific Plan and Draft EIR do not guarantee that new school facilities will be constructed prior to residential development. Rather, these documents assume that the facilities will be constructed, ignoring the true reality of the situation: the District serving the Specific Plan area is already at capacity and lacks the funding necessary for construction of new school facilities necessary to accommodate student enrollment growth from the Specific Plan. This reality will result in environmental impacts which must be appropriately analyzed and addressed. Without adequate school facilities, the entire concept of these communities will fail.

The District remains an active and cooperative partner and welcomes discussions with the City of Salinas and the developers of the Specific Plan. 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 to accommodate the families residing within the Specific Plan. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,



Dan Burns
Superintendent



OFFICE OF THE SUPERINTENDENT
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Noemi Armenta
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Dr. Héctor A. Rico, Superintendent

April 15, 2019

RECEIVED

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

APR 15 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

Re: Comments to the Draft Environmental Impact Report for the West Area Specific Plan

Dear Ms. Miller:

Please accept this letter as the Alisal Union School District's ("District") comments to the Draft Environmental Impact Report ("Draft EIR") for the West Area Specific Plan ("Specific Plan"). The District's major area of concern is the Draft EIR's failure to consider the realities of school facilities funding, and in turn, its failure to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.

The 4,340 new homes included in the Specific Plan will generate between 1,300 and 2,000 elementary and middle school students. The critical issue here is that there is insufficient school facilities to house these students and no available funding to construct new facilities. There is nothing in the Specific Plan or Draft EIR that ensures funding for the school facilities necessary to accommodate students generated by the Specific Plan, and the funding mechanisms that are referenced are both inadequate and woefully optimistic. The bottom line is that the Specific Plan and Draft EIR simply assume that new school facilities will be provided, despite the fact funding for such facilities does not exist. This will result in an influx of students to the existing facilities of the school district serving the Specific Plan area as well as other school districts in the area, including the District.

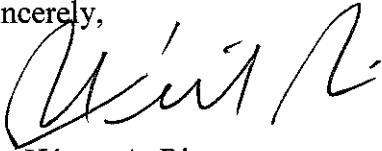
The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to construct new school facilities and the influx 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.

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 is aware that other local educational agencies have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR. The District fully supports these agencies 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Héctor A. Rico', written in a cursive style.

Dr. Héctor A. Rico



Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

April 15, 2019

By Overnight Mail and Email (jill.miller@ci.salinas.ca.us)

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

Re: Comments to the Draft Environmental Impact Report for the West Area Specific Plan

Dear Ms. Miller:

Our office represents the Santa Rita Union School District ("District"). Please accept this letter as the District's comments to the Draft Environmental Impact Report ("Draft EIR") for the West Area Specific Plan ("Specific Plan").

The District's major area of concern is the Draft EIR's failure to consider the realities of school facilities funding, and in turn, its failure to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place. The 4,340 new homes included in the Specific Plan will generate approximately 2,000 elementary and middle school students within the District's boundaries, enough to completely fill two new elementary schools and one new middle school. The crucial issue here is that there is simply insufficient funding for these school facilities, and they will not be constructed in the manner assumed by the Specific Plan and Draft EIR. What will occur, however, is an influx of students to the District's other school facilities, which are already at or exceeding capacity.

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. Here, there will be impacts resulting directly from the inability to construct new school facilities and the influx of students to the District's existing facilities. This includes, but is not limited to, increased traffic, air quality, noise, and other reasonably foreseeable impacts needed to serve students from the Specific Plan development. The Specific Plan alone causes these impacts, and the Draft EIR needs to analyze and address them appropriately.

Limited Liability Partnership

4 Lower Ragsdale Drive, Suite 200 Monterey, California 93940-5758 Tel 831-646-1501 Fax 831-646-1801

Capacity of Existing School Facilities and Generation of New Students

The District understands that the Specific Plan includes up to 4,340 residential units and 571,500 square feet of mixed-use/commercial development. There is no question that such growth will generate additional students to be served by the District, however, the Specific Plan and Draft EIR fail to consider the true impacts of such growth on a school district that already has more students than seats.

