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ORDINANCE NO. 2640 (N.C.S.)

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT FOR THE CENTRAL AREA SPECIFIC PLAN PROJECT (DA 2020-001) (RELATED TO ER 2020-001, SPEC 2013-001, RZ 2020-002)

WHEREAS, Brian Finegan, Esq. (representing multiple property owners and developers) has submitted applications for the Central Area Specific Plan project (Project), including requests for Specific Plan, Rezone, and Development Agreement approvals that would permit development of the approximately 760-acre project site shown in Exhibit A, herein incorporated by reference; and

WHEREAS, the City of Salinas (hereinafter "City"), as lead agency under the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) (collectively "CEQA"), has completed the Final Program Environmental Impact Report ("Final EIR") [State Clearinghouse No. 2017091022] for the Central Area Specific Plan in compliance with CEQA; and

WHEREAS, on October 21, 2020 the Planning Commission held a duly noticed and agendized public hearing to consider possible recommendations to the City Council with respect to the Final EIR (ER 2020-001); the proposed Central Area Specific Plan (SPEC 2013-001); Rezone (RZ 2020-002); and the proposed Development Agreement (DA 2020-001); and

WHEREAS, the Salinas Planning Commission weighed the evidence presented at said public hearing, including the staff report (and the project findings) which is on file at the Community Development Department, together with the record of environmental review including the Draft EIR, project findings, public comments on said document and responses thereto, the Final EIR (all of which were made publicly available consistent with state law prior to its public hearing and consideration of recommendations on the Project to the City Council), and evidence and public testimony presented at the public hearing; and

WHEREAS, by Resolution No. 2020-005, the Salinas Planning Commission recommended that the City Council certify the Final EIR, adopt the CEQA findings, adopt the Statement of Overriding Considerations, and adopt the Mitigation Monitoring Reporting Program for the Project; and

WHEREAS, by Resolution No. 2020-006, the Salinas Planning Commission recommended that the City Council approve the Central Area Specific Plan (SPEC 2013-001), herein incorporated by reference as Exhibit B, and by so doing, recommends that the Central Area Specific Plan be utilized as the land use and zoning implementation document for the Project; and

WHEREAS, by Resolution No. 2020-007, the Salinas Planning Commission has recommended that the City Council adopt an Ordinance to rezone (RZ 2020-002) the subject site from New Urbanism Interim (NI) with a Specific Plan Overlay to Neighborhood Edge A and B (NE-A and NE-B)/Low Density Residential, Neighborhood General A, B and C (NG-A, NG-B, and NG-C)/Medium Density Residential, Village Center A (VC-A)/High Density Residential, and

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Village Center B (VC-B)/High Density Residential and Mixed Use, as well as the Park (P), Open Space (OS) and Public/Semipublic Districts with Specific Plan Overlay District and Flood Overlay District, applied across the Specific Plan area as shown in Exhibit A, incorporated herein by reference; and applied across the Specific Plan area as shown in Exhibit K, incorporated herein by reference; and

WHEREAS, by Resolution 2020-008, the Salinas Planning Commission recommended that the City Council adopt a Development Agreement (DA 2019-001), herein incorporated by reference; and

WHEREAS, on November 17, 2020 the Salinas City Council held a duly noticed and agendized public hearing to consider the Final EIR (ER 2020-001); the proposed Central Area Specific Plan (SPEC 2013-001); Rezone (RZ 2020-002); and the proposed Development Agreement (DA 2020-001); and

WHEREAS, the Salinas City Council weighed the evidence presented at said public hearing, including the staff report which is on file at the City of Salinas Community Development Department, the project findings herein incorporated as Exhibit J, together with the record of environmental review including the Draft EIR, public comments on said document and responses thereto, the Final EIR (all of which were made publicly available consistent with state law prior to its public hearing and consideration of the Project), and evidence and public testimony presented at the public hearing; and

WHEREAS, notice of time and place of hearing for recommending certification of the Final EIR and recommending approval of the Project, DA 2020-002, was given in the manner prescribed by the City; and

WHEREAS, by Resolution adopted November 17, 2020, herein incorporated by reference, the City Council certified the Final EIR, adopted the CEQA findings, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring Reporting Program for the Project (which includes DA 2020-002); and

WHEREAS, the Salinas City Council has reviewed the proposed Development Agreement as shown in Exhibit L to determine its consistency with the following: California law; the goals, policies, and programs of the City of Salinas General Plan; the Salinas Municipal Code and all other applicable plans and policies adopted by the Salinas City Council; and the proposed Central Area Specific Plan; and

WHEREAS, the Central Area Specific Plan contains modifications of standards contained in the City of Salinas Municipal Code that are applicable only within the Central Area Specific Plan boundary, and which will become effective upon the City Council's approval of the Specific Plan and attached approvals; and

WHEREAS, certain mitigation measures in the City's 2002 General Plan Final Program EIR and in the City's 2007 Final Supplement for the General Plan Final Program EIR are still valid and applicable to the Project and are herein incorporated by reference.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS, as follows:

SECTION 1. The Salinas City Council finds and declares that the foregoing recitals are true and correct.

SECTION 2. The Salinas City Council has been provided with, and has reviewed, the Final EIR for the project, the staff report for the Project, written and oral testimony regarding the Project, and other relevant evidence in the administrative record (collectively, the "Record of Proceedings"), and hereby provides notification that the Record of Proceedings is on file with the City Clerk of the City of Salinas, 200 Lincoln Avenue, Salinas, CA 93901

SECTION 3. The Salinas City Council declares that it has been provided with and had reviewed the information contained in the Final Program Environmental Impact Report, the evidence in the record, the staff report and recommendations.

SECTION 4. The Salinas City Council has been provided with, and has reviewed, the Project Findings, attached hereto as Exhibit J and incorporated herein by this reference, and other relevant evidence in the Record of Proceedings.

SECTION 5. The Development Agreement between the City of Salinas and the applicable property owners/developers attached hereto as Exhibit L, and all of its terms and conditions, is herein incorporated by reference, and is hereby approved.

SECTION 6. This ordinance shall take effect and be in force thirty days from and after its adoption.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The City Clerk is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in a newspaper of general circulation published and circulated in the City of Salinas and hereby designated for that purpose by the Salinas City Council:

"The Salinas City Council has approved a Development Agreement between the City and multiple property owners/developers, with respect to the development of the Central Area Specific Plan, a 760 acre mixed use / residential New Urbanism project area bound by Boronda Road on the south, Russell Road and Old Stage Road on the north, Natividad Road on the west and Constitution Boulevard on the east in the City of Salinas. This Ordinance goes into effect 30 days after adoption. For additional detail concerning this amendment, contact the Community Development Department, 65 West Alisal Street, Salinas, CA 93901."

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This ordinance was introduced and read on the 17th day of November 2020 and passed and adopted on the 1st day of December 2020 by the following vote:

AYES: Councilmembers: Barrera, Davis, De La Rosa, McShane, Villegas and Mayor Pro Tem Cromeenes

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:

DocuSigned by:
11CE66346FEF49D...
Christie Cromeenes, Mayor Pro Tem

ATTEST:

DocuSigned by:
5BE31EC636A0432...
Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Christopher A. Callihan
1895479BC5A349F...
Christopher A. Callihan, City Attorney

List of Attachments (Incorporated by Reference):

Exhibit A	Project Site Location Map
Exhibit B	Central Area Specific Plan with Errata Sheet
Exhibit C	Notice of Preparation
Exhibit D	Draft Program Environmental Impact Report (link)
Exhibit E (link)	Draft Program Environmental Impact Report Technical Appendices
Exhibit F	Notice of Completion
Exhibit G	Final Program Environmental Impact Report
Exhibit H	CEQA Findings and Statement of Overriding Considerations
Exhibit I	Mitigation Monitoring and Reporting Program
Exhibit J	Project Findings
Exhibit K	Rezone Map
Exhibit L	Development Agreement