The District operates four elementary schools and two middle schools. Since the 2010–2011 school year, elementary and middle school enrollment has continued to increase, with the District’s school facilities reaching an “at capacity” level during the 2016–2017 year. During the 2017–2018 year, the District had a cumulative shortage of 54 seats at the elementary school level and shortage of four (4) seats at the middle school level, thereby exceeding the capacity of its school facilities. (See Draft EIR, Tables 3.9-4 and 3.9-5.) The District’s capacity issues have continued into the current school year, with total enrollment continuing to exceed available seats.

With respect to student generation, the Draft EIR provides that a minimum of 1,327 and a maximum of 1,623 elementary and middle school students will be generated by the development of the Specific Plan. (See Draft EIR, Table 3.9-9.) The District’s own calculations demonstrate even greater numbers of students generated. Using the student generation rates from the District’s recent facilities’ needs analysis, the District expects the number of elementary and middle school students generated by the Specific Plan to exceed 2,000 students (approximately 1,425 elementary school and 608 middle school students).¹ This would not only completely fill, but would exceed, the expected capacity of two new elementary schools and one new middle school.

While there may be some disagreement as to the specific number of additional students to be generated by the Specific Plan, the crucial issue—and one that is not disputed—is that a significant number of students will be generated within the District’s boundaries. These students must be served by the District, which is already exceeding its own capacity and is continuing to increase in enrollment each year.

Lack of Specific School Funding

The Specific Plan and Draft EIR are non-committal with respect to the development and funding of school facilities, leaving these responsibilities solely to the District. The Specific Plan notes that the “[r]esponsibility for development of public schools lies with [District],” with school facilities to be built “based on the projections of the need for those facilities” in a phased approach as “determine[d] and control[led]” by the District. (Specific Plan, Section 2.1 & 9.4).

¹ The District’s estimate of student generation is based on the student generation rates derived from the District’s 2017/2018 School Facilities Need Analysis/Development School Fee Justification Study. The District consider this estimate to be both reasonable and conservative, and the District—on multiple occasions—has shared this information with the proposed developers and the City of Salinas and requested that it be incorporated into the Specific Plan and Draft EIR.

This concept is reinforced by the Draft EIR, which provides that “public schools . . . will be constructed based on projections of the need for these facilities,” with the District to “determine the appropriate phasing of [its] facilities” as driven by increased demand and enrollment. (Draft EIR, Section 2.0.)

What the Draft EIR does not do is consider the possibility that funding may not be available to fund new school facilities, and if that is the case, what will be the Specific Plan’s impact on the environment if students are housed at the District’s existing sites. Both the Draft EIR and Specific Plan provide only that the school development impact fees (also known as “developer fees”) will be paid prior to development of the Specific Plan area. (See Draft EIR, Mitigation Measure 3.9-2; Specific Plan, Sections 8.4, 8.5, 8.6, & 9.2.1.) Unfortunately, such reliance on school development impact fees to fund school facilities is woefully optimistic. The District’s conservative estimate of the costs to acquire property and construct the three new schools contemplated by the Specific Plan is approximately \$127.5 million.² School development impact fees are expected to be approximately \$36 million—creating a \$90 million shortfall. It must also be noted that school impact fees would be collected incrementally across the 20 to 30 year build-out period of the Specific Plan, and the estimated \$36 million does not represent funds that the District would receive up front or at once. It is also vital to recognize that school development impact fees will be needed to mitigate the immediate impacts of overcrowding (installing portables, etc.), and all development impact fees collected will not necessarily go towards construction of new school sites.

The only other funding mechanisms for school facilities referenced in either document is in Table 8.1 of the Specific Plan, which suggests that “TAMC and State or Federal” funding sources may be available for the construction of new school facilities. The District is not aware of any school facilities’ funding available through TAMC (the Transportation Agency for Monterey County) or any Federal source, and does not believe that such funding exists for California K-12 facilities construction. Simply put, neither TAMC funds nor Federal funds are a viable option, and it is misleading for the Draft EIR to suggest that such funds may be available for the District’s school facilities.