Exhibit A Project Site Location Map

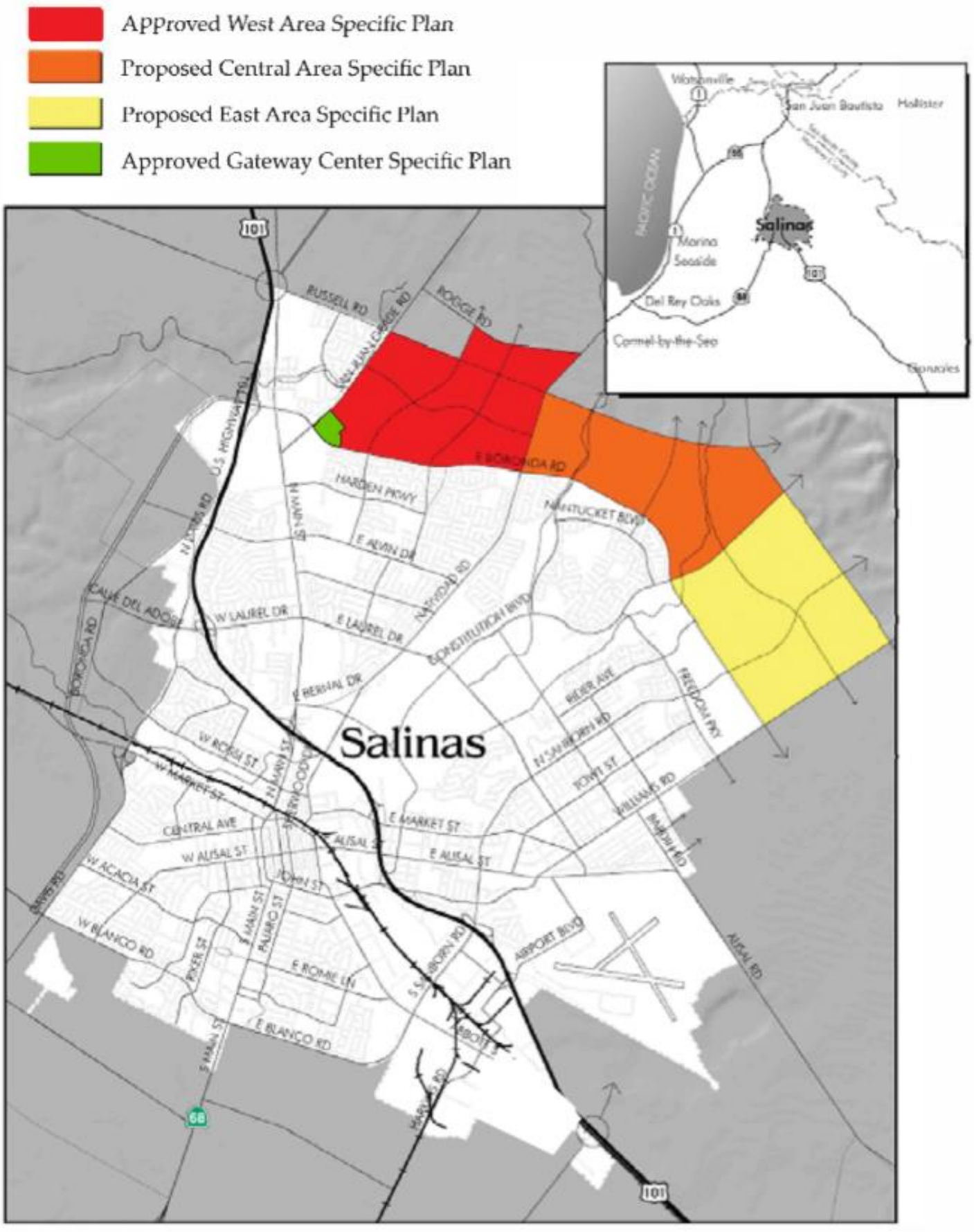


Exhibit B

Draft Central Area Specific Plan with Errata Sheet

Link to public review draft:

https://www.cityofsalinas.org/our-city-services/community-development/documents-public-review#brg_acor_accordion-panel_pane_1-1

Errata Sheet to the Draft Central Area Specific Plan

October 21, 2020

Introduction and Content

The Errata sheet consists of minor revisions to the Draft Specific Plan providing clarifications, some minor modifications as well as minor staff edits. The revisions to the Draft Specific do not change the intent or content of the document. The Errata sheet is in addition to typographical, re-ordering or similar non-substantive errors not listed.

Proposed changes are identified in Table 1, Errata Changes. Text deletions are shown with strikeout font and additions are shown with underlined font. Specific Plan table and figure modifications are listed and shown following Table 1 in the order that they are referenced in Table 1.

Upon final production of the Specific Plan, graphics would be included to the final document layout in various locations, illustrating concepts discussed in the Specific Plan. These graphics do not change the intent or content of the document. Such graphics may include but are not limited to: examples of pervious driveways or other bio retention facilities, diagrams of housing types, or picture of similar development.

TABLE 1: Errata Changes

Section	Page	Modification
2.3	25	Table 2-2 updated to show correct NG-C commercial square footage
2.5.3	27	Text updated to show correct NG-C commercial square footage: Neighborhood serving mixed use retail and office uses are limited to a maximum of 2,000 square feet per net acre within this district. This district will allow between 465 and 532 dwelling units and up to ~~99,900~~ 95,000 square feet of mixed use office and retail uses built out with the minimum number of residential units.
3.4.7	47	Text updated to clarify description of Village Center B: The minimum average residential density within this classification shall not be less than 24 dwelling units per net residential acre or more than 31 dwelling units per net residential acre. The maximum ~~average~~ floor area ratio (FAR) shall not exceed 0.85 for the ~~combination of~~ commercial ~~and residential~~ uses shown within this district. A building within the VC-B district may contain 0 to 40 dwelling units per net acre. ~~provided the combined commercial floor area and residential floor area within a development application shall not exceed the allowable FAR. .~~
3.5	48-55	Table 3-1 and footnotes updated for internal document consistency
3.5	55-65	Table 3-2 and footnotes updated for internal document consistency and and to accommodate higher densities for commercial conversion
3.7.6	68	Text updated to clarify application requirements demonstrating proof of conformance with densities: ~~Applicant Must Provide~~ Proof of Conformance The application for a tentative subdivision map shall ~~provide~~ include a chart demonstrating that the total number of proposed dwelling units, excluding ADUs, within each of the Zoning Districts within each block of the Tentative Map, divided by the total net residential acreage within each Zoning District within each block of the Tentative Map, will meet the density requirements of Section 3.8.3 of this Specific Plan and as described in Zoning Code Section 37-30.460. ~~Applicants~~ The application shall be consistent with Appendix G and Chapter 3 of this Specific Plan. ~~shall use Appendix G and with Chapter 3 of this Specific Plan in preparing the chart.~~ The net acreage of each zoning district shown must substantially match the acreage shown in Appendix G ~~and with Chapter 3 of this Specific Plan. .~~ The Chart shall also demonstrate conformance with the minimum and maximum densities and density percentages required in the 2002 General Plan.
3.8.4	70	Table in Section 3.8.4 deleted. Text updated simplifying and explaining implementation of commercial conversion:

		The central portion of the North of Boronda FGA proposed Central Area Specific Plan has a General Plan allocation of approximately 489,700 square feet of commercial and mixed use (including Village Center [VC] residential). The Central Area Specific Plan permits the conversion of up to 214, 000 square feet of commercial floor area to residential use on the basis of 1,000 square feet of commercial floor area for one residential dwelling unit, without further CEQA review. These dwelling units can be sited within the Village Center districts. Conversion of this commercial floor area to residential dwelling units is subject to the approval of the property owners of the Village Center (VC) area and the City Planner. The use of converted units will not count toward the overall high density unit count or the overall medium density unit count for the Specific Plan. However, the General Plan required density mix shall still be met. The increased density, if used, is consistent with the New Urbanism goal of promoting a thriving Village Center.
3.8.6	71	Renumbered to Section 3.8.5 to reflect the above change, all subsequent numbering in the following sections updated accordingly. Text updates to clarify flex use building and correct internal references: The ~~Buildings~~ buildings in the NG-C, VC-A and VC-B districts ~~are allowed to~~ may be any combination of office, retail, service, public and/or residential uses (subject to approval by the City Planner), provided the minimum number of residential units per net acre required in Section ~~3.9.3~~ 3.8.2 and 3.9.2 remain in the zoning district and the maximum residential units allowed in Section ~~3.193~~ 3.8.2 and 3.9.2 are not exceeded on the blocks shown on the tentative map application within those districts ~~and also meet the minimum and maximum average densities and density percentage requirements of the General Plan..~~
Appendix K	various	Revise street sections to be consistent with text in section 8.5.1
3.5	58	Revise maximum site coverage from 100% to 98% in the VC (Table 3-2)
7.5.1	170	Revise text to match updated NPDES Permit: • ~~Driveway design~~Direct roof runoff into cisterns or rain barrels for reuse • ~~Landscape Feature(s) Design~~Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code • ~~Downspout Routing~~Direct runoff from sidewalks. Walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code

		• ~~Amended Soils~~Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code • Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways and patios with permeable surfaces More features may be required as the size/complexity of each site increased.
6.3.1	143	Revise Table 6-4 with updated student generation rates in accordance with FEIR eratta changes.

Table 2-2 Summary Land Use Plan

Land Use	Approximate Acreage	Projected Dwelling Units/Mixed Use Commercial Square Feet
NE-A	108.59	652
NE-B	89.33	715
NG-A	56.94	512
NG-B	31.46	315
NG-C	33.23	532 du/95,000 sq.ft.
VC-A and B	44.43	1,185 du/389,800 sq.ft.
Residential and Village Center Subtotal of Acreage.	363.98	Maximum - 3,911 du/489,700 sq.ft.
Elementary School #1	18.00	
Elementary School #2	12.00	
Middle School	18.00	
Neighborhood and Small Parks	44.06	
Open Space	104.29	
Public Facilities/Utilities	18.65	
Circulation/Roadways	181.46	
Total	**760.44**	

Table 3-1 Use Classifications

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Residential Uses - Note (37)							

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Day Care Homes, Family - Large (7 or more) - Notes (1), (2)	P	P	P	P	P	P	P
Day Care Homes, Family - Small (6 or less) - Note (2)	P	P	P	P	P	P	P
Home Occupations - Note (4)	P	P	P	P	P	P	P
Interim Housing - Note (3)	NP	NP	NP	NP	SPR	SPR	SPR
Manufactured Housing	P	P	P	CUP	CUP	NP	NP
Mobile home Park	NP	NP	CUP	CUP	CUP	NP	NP
Multiple Detached Dwellings	NP	NP	SPR	SPR	SPR	CUP	CUP
Residential Care Facilities – Large	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Residential Care Facilities – Small Note (5)	P	P	P	P	P	CUP	CUP
Residential Service Facilities - Note (3)	NP	NP	NP	NP	CUP	CUP	CUP
Single Room Occupancies - Note (7)	NP	NP	NP	NP	CUP	CUP	CUP
Courtyard Apartments - Note (35)	NP	NP	SPR	SPR	SPR	NP	NP
Duplex Dwellings	NP	NP	SPR	SPR	SPR	NP	NP
Multifamily Dwellings	NP	NP	NP	NP	SPR	SPR	SPR
Custom Detached/Attached Dwellings	SPR/NP	SPR/NP	SPR/NP	SPR/SPR	SPR/SPR	NP/SPR	NP/SPR
Mixed Use and Flex Use							
Mixed Use Buildings - Notes (8), (9), (15), (31), (39)	NP	NP	NP	NP	CUP	SPR	SPR
Flex Use Buildings - Notes (8), (9), (15), (31), (39)	NP	NP	NP	NP	CUP	SPR	SPR
Single-Family Dwellings							
Single-Family Attached Dwellings	NP	NP	P	SPR	SPR	SPR	NP
Green Court Dwellings - Note (24)	NP	NP	P	P	P	NP	NP
Lane Dwellings - Note (24)	NP	NP	P	P	P	NP	NP
Row Home Detached Dwellings - Note (24)	NP	NP	P	P	P	NP	NP
Accessory Dwelling Units (Carriage Apartments) - Notes (6), (24)	P	P	P	P	P	NP	NP
Single-Family Detached Dwellings	P	P	P	P	P	NP	NP
Public and Semipublic Uses							

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Clubs and Lodges - Note (18)	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Convalescent Hospitals/ Nursing Homes	NP	NP	NP	NP	CUP	CUP	CUP
Cultural Institutions	NP	NP	NP	NP	CUP	SPR	SPR
Day Care Centers	NP	NP	NP	NP	SPR	SPR	SPR
Government Offices/Library	NP	NP	NP	NP	SPR	SPR	SPR
Hospitals	NP	NP	CUP	CUP	CUP	SPR	SPR
Mural Exhibits - Note (16)	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Park and Recreation Facilities	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Parking Lots and Structures - Note (21)	NP	NP	NP	NP	CUP	CUP	CUP
Public Safety Facilities	CUP	CUP	SPR	SPR	SPR	CUP	CUP
Public Utility Service Yards	NP	NP	NP	NP	NP	NP	NP
Religious Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Schools - Public	NA	NA	NA	NA	NA	NA	NA
School - Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Schools - Trade - Notes (10), (34)	NP	NP	NP	NP	NP	CUP	CUP
Telecommunication Facilities - Major Notes (19), (32)	NP	NP	CUP	CUP	CUP	CUP	CUP
Telecommunication Facilities - Minor Note (19), (32)	P	P	P	P	P	P	P
Utilities - Major - Notes (26), (32)	NP	NP	NP	NP	NP	NP	NP
Retail and Office Uses (Note 41)							
Adult Entertainment Facilities - Note (27)	NP	NP	NP	NP	NP	NP	NP
Ambulance Services - Note (38)	NP	NP	NP	NP	NP	CUP	CUP
Animal Boarding - Note (38)	NP	NP	NP	NP	NP	CUP	CUP
Animal Grooming	NP	NP	NP	NP	NP	SPR	SPR
Animal Hospitals	NP	NP	NP	NP	NP	CUP	CUP
Animal Retail Sales	NP	NP	NP	NP	NP	SPR	SPR
Antique and Collectible Shops	NP	NP	NP	NP	NP	SPR	SPR
Artists' Studios	NP	NP	NP	NP	SPR	SPR	SPR
Automated Teller Machines (ATM's) Indoor - Note (28)	NP	NP	NP	NP	SPR	SPR	SPR
Automated Teller Machines (ATMs) Outdoor - Note (25)	NP	NP	NP	NP	SPR	SPR	SPR
Bakeries - Retail	NP	NP	NP	NP	SPR	SPR	SPR
Bakeries - Wholesale	NP	NP	NP	NP	NP	NP	NP

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Bars - Note (18)	NP	NP	NP	NP	NP	CUP	CUP
Bed and Breakfast	NP	NP	NP	NP	CUP	CUP	CUP
Building Materials and Services - Note (38)	NP	NP	NP	NP	NP	NP	CUP
Catering Services - Notes (18) (22)	NP	NP	NP	NP	SPR	SPR	SPR
Commercial Filming	NP	NP	NP	NP	NP	CUP	CUP
Commercial Recreation and Entertainment - Notes (9), (18)	NP	NP	NP	NP	NP	CUP	CUP
Convenience Stores Without Gas Pumps - Notes (10), (18), (25), (38)	NP	NP	NP	NP	CUP	SPR	SPR
Convenience Stores with Gas Pumps - Notes (10), (11), (18), (23), (25), (33) and (38)	NP	NP	NP	NP	NP	CUP	NP
Entertainment, Live (Excluding Adult Entertainment) - Note (15)	NP	NP	NP	NP	NP	CUP	CUP
Equipment Sales, Services, and Rentals	NP	NP	NP	NP	NP	NP	NP
Financial Services - Notes (25), (28)	NP	NP	NP	NP	NP	SPR	SPR
Food and Beverage Sales - Notes (18), (25), (40)	NP	NP	NP	NP	CUP	SPR	SPR
Fortunetelling	NP	NP	NP	NP	NP	NP	CUP
Funeral Services - Note (17)	NP	NP	NP	NP	NP	NP	CUP
Hotels and Motels - Note (7)	NP	NP	NP	NP	NP	NP	CUP
Extended Stay Hotels and Motels - Note (7)	NP	NP	NP	NP	NP	CUP	CUP
Kiosks - Permanent - Note (36)	NP	NP	NP	NP	CUP	CUP	CUP
Kiosks - Temporary or Semi-permanent - Note (36)	NP	NP	NP	NP	CUP	CUP	CUP
Laboratories	NP	NP	NP	NP	NP	SPR	SPR
Laundries – Limited	NP	NP	NP	NP	CUP	SPR	SPR
Laundries - Unlimited	NP	NP	NP	NP	NP	CUP	NP
Live-work Units – Note (20)	NP	NP	NP	NP	CUP	SPR	SPR
Maintenance and Repair Services - Major	NP	NP	NP	NP	NP	NP	NP
Maintenance and Repair Services - Minor - Notes (10), (38)	NP	NP	NP	NP	NP	SPR	SPR
Marine Sales and Services	NP	NP	NP	NP	NP	NP	NP

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Nurseries - Notes (10), (29), (38)	NP	NP	NP	NP	NP	CUP	CUP
Office - Business and Professional	NP	NP	NP	NP	CUP	SPR	SPR
Office - Medical and Dental	NP	NP	NP	NP	CUP	SPR	SPR
Pawn Shops	NP	NP	NP	NP	NP	NP	NP
Personal Improvement Services	NP	NP	NP	NP	CUP	SPR	SPR
Personal Services	NP	NP	NP	NP	CUP	SPR	SPR
Pharmacy - Note (25)	NP	NP	NP	NP	CUP	SPR	SPR
Printing and Publishing – Limited	NP	NP	NP	NP	CUP	SPR	SPR
Printing and Publishing – Unlimited	NP	NP	NP	NP	NP	NP	NP
Recreational Vehicle Parks	NP	NP	NP	NP	NP	NP	NP
Recycling Facilities	See Zoning Code Section 37-50.210						
Restaurants Without drive-through or drive-in facilities - Note (18)	NP	NP	NP	NP	CUP	SPR	SPR
Restaurants With drive-through or drive-in facilities - Notes (18), (25), (38)	NP	NP	NP	NP	NP	CUP	NP
Retail Sales Without drive-through or drive-in facilities - Note (18)	NP	NP	NP	NP	CUP	SPR	SPR
Retail Sales With drive-through or drive-in facilities - Note (38)	NP	NP	NP	NP	NP	CUP	NP
Secondhand or Consignment Stores	NP	NP	NP	NP	NP	NP	CUP
Service Stations - Notes (10), (11), (38)	NP	NP	NP	NP	NP	CUP	NP
Shopping Centers Without gas stations - Notes (10), (18), (23), (38)	NP	NP	NP	NP	NP	SPR	NP
Shopping Centers With gas stations - Notes (10), (11), (18),(38)	NP	NP	NP	NP	NP	CUP	NP
Speculative Buildings - Note (12)	NP	NP	NP	NP	NP	SPR	SPR
Tattoo and/or Body Piercing Parlors	NP	NP	NP	NP	NP	NP	NP
Vehicle Repair Facilities - Major - Note (38)	NP	NP	NP	NP	NP	NP	NP

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Vehicle Repair Facilities - Minor Note (38)	NP	NP	NP	NP	NP	CUP	NP
Vehicle Related Retail Sales and Services	NP	NP	NP	NP	NP	CUP	NP
Vehicle Storage	NP	NP	NP	NP	NP	NP	NP
Vehicle Washing - Notes (10), (11), (25), (33), (38)	NP	NP	NP	NP	NP	CUP	NP
Warehousing and Storage – Limited	NP	NP	NP	NP	NP	NP	NP
Wholesale Distribution	NP	NP	NP	NP	NP	NP	NP
Industrial Uses							
Industrial Complexes	NP	NP	NP	NP	NP	NP	NP
Industry – limited	NP	NP	NP	NP	NP	NP	NP
Accessory Uses and Structures - Note (13)							
Animals-Domestic - Note (30)	P	P	P	P	P	P	P
Utilities-Minor - Note (32)	P	P	P	P	P	P	P
Temporary Uses - Note (14)	TULP	TULP	TULP	TULP	TULP	TULP	TULP
Nonconforming Uses and Structures							
See Section 37-50.160: Non-conforming uses and structures, in the Salinas Zoning Code							

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

CASP = Central Area Specific Plan

"See Section 37-xx.xxx", refers to the adopted 2006 Salinas Zoning Code at the time of the project review, included as Appendix S of this Specific Plan.