Additionally, the District cannot reasonably expect to rely on State money to fund all of the necessary school facilities. While the District will aggressively pursue State facilities funding, such funding is in a perpetual state of flux and it is not certain if, or when, the District would receive State funding. In fact, no State facilities funds have been available in recent times. Assuming, *arguendo*, the District does receive State facilities funds, the District expects that the most it would receive is approximately \$37.5 to \$50 million—sufficient to cover the costs of one school site. Even in the best-case scenario of the District receiving such State funds and the estimated \$36 million in developer fees, this still creates a total unfunded liability of between \$41 million and \$54 million. Neither the Specific Plan nor the Draft EIR address this shortfall, nor do they even suggest realistic options for securing the funds that will be necessary to construct the school facilities required to accommodate students generated by the Specific Plan.

² The District estimates that the costs for each elementary school would be approximately \$37.4 million (\$74.8 million total), and approximately \$52.75 million for the middle school.

Impacts to Existing Schools

The District's facilities are at capacity and there is simply insufficient funding to construct the school facilities needed to house students generated by the Specific Plan. The District has an obligation to serve students residing in its boundaries, and when they arrive, the District will have few options available to address this influx. One option, which is often the first utilized in these situations, is to install portable classrooms at existing school sites. This may be coupled with expansion to existing school facilities and/or the construction of new facilities at existing sites. Another option is reorganizing attendance boundaries, which leads to sending students to other existing school sites that can best accommodate them. If facilities are overcrowded, parents may seek inter-district transfers, in which case students will travel to school sites of other nearby school districts. These options are not mutually exclusive, and it is very likely that any or all would be utilized in an attempt to offset the influx of students generated within the District by the Specific Plan.

Here, the crux of the matter is that the Draft EIR fails to address the environmental impacts that will result from the above. Installation of portables and ongoing construction on existing sites 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. Changing of attendance boundaries, bussing, or parents electing to send their children to other school sites or other school districts 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 District 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.

Conclusion and Requested Mitigation

The Specific Plan proposes a "balanced, walkable community" comprised of different neighborhoods, each of which is supported by school facilities that are nearby and accessible to the residents in the Specific Plan area. The City of Salinas General Plan also acknowledges the goal of the City to "[c]ontinue to work with the school districts . . . to ensure adequate school and recreational facilities are provided and maintained by the community." Under the existing Specific Plan and Draft EIR, neither goal is achieved.

The Specific Plan and Draft EIR do not guarantee that new school facilities will be constructed prior to residential development. Rather, these documents assume that the facilities will be constructed, ignoring the true reality of the situation: the District serving the Specific Plan area is already at capacity and lacks the funding necessary for construction of new school facilities necessary to accommodate student-enrollment growth from the Specific Plan. This reality will result in environmental impacts which must be appropriately analyzed and addressed. Without adequate school facilities, the entire concept of these communities will fail.

The District remains an active and cooperative partner and welcomes further discussions with the City of Salinas and the developers of the Specific Plan. 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 to accommodate the families residing within the Specific Plan. 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/sb

cc: Timothy Ryan, Acting Superintendent/Chief Business Officer
Santa Rita Union School District
(By Email: tryan@santaritaschools.org)

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April 15, 2019

Ms. Jill Miller, Senior Planner
Salinas Community Development Department
65 West Alisal Street, Second Floor
Salinas, CA 93901

Re: Comments on the Draft Environmental Impact
Report for the West Area Specific Plan

Dear Ms. Miller:

This comment letter is submitted on behalf of the applicants for the West Area Specific Plan and related entitlements: Rexford Title, Inc., Harden Foundation, (by Ray Harrod, Jr., dba Harrod Construction Company), Patricia Jane Bondesen, Andrew C. Madolora (by Global Investment & Development, LLC) and Alvin C. and Karen R. Mortensen (for the Mortensen family).

Thank you for the opportunity to provide comments on the West Area Specific Plan Draft Environmental Impact Report (DEIR). We particularly appreciate the thorough exposition contained in the Introduction of the DEIR explaining the types and functions of EIRs and related CEQA documents. This information will certainly help the project developers and the public to understand the procedures that the City intends to follow in implementing this EIR in conjunction with the Specific Plan. We specifically endorse the City's utilization of the streamlining procedures (particularly the Section 65457 CEQA exemption) outlined on pages ES-3 and ES-4 of the DEIR. Having labored through the entitlement maze for nearly fifteen years, the Project sponsors welcome any means offered by the City to abridge the process for the many permit applications that lie ahead.