(1) See Section 37-50.120: Large Family Day Care Homes.

(2) Small and Large Family Day Care Homes are permitted uses in all districts when the principle use is a residential dwelling unit.

(3) In the VC and NG-C districts, residential service facilities and interim housing serving six or fewer people are allowed with a SPR or as otherwise provided by state law. Such facilities shall be designed to accommodate a group living environment.

(4) See Section 37-50.100: Home Occupations. In all districts, home occupations are permitted uses when the principal use is a residential dwelling unit.

(5) Small residential care facilities (6 or fewer patients) are a permitted use when the principal use is a residential dwelling unit or as otherwise provided by state law.

(6) See Section 37-50.250: Accessory Dwelling Units of the Salinas Zoning Code. A Carriage Apartment shall be considered an Accessory Dwelling Unit. See Table 3-2 of this Specific Plan, Carriage Apartments, Footnote (4) for further requirements applicable to Carriage Apartments.

(7) See Section 37-50.270: Single Room Occupancy (SRO) housing.

(8) Commercial uses in Mixed Use and Flex Use buildings are subject to the approval of a SPR in both VC districts and may be considered in the NG-C district subject to approval of a CUP. The following additional requirements shall apply:

a. Mixed use and flex use floor area may be provided on the first floor of any building in the VC-A and VC-B zones, and if occupied with a non-residential use shall qualify as acceptable space to meet the Note 8b requirements below.

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B

b. A minimum of 600 lineal feet of the first floor frontage of the buildings (described in Note 8a above) shall be restricted to non-residential uses.
c. The 600 lineal foot frontage requirement of non-residential uses (described in Note 8b above) shall not restrict the approval of or the allowed uses in the buildings (described in Note 8a above) until such time that the frontage remaining to be permitted (described in Note 8a above) is equal to the required 600 lineal feet of non-residential uses, minus the frontages (described in Note 8a above) already rented to non-residential uses.
d. The ground floor Flex Use spaces (described in Note 8a above) may change from residential to non-residential uses and back to a residential use upon the City Planner's approval of a SPR authorizing the change. However, a minimum of 600 lineal feet of the approximately 1,800 lineal feet of frontage (described in Note 8a above) shall be offered for rent exclusively to and occupied by non-residential uses.
e. The requirement for a minimum of 600 lineal feet of frontage of non-residential occupancies on the first floor of the buildings (described in Note 8a above) may be reduced subject to the approval of a Minor Revision of this Specific Plan in accordance with Section 9.7 of this Specific Plan where the applicant has demonstrated to satisfaction of the City Planner that sufficient reasonable efforts were made to rent the space to non-residential uses and that insufficient tenants were secured to the fill the required 600 lineal feet of frontage.
f. The first floor of Flex Use buildings must have a minimum of 14 feet between the first floor and the second floor plate of the building.
g. Flex Use buildings may have residential and/or non-residential uses located on any floor of the building.
h. The conversion of residential uses to non-residential uses, or vice versa, in a Flex Use building, is subject to approval of a SPR in the VC districts and a CUP in the NG-C district unless otherwise approved by the City Planner as provided for in Note 8(d) above.
i. The first floor façade of Flex Use buildings must be designed and engineered to allow the provision of shop doors, display windows and signage spaces above the first floor doors and windows to accommodate non-residential uses.

(9) Commercial recreation and entertainment uses less than two thousand square feet in floor area and fitness center uses less than five thousand square feet are permitted with a SPR in the VC-B district and on planning sub area 176 as shown in Appendix G.
(10) See Section 37-50.170: Outdoor Storage and Display.
(11) See Section 37-50.260: Service Stations, Vehicle Repair, and Vehicle Washing.
(12) See Section 37-50.280: Speculative Buildings.
(13) Accessory Uses and Structures will require approval of a SPR or a CUP, if a SPR or CUP is required for the principal use.
(14) See Section 37-50.300: Temporary Use of Land.
(15) A Live Entertainment Permit shall be issued for live entertainment uses in the VC districts in accordance with Section 37-60.490: Minor Conditional Use Permit - Live Entertainment Permit.
(16) See Section 37-50.150: Mural Exhibits.
(17) Funeral services with crematories shall be subject to approval of a CUP.
(18) See Section 37-50.030: Alcohol License Review.
(19) See Section 37-50.290: Telecommunications Facilities: Only stealth telecommunication facilities shall be allowed in the Plan Area except as otherwise mandated by federal law.
(20) See Section 37-50.130: Live-Work Units: Live-work units may only be located in the NG-C and Village Center districts.
(21) Does not apply to the parking required to serve the use. It shall apply only to stand-alone parking facilities.
(22) Catering is only permitted as an accessory use to a restaurant in the VC-A, VC-B and NG-C districts. The overnight outdoor parking or outdoor storage of catering vehicles in the Plan Area is prohibited.
(23) Convenience stores with gas pumps (including sales, display, storage, restrooms, etc.) are limited to a maximum of 2,500 square feet of gross floor area and are allowed only in the VC-A district adjacent to E. Boronda Road.
(24) See Appendix B, Definitions and Chapter 4 of this Specific Plan for a description of this use.
(25) Drive-through and drive-in uses shall not be permitted except as otherwise provided for in this section subject to approval of a CUP. In this regard, a maximum of two drive-through food/drink uses, one drive-through pharmacy use, one drive-through bank use and one other drive-through use will be permitted in the VC-A district adjacent to E. Boronda Road (Planning Subarea 176 as shown in Appendix G) subject to the approval of a CUP as noted previously.
(26) The expansion of the PG& E substations, water wells, water storage, water treatment and above ground conveyance facilities (e.g. booster and pumping stations), drainage, and flood control facilities may be permitted with the approval of a CUP as provided below. All utilities shall comply with the City's current NPDES permit.
a. Expansion of the PG&E substation near Hemingway Drive and Russell Road is permitted subject to approval of a CUP, provided a 50-foot wide landscape easement surrounds the existing and new facilities on all sides. The Landscape Easement shall be planted with evergreen shrubs which a landscape architect certifies will grow to a height of 8-feet or more and evergreen trees which a landscape architect certifies will grow to 70-feet or more.

Land Use Classification	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B

The shrubs must be planted along all of a screen wall (masonry) at 5-foot spacing and the trees must be planted 15-feet on center side to side and front to back and said landscaping shall be maintained in good health by a LLMD and replaced as needed by a LLMD, all at PG&E's expense. The expansion of the P G & Substation will require the incorporation of the above noted landscape buffer, decorative masonry screen walls and other architectural features as required by the City Planner to ensure the facility complements the adjacent uses.

b. All Cal Water and ALCO water wells, water storage, water treatment and above ground conveyance facilities (e.g. booster and pumping stations) within the Specific Plan area will be designed to blend with adjacent uses through the use of elements such as architectural features, landscaping, and decorative masonry screen walls. In this regard, the Cal Water well, storage, and water treatment facilities and any above ground conveyance facility (ALCO booster stations) will require the City's approval of a CUP for each facility prior to construction. This CUP process will include the review and approval of details on the decorative masonry (minimum 8 feet in height) screen walls, landscaping, noise attenuation, use of hazardous materials, if any, and drainage details (including water flows in the event of the malfunction of the well or treatment facility) and other architectural features to blend with and ensure compatibility with surrounding development. Minimum required setbacks will be maintained between infiltration features/practices and water wells in accordance with the City's Stormwater Development Standards (SWDS), stated on page 22, Table 1 of the City of Salinas SWDS.

(27) See Section 37-50.020: Adult entertainment facilities are not permitted in the Plan Area. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.

(28) ATM facilities that are located entirely within a building shall be a permitted use in the NG-C and both VC districts.

(29) Nursery uses are only permitted as an accessory use in the VC-A district on Planning Subareas adjacent to E. Boronda Road.

(30) See Salinas Zoning Code for regulations applicable to domestic animals or animal-keeping.

(31) In Mixed Use and Flex Use Buildings, which allow residential uses, vehicle-related uses including repair, sales, service, storage, and washing; animal sales and services; maintenance and repair services; pawn shops; tattoo and/or body piercing parlors, industrial uses and other uses deemed inappropriate or incompatible by the City Planner with the residential uses in the same building shall not be allowable uses. In Mixed Use and Flex Use buildings allowing residential uses, commercial uses shall be limited to retail, restaurants, offices, services, and similar pedestrian-oriented uses, which are deemed by the City Planner to be compatible with the residential uses located in the same building.

(32) Utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.

(33) Vehicle washing and vehicle repair may be considered as an accessory use to a service station use only in the VC-A district adjacent to E. Boronda Road, subject to the approval of a CUP.