Overall, we found the DEIR to be professionally prepared, unusually readable and comprehensive in addressing the requirements of CEQA. However, we do have a few specific comments on the document.

1. Feasible.

The DEIR uses the words “feasible” and “reasonably feasible” numerous times to describe avoidance and mitigation measures (e.g., “reduced to the extent feasible,” “reduce emissions to the maximum extent feasible,” “if avoidance is not feasible” and “as deemed reasonably feasible”). We assume that the word “feasible” is to be interpreted and applied in the context of the definition contained in Section 21061.1 of the CEQA statute, to wit, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

2. Agricultural Resources.

Page 1.0-16 of the DEIR refers to the City’s adoption of Resolution No. 19422 approving the City’s Agricultural Land Preservation Program (“ALPP”).¹ It is important to note that the ALPP expressly provides that no agricultural mitigation easement shall be required in connection with development of the North of Boronda Future Growth Area.

3. Schools.

a) School Impact Fees.

The WASP area owners and developers strongly endorse the DEIR’s citation to Section 65996 of the Government Code declaring state-wide school impact fees to be “...the exclusive means of considering and mitigating impacts on school facilities” and “deemed to provide full and complete school facilities mitigation for impacts caused by new development.” Although EIRs for new development projects must still consider school issues not related to accommodating new students in school facilities, (such as traffic from additional students traveling to school, and the impacts of dust and noise resulting from the construction of additional school facilities), it is clear that the City “may not deny or refuse to approve new development on the basis that school facilities are inadequate.”

b) Existing School Facilities Capacity and Enrollment.

The figures cited in the DEIR for Santa Rita Union School District (SRUSD) student enrollment (Tables 3.9-4, 3.9-5 and 3.9-7) are taken directly from SRUSD

¹ Resolution No. 19422 was actually adopted on April 2008, not in 2006.

facilities needs analyses and from State Department of Education sources. While these enrollment numbers are consistent with the information provided to the Project applicants by SRUSD, and are reasonably verifiable from State sources, the Project applicants have serious reservations about the accuracy and verifiability of figures provided by the District relative to facility capacities and student generation rates. The Project's 4,340 homes will not suddenly appear on the ground, sending thousands of students off to school on the Monday following City Council approval of the WASP. Foreseeability of facility demands, facility capacity, student generation rates and availability of State and Federal sources of school finance involve a high degree of subjectivity and speculation, especially when used to plan for a twenty- to forty-year Project buildout.² Discussions between the Applicants and the District are continuing, recently in a much more collaborative tone, and we would hope (given that the Applicants will be paying the statutory impact fees in "full and complete school facilities mitigation," as noted above), that all issues related to school facilities can be resolved amicably in the near future.

4. Reclamation Ditch.

As noted on page 3.6-18, MCWRA's draft Reclamation Ditch Watershed Impact Fee/Nexus Study Summary Report, released thirteen years ago, was never adopted. The report was rife with factual errors, and was predicated on an improvement project (lining the ditch for its full length) that was neither feasible nor desirable. At the time of its release in 2006, the report was met with almost universal scorn, and was never brought forward for adoption. The report has no standing today as a planning document or a nexus study.

Today the reclamation ditch has taken on a new mission- as an important source of reclaimed irrigation and drinking water. The Monterey County Water Resources Agency (MCWRA) and Monterey One Water (M1W), have entered into a Water Recycling Agreement which include consideration of the financing, design, construction, operation, maintenance, and replacement of New Source Water Facilities to provide approximately 4,381 acre-feet per year of additional recycled water to MCWRA for use in the existing Castroville Seawater Intrusion Project (CSIP), a coastal irrigation project. In addition, M1W would be provided approximately 4,320 AFY of new source water to provide drinking water. The project is reflected in the report entitled Monterey County Water Resources Agency New Source Water Supply Study (September 28, 2018). The report is available on MCWRA's website. The report provides that the reclamation ditch is expected to supply 272 acre feet of recyclable water in a normal year.

² The current school financing system based on SB 50 was enacted only eight years ago.

Although the reclamation ditch will remain an important collector and conveyor of drainage water, that drainage water, at least above the diversion point, will be considered a resource to be enhanced rather than an impediment to be decreased. The DEIR should be revised to reflect this change of mission for the reclamation ditch.

5. Roadside Ditches.

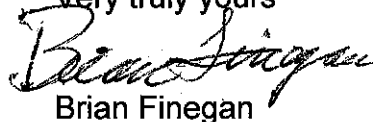
The DEIR states that the WASP will eliminate the roadside ditches along the north side of Boronda Road and the east side of San Juan Grade Road. The DEIR then posits that the USACE, irrespective of the small acreage (3.26 acres) and the absence of any presence of special status species, intends to exert jurisdiction over these ditches as navigable waters of the U.S. According to this designation, elimination of the roadside ditches would result in a significant and unavoidable impact on biological resources, requiring that Project applicants obtain a Section 404 permit and comply with USACE "no net loss" mitigation (replacement of wetland on a 1:1 ratio).

It is unlikely that the roadside ditches will be eliminated as a result of implementation of the WASP; it is much more likely that the City will eliminate them in connection with the Boronda Road widening project before the Project commences. We understand the City, in the interest of expediency, is conceding USACE jurisdiction for the purposes of the Boronda Road widening project, and is applying for a Section 404 permit for that project.

The Project applicants disagree with the designation of the roadside ditches as jurisdictional waters of the U.S. They find the proposed mitigation, particularly the "no net loss" provisions, to be infeasible. Consequently, the Project applicants reserve the right to challenge the "navigable waters" designation as applied to their Project.

We appreciate your review and consideration of these comments. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours

A handwritten signature in black ink, appearing to read "Brian Finegan", is written over the typed name.

Brian Finegan

cc: Tara Hullinger
Christopher Callihan
Mark Kelton
Jared Slopko
Patricia Bondesen
Joseph Rivani



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 10, 2019

Jill Miller, Senior Planner
City of Salinas
65 West Alisal Street, Second Floor
Salinas, California 93901

Subject: West Area Specific Plan (Project)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No.: 2006021072

Dear Ms. Miller:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Salinas for the above-referenced Project pursuant to 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, CDFW appreciates 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 Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute 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

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.

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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 (LSA) 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 will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures implementation of the Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize these watercourses include the following: increased sediment input from road or structure runoff; toxic runoff associated with development activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (i.e., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Salinas

Objective: The City of Salinas has developed the West Area Specific Plan (hereafter, Specific Plan) which establishes the land use planning and regulatory guidance, including the land use and zoning designations and policies, development regulations, and design standards, for the approximately 797-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. Proposed land uses in the Specific Plan area include residential, mixed use commercial, community park, neighborhood parks, small parks, schools, and open space. The objective of the proposed Project includes development of 4,340 residential dwelling units, up to 571,500-square-feet of commercial/mixed use building area, and up to 177-acres of public facilities including three elementary schools, a high school, a middle school, open space areas and 11 parks. It is anticipated that the Specific Plan area will house up to 15,298 residents at Project build-out.

Location: The Project is located in northwest Salinas, California. The Specific Plan area is bounded on the north by Rogge and Russel Roads; on the east by Natividad Road; on the west by San Juan Grade Road; and on the south by East Boronda Road. Assessor's Parcel Numbers 211-011-011, 211-011-008, 211-011-003, 211-001-009, 211-011-002, 211-011-010, 211-011-001, 211-231-067, 211-231-012, 211-231-013, 211-231-059, 211-231-068, 211-231-016.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations 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.

Currently, the DEIR indicates that the Project's impacts would be less than significant with the implementation of mitigation measures described in the DEIR. However, as currently drafted, it is unclear whether the mitigation measures described will be enforceable or sufficient in reducing impacts to a level that is less than significant. In particular, CDFW is concerned regarding adequacy of mitigation measures for special-status species including, but not limited to, the State and federally Threatened California tiger salamander (*Ambystoma californiense*), the State Species of Special Concern and federally threatened California red-legged frog (*Rana draytonii*).

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)

Section 3.2. Biological Resources; Mitigation Measures (MM) 3.2-1 and 3.2-2; pages 3.2-34 through 3.2-35.