(34) Truck and heavy equipment driving schools shall not be permitted in the Plan Area.

(35) See Appendix B, Definitions and Chapter 4 of this Specific Plan for a description of the Courtyard Apartment.

(36) Permanent and temporary kiosks that are designed and included as part of a larger development review application for another use (such as a shopping center, retail, or restaurant use) shall be subject to the same development review process as required for that use. Kiosks along the streets in the two VC Districts and in the NG-C district are permitted subject to approval of a CUP.

(37) Dwellings located along the south side of the northerly greenway and the north side of the southerly greenway streets shall front onto these streets and shall not have driveways, which access on to or off of these streets. Alley entrances serving dwellings abutting these streets shall not access the northerly and southerly greenway streets.

(38) Notated uses may only be placed in the VC-A District adjacent to E. Boronda Road. See Section 4.3.4 (a) of this Specific Plan.

(39) Only Flex Use Space is allowed on the first floor of buildings which front on the street in VC districts and the east side of the southernmost Village Green. No drive-through lanes, gas pumps or car wash facilities may be permitted in these areas.

(40) A site for a potential full service anchor grocery store has been identified in the Village Center (planning subarea 176) near the northeast corner of Boronda Road and Hemingway Drive. A maximum of one anchor full service grocery store or a similar size anchor store is permitted within the Plan Area and it must be located in the Village Center on planning subarea 176. A full size grocery store typically has approximately 55,000 square feet of floor area. Regional-serving "big box" retail uses are prohibited in the Plan Area.

Table 3-2 Use Development Regulations

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Minimum Average D/U Per Net Acre Per Block Per Zone – Note 23	Residential	5	7	8	9	14	18	24
Maximum Average D/U Per Net Acre Per Block Per Zone – Note 23	Residential	6	8	9	10	16	24	31
Minimum Lot Size and Area per Dwelling Unit – Notes 22 and 23	Residential and Non-Residential	-	-	-	-	-	-	-
Maximum Floor Area Per Net Acre (FAR)	Non-residential	-	-	-	-	0.42	0.65	0.85
Minimum Lot Frontage (Feet)	Residential	35	35	25	25	25	25	25
Minimum Lot Width (Feet)	Courtyard Apartments	NP	NP	130	130	130	NP	NP
Interior Lots	Duplex Dwellings	NP	NP	55	55	55	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	30	30	30	NP	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	130	130	130
	Multifamily Dwellings	NP	NP	NP	NP	130	130	130
	Other Uses	130	130	130	130	130	130	130
	Row Home Detached Dwellings	NP	NP	25	25	25	NP	NP
	Single-family Dwellings – Attached	NP	NP	25	25	25	25	NP
Notes (1), (2), (3), (8)	Single-family Dwellings – Detached	50	45	40	35	30	NP	NP

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Minimum Lot Width (Feet)	Courtyard Apartments	Not permitted on corner lots						
Corner Lots	Duplex Dwellings	NP	NP	60	60	60	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	35	35	35	NP	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	130	130	130
	Multifamily Dwellings	NP	NP	NP	NP	130	130	130
	Other Uses	130	130	130	130	130	130	130
	Row Home Dwellings	NP	NP	NP	30	30	30	NP
	Single-family Dwellings – Attached	NP	NP	NP	30	30	30	NP
Notes (1) and, (2), (3), (8)	Single-family Dwellings- Detached	55	50	45	40	35	NP	NP
Minimum Lot Depth (Feet) - Notes (3), (8) and (10)	Courtyard Apartments	NP	NP	120	115	110	110	NP
	Duplex Dwellings	NP	NP	120	120	120	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	95	95	95	NP	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	120	120	120
	Multifamily Dwellings	NP	NP	NP	NP	120	120	120
	Other Uses	130	125	120	120	120	120	120
	Row Home Dwellings	NP	NP	120	115	110	110	NP
	Single-family Dwellings - Attached	NP	NP	NP	115	115	115	NP
	Single-family Dwellings - Detached	130	125	120	120	120	NP	NP

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Minimum Front Yard Setback (Feet)	Courtyard Apartments	NP	NP	20	15	10	0	NP
If alley loaded garage.	Duplex Dwellings	NP	NP	20	15	10	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	5	5	5	NP	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	0	0	0
	Multifamily Dwellings	NP	NP	NP	NP	0	0	0
	Other Uses	30	25	20	15	10	0	0
	Row Home Dwellings	NP	NP	15	10	5	5	NP
	Single-family Dwellings - Attached	NP	NP	NP	15	10	0	NP
Notes - (3), (10), (20)	Single-family Dwellings - Detached	30	25	20	15	10	NP	NP
Minimum Side Yard Setback (Feet)	Courtyard Apartments	NP	NP	5	5	5	5	NP
Interior Lots	Duplex Dwellings	NP	NP	5	5	5	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	5	5	5	NP	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	0	0	0
	Multifamily Dwellings	NP	NP	NP	NP	0	0	0
	Other Uses	NP	NP	5	5	5	5	5
	Row Home Dwellings	NP	NP	NP	1.5	1.5	1.5	NP
Notes - (2), (3), (6) and (20)	Single-family Dwellings - Attached	NP	NP	NP	0	0	0	NP

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
	Single-family Dwellings - Detached	5	5	5	5	5	NP	NP
Minimum Side Yard Setback (Feet) Street Side of	Courtyard Apartments	Not permitted on corner lots						
Corner Lots	Duplex Dwellings	NP	NP	10	10	10	NP	NP
	Lane Home & Green Court Dwellings	NP	NP	10	10	10	5	NP
	Mixed & Flex Use Buildings	NP	NP	NP	NP	0	0	0
	Multifamily Dwellings	NP	NP	NP	NP	0	0	0
	Other Uses	10	10	10	10	0	0	0
	Row Home Dwellings	NP	NP	NP	10	10	5	NP
	Single-family Dwellings - Attached	NP	NP	NP	10	10	5	NP
Notes - (3), (6), (15)	Single-family Dwellings - Detached	10	10	10	10	10	NP	NP
Maximum Allowable Impervious Coverage (Percentage of Site)- Note (10)	Site Coverage	45%	50%	55%	60%	65%	95%	100%
Maximum Height in Habitable Stories – Note (14), (24)	All	2	2	3	3	4	5	6
Alley Loaded Garage Setback from Center of Alley - Note (3)	All	15 feet						
Rear yard setback – Principle	All	30 feet from the centerline of the alley						

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Structure with alley								
Front Yard Setback to Street Loaded Garage	All	See Note 10						
Distance Between Structures	All	10 Feet						
Rear Yard Setback for Dwellings without Alleys	All	20 Feet						
Rear and Side Yard Setback for Street Loaded Garage in Rear Yard	All	Minimum 5 feet to rear and side property lines Minimum 25 feet to back of walk						
Carriage Apartments	All	See Notes 4 and 13						
Minimum Bedrooms, as a Percent of total dwelling units in a multifamily project	All	- See Note 17						
Usable Open Space per Dwelling Unit – Minimum	All	See Table 3-3 of this Specific Plan						
Stormwater and Water Quality Management	All	See Chapter 7 of this Specific Plan						
Landscaping - Note (21)	All	See Salinas Zoning Code Article V, Division 4: Landscaping and Irrigation						
Fences, Walls, and Hedges - Note (22)	All	See Table 3-1, footnote 26a and Section 4.11 of this Specific Plan and Salinas Zoning Code Section 37-50.090: Fences, Walls and Hedges						
Off-Street Parking, Loading and Outdoor Lighting - Notes (9), (10), (11), and (12)	All	See Appendix E of this Specific Plan and Salinas Zoning Code Article V, Division 2: Parking, Loading, and Outdoor Lighting.						

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B
Driveway and Corner Visibility	All	See Salinas Zoning Code Section 37-50.460: Driveway and Corner Visibility.						
Signs - Note (22)	All	See Salinas Zoning Code Article V, Division 3: Signs						
Outdoor Facilities, including outdoor seating	All	See Salinas Zoning Code Section 37-50.170: Outdoor Storage and Display.						
Accessory Uses and Structures	All	See Salinas Zoning Code Section 37-50.010: Accessory Uses and Structures.						
Screening of Mechanical Equipment	All	See Salinas Zoning Code Section 37-50.240: Screening of Mechanical Equipment.						
Recycling and Solid Waste Disposal	All	See Salinas Zoning Code Section 37-50.200: Recycling and Solid Waste Disposal Regulations						
Performance Standards	All	See Salinas Zoning Code Section 37-50.180: Performance Standards.						
Planned Unit Development	All	See Salinas Zoning Code Article 6, Division 13: Planned Unit Development Permits.						
Nonconforming Uses and Structures	All	See Salinas Zoning Code Section 37-50.160: Nonconforming Uses and Structures.						
Recreational Vehicles, Prohibited Vehicles, and Equipment	All	See Salinas Zoning Code Section 37-50.190: Recreational Vehicles, Prohibited Vehicles, and Equipment Parking and Storage.						
Vehicle Trip Reduction	All	See Salinas Zoning Code Section 37-50.330: Vehicle Trip Reduction.						
Swimming Pools, Spas and Hot Tubs	All	See Salinas Zoning Code Section 37-50.010 (k): Swimming Pools, Spas, and Hot Tubs.						
Accessory Dwelling Units	All	See Salinas Zoning Code Section 37-50.250: Accessory Dwelling Units						
Temporary Use of Land	All	See Salinas Zoning Code Section 37-50.300: Temporary Use of Land						
Condominium Conversions	All	See Salinas Zoning Code Section 37-50.050: Condominium Conversions						

Notes and Additional Requirements

CASP = Central Area Specific Plan

"See Section 37-xx.xxx", refers to the adopted Salinas Zoning Code included as Appendix S of this Specific Plan.