Issue: CTS are known to occur within and in the vicinity of the Project site (CDFW 2019). The DEIR, as currently drafted, includes measures that may not be enforceable or adequate in minimizing take to a level that is less than significant or that may themselves result in take. Take is defined in Fish and Game Code Section 86 as hunt, pursue, catch, capture, or kill, or the attempt to do so. In addition, there are no focused surveys for CTS proposed, no survey protocols specified, and details on how avoidance of take would be achieved are absent from these measures. For example, MM 3.2-1 requires that Project applicants consult with CDFW for “concurrence and a final confirmation that a take permit is not necessary” for CTS. However, in practice, CDFW offers no such concurrence for projects. In addition, MM 3.2-2 requires hand excavation of burrows, installation of drift fencing with pitfall traps as an exclusion method, and salvage and relocation of CTS found during burrow excavation and pit fall trapping. The measures in MM 3.2-2 will result in take of CTS if present via entrapment and direct capture and are thus not appropriate mitigation measures to minimize Project impacts. Take of CTS and other listed species will violate Fish and Game Code if not authorized through the acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b).

Specific Impacts: Without appropriate mitigation measures, potential Project-related impacts 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 direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017a). The Project area is within the range of CTS and larvae have been found within a detention basin within the Project area (CDFW 2019). 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 the entire Project area lies within 1.5 miles of the larvae occurrence record. Therefore, the Project has the potential to significantly impact local populations of CTS.

Recommended Potentially Feasible Mitigation Measure(s)

Because CTS occur within the Project area, CDFW recommends conducting the following evaluation of individual Project sites, editing the DEIR to include the following measures, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Focused CTS Site Assessment and Survey

CDFW recommends that a qualified wildlife biologist assess individual Project sites and their vicinity (i.e., up to 1.3 miles, observed CTS dispersal distance) to evaluate the potential for CTS. CDFW recommends site assessments follow the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003). CDFW recommends the qualified biologist determine the impacts of Project-related activities to all CTS upland and breeding habitat features within and/or adjacent to the construction footprint.

If, following the site assessment, it is determined there is suitable habitat present for breeding or upland refugia on the Project site, protocol-level surveys are advised to be conducted in accordance with the USFWS' Interim Guidance document (USFWS 2003). CDFW recommends that survey findings be submitted for review. In order for a negative finding for CTS to be accepted, CDFW must make a determination whether it will accept negative findings based on whether there has been sufficient rainfall. In addition, acceptance of a negative finding for CTS requires protocol-level surveys for two consecutive wet seasons.

Recommended Mitigation Measure 2: CTS Avoidance

CDFW advises that a minimum 50-foot no disturbance buffer be delineated around all small mammal burrows in suitable upland habitat and a minimum 250-foot no disturbance buffer around occupied breeding pools within and/or adjacent to the Project sites' construction footprints. CDFW also recommends avoiding any impacts that could alter the hydrology or result in sedimentation of breeding pools. If avoidance is not feasible, consultation with CDFW is warranted to determine if projects can avoid take.

Recommended Mitigation Measure 3: CTS Take Authorization

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code

Section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP from CDFW.

COMMENT 2: California red legged frog (CRLF)

Section 3.2. Biological Resources; MM 3.2-4; page 3.2-37.

Issue: The DEIR acknowledges the potential for CRLF to occur within the Project area. The DEIR, as currently drafted, includes measures that may not be enforceable or adequate in minimizing take to a level that is less than significant or that may themselves result in take. For example, MM 3.2-4 requires installation of drift fencing as an exclusion method. The measures in MM 3.2-4 will result in take of CRLF if present via entrapment and are thus not appropriate mitigation measures to minimize Project impacts.

Specific impact: Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's activities could include entrapment, direct mortality effects, and indirect negative effects by altering habitat availability and quality.

Evidence impact is potentially significant: CRLF populations throughout the state have experienced ongoing and drastic declines and many have been extirpated (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 CRLF (Thomson et al. 2016, USFWS 2017c). All of these impacts have the potential to result from the Project. Therefore, project activities have the potential to significantly impact CRLF.

Recommended Potentially Feasible Mitigation Measure(s)

Because the DEIR identifies the potential for CRLF to occur in the Project area, CDFW recommends conducting the following evaluation of individual Project sites, editing the DEIR to include the following measures, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 4: CRLF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if project sites or their immediate vicinity contain suitable habitat for CRLF.

Recommended Mitigation Measure 5: CRLF Surveys

If suitable habitat is present, CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) 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 are within or adjacent to individual Project sites.

Recommended Mitigation Measure 6: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during construction, CDFW recommends that construction cease and that CDFW be contacted to discuss a relocation plan for CRLF by a qualified biologist.

CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activities daily for CRLF.

II. Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS and CRLF. Take under the federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of any ground disturbing activities.

Nesting Birds: CDFW encourages Project implementation occur during the bird non-nesting season. However, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project's applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and

determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends the work causing that change cease and that CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250-feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place 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. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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).

Jill Miller
West Area Specific Plan
April 10, 2019
Page 9

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.

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>). If you have any questions, please contact Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 274, or by electronic mail at Renee.Robison@wildlife.ca.gov.

Sincerely,

 Julie A. Vance
Regional Manager

cc: Leilani Takano
United States Fish and Wildlife Service
2493 Portola Road, Suite B
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ec: California Department of Fish and Wildlife:
Veronica Salazar, LSA Program
Veronica.Salazar@wildlife.ca.gov

Jeff Cann, Environmental Scientist
Jeff.Cann@wildlife.ca.gov

REFERENCES

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April 15, 2019

Jill Miller, Senior Planner
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Email: jill.miller@ci.salinas.ca.us

SUBJECT: WEST AREA SPECIFIC PLAN DRAFT EIR

Dear Ms. Miller,

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced project. The Air District has reviewed the document and has the following comments:

- Chapter 3: 3.1 Air Quality, Impact 3.1-2 and 3.1-7
 - The California Supreme Court's opinion in *Sierra Club v. County of Fresno* on December 24, 2018 identifies that if a project's NOx and ROG emissions (precursors to Ozone formation) are estimated to be significant and unavoidable, the EIR must include an analysis that correlates the project's emission of air pollutants to its impact on human health (or must provide an explanation of why this analysis is not possible) and accurately reflect the net health effect of the proposed air quality mitigation measures so that the public can understand how the bare numbers translate into adverse health impacts. This analysis must be included in the DEIR in order to meet the intent of the Court's opinion.
 - The Air District prefers that emissions from mobile sources be mitigated at the project level. Since both impacts listed above cannot reduce emissions below the 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, Planning and Air Monitoring Manager, at 831.718.8016 or dfrisbey@mbard.org for assistance in developing the off-site mitigation measures.
 - Mitigation Measure 3.1.8 should include the following mitigation clarifications:
 - The use of cleaner construction equipment that conforms to EPA's Tier 3 or Tier 4 emission standards
 - Further, where feasible, construction equipment should include the use of alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.

- Mitigation Measure 3.1.7 should include:

- The installation of Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% of total available parking spaces)
- Publically available dual post Level 2 charge stations throughout the Plan Area.

Note: A local annual funding opportunity from the Air District is available for EV charging infrastructure.

- Chapter 3: 3.10 Transportation and Circulation

- All Mitigation Measures addressing new signalized intersections throughout the Plan Area should:

- Include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design

Note: A local annual funding opportunity from the Air District is available for ATCS projects.

- All Mitigation Measures addressing timing optimization for existing signalized intersections throughout the Plan Area should:

- Include the use of currently available ATCS in the intersection design

Note: A local annual funding opportunity from the Air District is available for ATCS projects.

- All Mitigation Measures addressing the widening or physical change to existing intersections throughout the Plan Area should:

- Include roundabout design and construction as an alternative mitigation

Note: A local annual funding opportunity from the Air District is available for roundabout design and construction.

The Air District appreciates the level of detail and analysis provided in the Air Quality section and looks forward to the success of the City of Salinas West Area Specific Plan. If there are any questions regarding this comment letter please feel free to contact Alan Romero at aromero@mbard.org or a direct office line [831.718.8030](tel:831.718.8030).

Best Regards,



Alan Romero
Air Quality Planner III