(1) In order to improve the mix and massing on each block and provide a wider range of dwelling unit sizes and prices, each zoning district on each block in the NE-A, NE-B, NG-A and NG-B districts should contain a mix of lot widths and dwelling

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B

unit sizes. The long sides of each block within the NE-A, NE-B, NG-A and NG-B Zoning Districts shall contain a mix of at least three (3) lot widths, with the middle width lot at least 5-feet wider than the smallest lot and five feet (5') narrower than the width of the largest width lot (i.e. 50-feet, 55-feet and 60-feet wide) on that side of that block.

(2) On the side where a Row Home or Single-family attached dwelling (Townhouse dwelling) abuts another dwelling type or use, the minimum interior side yard setback shall be 5-feet.

(3) Lane Home and Green Court Dwellings.

a. Lane Home dwellings back onto an alley and front onto a common area easement, which must be a minimum of 20' wide and said common area runs between two public streets.

b. Green Court Dwellings back onto an alley and front onto three sides of a common Green (minimum 30 feet deep by 60 feet wide) with a public street on the fourth side. Since Lane and Green Court dwellings are located on lots which front a common area, the lot depth shall be measured from the edge of the common area easement (back of sidewalk) to the center of the alley behind the dwelling. The front yard setback for these dwelling types shall be measured from the edge of the common area easement (back of sidewalk) to the main dwelling. The side yard setback for these dwelling types, which sides onto a public street, shall be a minimum of 10 feet, otherwise shall be 5 feet.

(4) See Section 37-50.250: Accessory Dwelling Units. A Carriage Apartment shall be considered an Accessory Dwelling Unit except that:

a. The Carriage Apartment must be located on a minimum forty-five (45) foot wide lot above an alley-served three car garage, both the unit and the garage shall have access to the alley.

b. A Carriage Apartment over an alley served garage shall only be a permitted use on lots with a single-family detached dwelling unit as the primary use and with at least a two-car garage for the principal residence, plus at least a one car garage for the Carriage Apartment. The Carriage Apartment is a permitted use on all such lots.

c. The maximum floor area may be up to 800 square feet for a studio and one-bedroom Carriage Apartment and may be up to 1,100 square feet for a two (2) or three (3) bedroom Carriage Apartment.

d. See Chapter 4 of this Specific Plan for design standards for the Carriage Apartments.

(5) Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities. Additionally, minimum lot sizes may be reduced in conjunction with shopping centers and office complexes where two or more separate lots would be created and be subject to a reciprocal agreement utilizing shared parking, landscaping, and related facilities. In all cases, it shall be demonstrated that the goals of the Zoning District can be achieved and that the public health, safety, and general welfare will be maintained.

(6) If there is a 30-foot wide alley easement along the side of the lot, the minimum side setback to the dwelling shall be 20 feet measured from the center line of the alley. The minimum setback to an alley served garage shall be 15 feet measured from the center line of the alley.

(7) Alleys must have a minimum of 20 feet of open pavement width including the curbs, plus 5 feet of landscaping on each side of the alley (except at the driveway entries to a garage, carport, or parking). The pavement width is measured to the back of the continuous roll or flush curb.

(8) Minimum lot widths and minimum lot depths are measured in conformance with the Salinas Zoning Code, except the minimum lot depth is measured from the right-of-way (street property line) in front of the dwelling unit or non-residential building to the centerline of the standard 30-foot wide minimum alley easement (20' paved vehicle access with 5' landscape plnaters on both sides) or the edge of the ROW for a standard 30-foot wide public alley or to the rear property line if there is no alley.

(9) Parking, loading and outdoor lighting shall be in accordance with City Zoning Code Article V, Division 2: Parking, Loading, and Outdoor Lighting, except the following shall supersede the requirements of Table 37-50.100 Schedule A: Off-Street Parking and Loading Spaces:

In both VC districts and the NG-C districts, the parking requirement may be met by a combination of on-site parking, plus the on-street parking on the streets abutting the building's property as approved by the City Planner and City Engineer.

In the two VC districts and the NG-C districts, the parking requirement shall be:

a) 2 spaces per DU, plus 2 spaces per 1,000 sf. of Commercial floor Area.

b) Minimum 50% on-site parking - Maximum 50% on-street for VC districts.

c) Minimum 75% on-site parking – Maximum 25% on-street for the NG-C disctrict.

10) Garages and driveways serving single-family residential uses are subject to the following:

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B

a) All front-loaded garages accessed by a driveway from a public street instead of a rear alley must be set back at least twenty five (25) feet from the street property line and additionally shall be set back one (1) foot behind the street façade of the principal dwelling for each two foot of garage width (i.e. 1 car garage additional setback is 5 feet, a 2 car garage additional setback is 10 feet, and a 3 car garage additional setback is 15 feet). See below for further regulations applicable to three car garages. In no case shall a street-loaded garage have less than a 20 foot minimum driveway length (as measured from the street property line).

b) All garages including street-loaded shall have roll-up doors.

c) In order to maximize the landscaping in the front yard setback, the driveway from the street property line to the front of the garage (for street-loaded garages) shall not exceed the maximum width of the garage or 20 feet, whichever is less.

d) The driveway from the back of the public sidewalk to a street-loaded garage shall be made of turf blocks, or a similar large cavity porous material, set on rock or gravel sub-base between 6 inch wide flush vertical curbs and the driveway must be irrigated and must allow irrigated vegetation in the driveway surface and allow percolation of rain water to occur within the driveway, with ADA compliant design, subject to review and approval by the City Engineer.

e) The edges of the driveway shall be a minimum of six (6) feet from the side property line to the driveway's 6-inch-wide curbs. The maximum driveway width at the street right-of-way line shall be 16 feet for a two-car garage and 10 feet for a one-car garage except as otherwise provided in this Specific Plan. The maximum width of the driveway may increase to 18-feet for a three-car garage. City standards apply to driveway aprons.

f) Corner lot side street-loaded garages must be set back 25-feet from the street property line.

g) Street loaded swing in garages are not allowed.

h) Street loaded garages located in the rear yard of the home (behind or to the rear of the dwelling) shall be placed a minimum of 5-feet from the rear and side property lines.

i) For single-family detached dwellings, the street-loaded (front or corner side yard) garage shall not occupy more than 50% of the width of any street-facing façade of the dwelling units. Front-loading garages shall only be permitted for interior lots and corner lots with more than 50-feet in width.

j) Three (3) car wide street loaded garages are not allowed, except in the NE-A and NE-B districts and only on lots a minimum of seventy (70) feet wide and a minimum of one hundred ten (110) feet deep with a minimum 30 feet front setback to the house from the street property line. Additionally, a three car wide street-loaded garage must be set back a minimum of 15-feet from the front façade of the home and must be at least forty five feet from the back of the street property line.

k) Access to alley-loaded garages shall have a maximum 3 to 5-foot driveway length or a 20-foot minimum driveway length (as measured from the rear or side property line (as applicable of a public alley) or a maximum 13 to 15-foot driveway length or a minimum 30-foot driveway length as measured from the centerline of an private alley easement. A five foot landscape planter shall be provided on either side of the alley except at the driveway entrances to each dwelling.

l) For dwellings located on lots less than fifty feet in width and for all multifamily dwellings, duplexes, row homes, townhouses, lane homes and green court homes dwellings, the garage or parking areas (as applicable) for each unit shall be accessed from an alley or driveway behind the dwelling of sufficient width to meet fire code requirements.

m) A minimum clear area of 30 feet wide by 20 feet deep for a three car garage and a minimum clear area of 20 feet wide by 20 feet deep for a two car garage will be required. One car detached garage dimensions may vary. The minimum needs to be 20 feet deep by 10 feet wide. The minimum depth for a tandem garage shall be 40 feet.

n) Under no circumstances shall a driveway to a street loaded or alley loaded garage or private property cross the path /sidewalk along the north side of the southerly greenway street, except for one driveway in the VC district between Hemingway Drive and the library site and one driveway located on the middle school site.

(11) Parking lots, carports or garages, as applicable for multifamily dwellings (including but not limited to courtyard apartments), single-family attached, duplexes and triplexes, green court dwellings, commercial, office, Mixed Use and Flex Use buildings and uses, shall be placed (located) in the rear of the buildings. Where any parking lot abuts a street, a minimum 10-foot wide landscaped area with a 30 inch high decorative wall, hedge, fence, or equivalent feature as approved by the City Planner shall be placed between the parking lot and all abutting public sidewalks to screen views of the parking lots. See Sections 4.3.4 and 4.4.4 of this Specific Plan.

Development Regulation	Use	NE-A	NE-B	NG-A	NG-B	NG-C	VC-A	VC-B

(12) Residential, commercial, office, Mixed Use and Flex Use buildings and all other uses in the NG-C and both VC districts shall build to the back of the street sidewalk along seventy five percent (75%) of their street frontage. Twenty-five percent (25%) of the street facades of such buildings may be setback, but only a sufficient distance to accommodate entries, pedestrian oriented outdoor uses and amenities such as patio dining areas, plazas and courtyards, fountains, public area, entry forecourts. Landscaping in maximum 4-foot deep x 1.5 - foot high (or an alternative size as approved by the City Planner) raised planters located behind the required 15-feet wide to 18-feet wide sidewalk is permitted. All entry doors which swing out toward the public sidewalk shall be setback a minimum 4-feet from the back edge of the required sidewalk.

(13) All structures shall be setback a minimum of 15 feet from the center line of all alleys, except the balcony for a Carriage Apartment may encroach 5-feet into this setback.

(14) Special architectural features such as clock towers, bell towers, cupolas, spires, ornamental portions of parapet walls, or other uninhabitable elements intrinsic to the particular architectural style being used may extend a maximum of 40-feet above the highest habitable floor.

(15) The interior side setback for the garages serving a Row home or Townhouse may be zero feet on one side and 4 feet on the other. The corner side yard setback for the garage must be a minimum of 10-feet.

(16) Required parking for all attached and detached single-family dwellings, duplexes, Carriage Apartments, and Courtyard Apartments shall be provided for each unit in an enclosed lockable garage with a roll-up door. The required minimum one car on-site parking for Flex Use, Mixed Use and Multifamily Apartments in both VC districts shall be provided in a lockable garage with a roll-up door, or in carports, provided the parking lot containing the carports is secured with a keypad, card or clicker operated security gate.

(17) Minimum bedroom requirements apply only to multifamily dwelling unit projects with ten or more dwelling units in the NG-A, NG-B, NG-C, VC-A districts. The bedroom per dwelling unit requirement does not apply in the VC-B district.

(18) Noise Control.

See the, “Noise Analysis”, by Brown - Buntin Associates, Inc. on file at the City of Salinas Community Development Department.

Page 1, paragraph 2 of the noise analysis states: “The 2002 Salinas General Plan establishes exterior and interior noise level standards of 60 Ldn or CNEL dBA and 45 dB CNEL, respectfully, for residential land uses.

The City codified this General Plan policy by requiring that the 60 Ldn or CNEL dB exterior noise level be met at the, property line, apparently assuming that the backyard outdoor activity area would share a common property line with the noise source (i.e. an arterial street).

The General Plan promotes the elimination of the use of sound walls and encourages the use of alternative noise mitigation measures such as berms, increased setbacks and other methods where feasible to promote more aesthetically attractive streetscapes and reduce the negative visual and access impacts of sound walls.

Therefore, the design of the Land Use Plan has shielded many of the rear yard outdoor activity areas behind the dwelling units and oriented the front of dwelling units onto frontage streets and parkways, which lie between the home and the arterial street noise source. The acoustic engineer Brown – Buntin Associates, Inc. provided the following minimum distances from the center of the street right-of-way of each of the arterial streets surrounding the Central Area to a point where the 60 CNEL dB sound level would prevail if no intervening dwelling unit or sound wall is provided. All noise attenuation mitigation (including any those specified in this section) must be in accordance the mitigations and requirements provided Central Area Specific Plan EIR and MMRP.

Location of Street	Center Line of Street to 60 dB Level	Half Street Right-of-Way	Distance from the Center Line to the Right- of-Way 60 dB Level Without Intervening Sound Wall or Dwelling Unit	Mitigation Required Between Right-of-Way and Backyard or as Required by the CASP EIR
Natividad Rd - E. Boronda to southerly greenway street	286’	73’	213’	8-foot high sound wall or an intervening home with a 20-foot front yard setback facing onto a 50 to 54-foot wide frontage road parkway and sidewalk adjacent to Natividad Road
Natividad Rd - southerly greenway to northerly greenway streets	248’	73’	175’	
Natividad Rd. northerly greenway street to Russell Rd	217’	73’	144’	
Russell Rd - Natividad Rd. to Independence Blvd.	63’	73’	5’	None Required
Russell Rd - Independence Blvd. to Hemingway Dr.	63’	59’	4’	None required
Russell Rd - Hemingway Dr. to Old Stage Rd.	63’	59’	4’	None required
Old Stage Rd - Russell Rd. to Constitution Blvd. (Note 1)	134’	155’	0’’	None Required
Constitution Blvd - Old Stage Rd. to northerly greenway street	49’	63’	0’’	None Required
Constitution Blvd - northerly greenway street to southerly greenway street	68’	63’	5’	None Required
Constitution Blvd - southerly greenway street to E. Boronda Road	94’	63’	31’	Open Space both sides None required
E. Boronda Rd – Constitution to Hemingway	316’	83’	233’	8-foot high sound wall or an intervening home with a 20-front setback facing onto a 50 to 54-foot wide frontage road parkway and sidewalk adjacent to Boronda Road
E. Boronda Rd - Hemingway to Independence	345’	83’	262’	
E. Boronda Rd – Independence to Natividad	373’	83’	290’	

Note: The half street section is measured from center line of Old Stage Rd. to the south side of the PG&E tower line easement, plus the 50 to 54-foot wide frontage road.

Note: Even with a sound wall or intervening home, triple pane windows and mechanical ventilation or air conditioning must be provided for all residences placed within the above, “Distance from Centerline to 60 dB Level” - The interior noise level must not exceed 45 dBA CNEL. All sound attenuation must comply with the CASP EIR and MMRP.

(19) In the two VC districts, an upper story arcade, balcony, bay window, eave, awning or similar architectural features may project up to 11-feet over the 15-foot wide public sidewalk and up to 14 feet over an 18 foot wide sidewalk, provided a minimum ten-foot wide clear walkway is maintained between the building and any column or post supporting the overhang and provided a ten-foot clear height is maintained or as provided in the CASP EIR.

(20) See Section 4.7(g) and Salinas Zoning Code Section 37-50.040: Building Projections into Yards for other allowable encroachments.

(21) A Master Sign Program shall be required for all signage located in multifamily residential, Mixed Use, Flex Use, and non-residential developments in the Specific Plan and for any Subdivision entry signs. Timing of submittal shall be in accordance with Salinas Zoning Code Article V, Division 3: Signs.

(22) The Lot Size and Lot Area Per Unit shall be subject to the approval of the City Planner at the time of the Tentative or Vesting Subdivision Map creating the applicable lots. All lots shall meet the minimum and maximum density requirements of the Specific Plan described in Sectiond 3.7 through 3.11.

(23) To determine the allowable units per net acre on each block in each Zoning District refer to Sections 3.7 through 3.11 and Appendix G of this Specific Plan.

(24) Structures within the VC districts shall not intercept a 45 inclined plan inward starting from a height of twenty feet (20) above the existing grade at a non VC district rear or side property line.

Table 6-4 Student Generation Rates

Dwelling Unit Type	*Education Level*	*Generation Factors*
Alisal Union School District (AUSD)		
Single-Family (NE A-B) and (NG A-B)	Elementary	~~**0.6755**~~**0.4180**
	Middle	**N/A**
	High	**N/A**
Multifamily Neighborhood General (NG-C) and Village Center (VC A-B)	Elementary	~~**0.7398**~~**0.2857**
	Middle	**N/A**
	High	**N/A**
Santa Rita Union School District (SRUSD)		
Single-Family (NE A-B) and (NG A-B)	Elementary	**0.3148**
	Middle	**0.1955**
	High	**N/A**
Multifamily Neighborhood General (NG-C) and Village Center (VC A-B)	Elementary	**0.5715**
	Middle	**0.1892**
	High	**N/A**
Salinas Union High School District (SUHSD)		
Single-Family (NE A-B) and (NG A-B)	Elementary	**N/A**
	Middle	~~**0.135**~~**0.114**
	High	~~**0.208**~~**0.137**
Multifamily Neighborhood General (NG-C) and Village Center (VC A-B)	Elementary	**N/A**
	Middle	~~**0.009**~~**0.028**
	High	~~**0.041**~~**0.011**

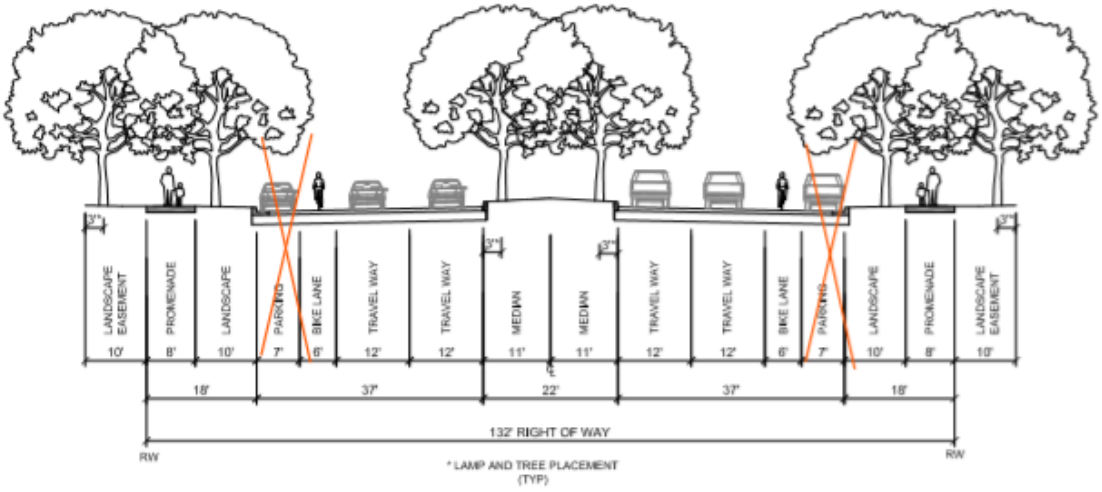
Sources: Salinas Union High School District: ~~2018 School Facility Needs Analysis and Justification Report~~School Facility Needs Analysis for the Salinas Union High School District May 2020; Santa Rita Union School District School Facilities Needs Analysis, March 6, 2018. Alisal Union School District School Facilities Needs Analysis, July ~~202~~, ~~2018~~2020.
notes: AUSD only contains elementary schools; SRUSD only contains Elementary and Middle Schools; SUHSD only contains Middle and High Schools.

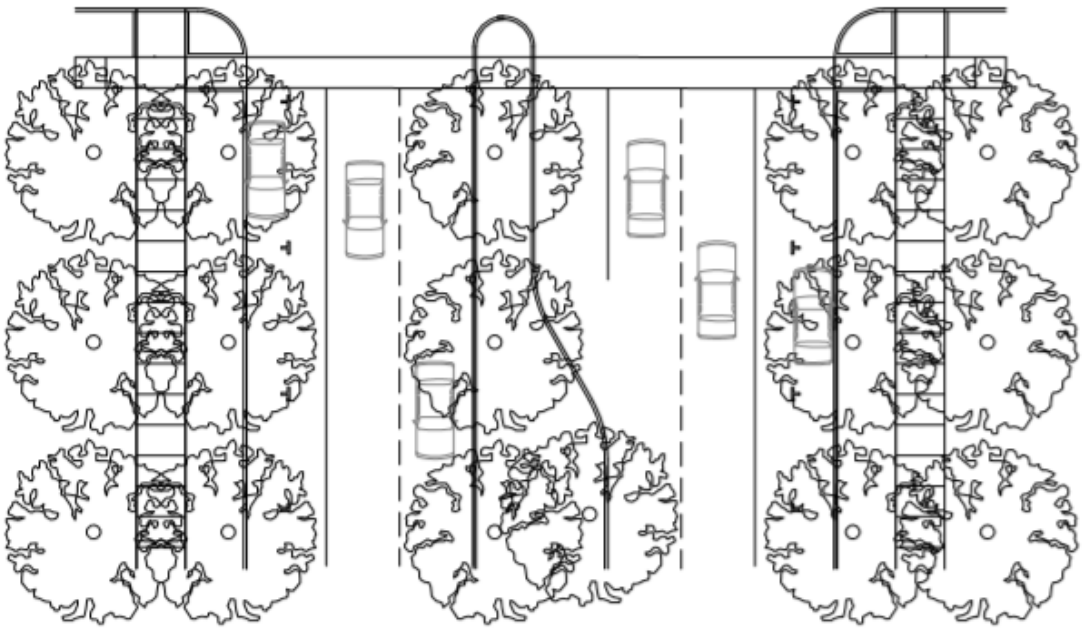
Appendix K street section revisions

TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-1BGP
RUSSELL ROAD AT BEYOND GENERAL PLAN BUILDOUT
PARKING ALLOWED ON BOTH SIDES



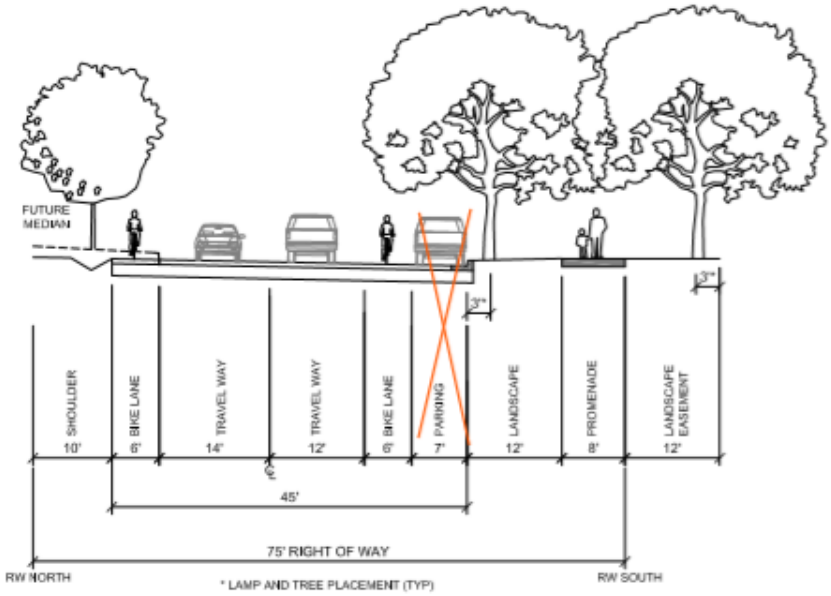


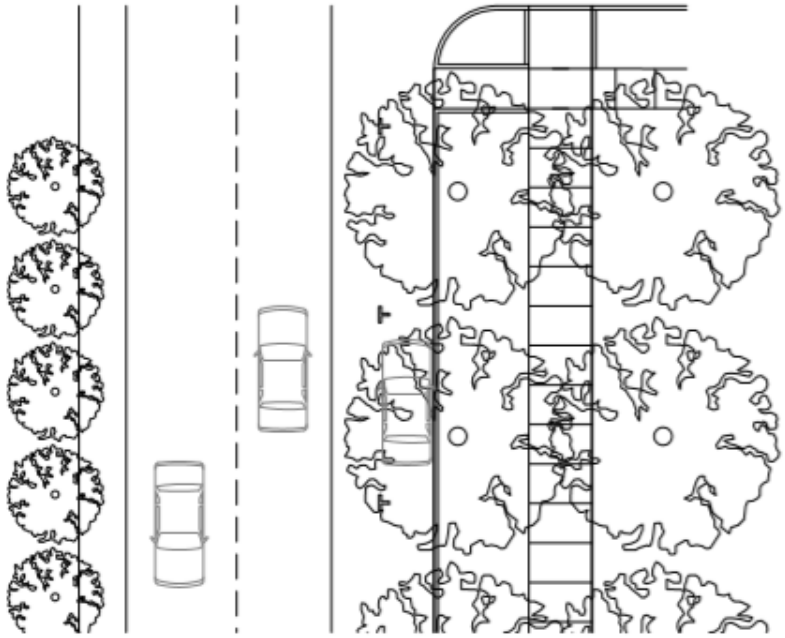


TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-1
RUSSELL ROAD INTERIM CONFIGURATION
PARKING ALLOWED ON ONE SIDE



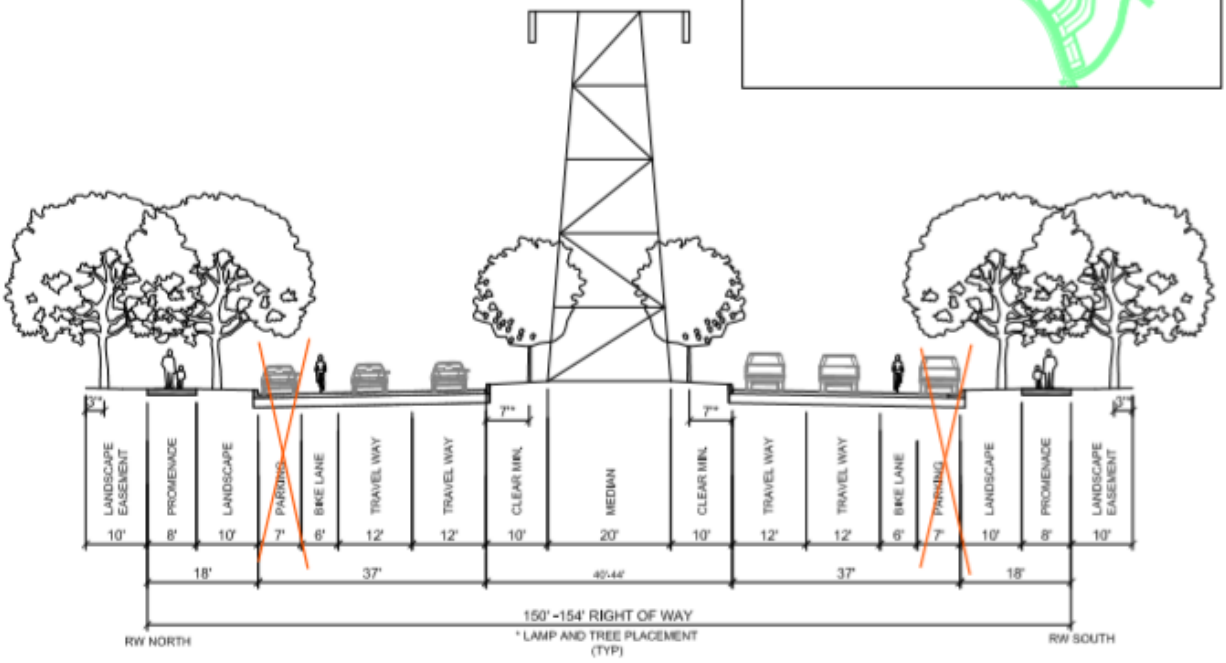


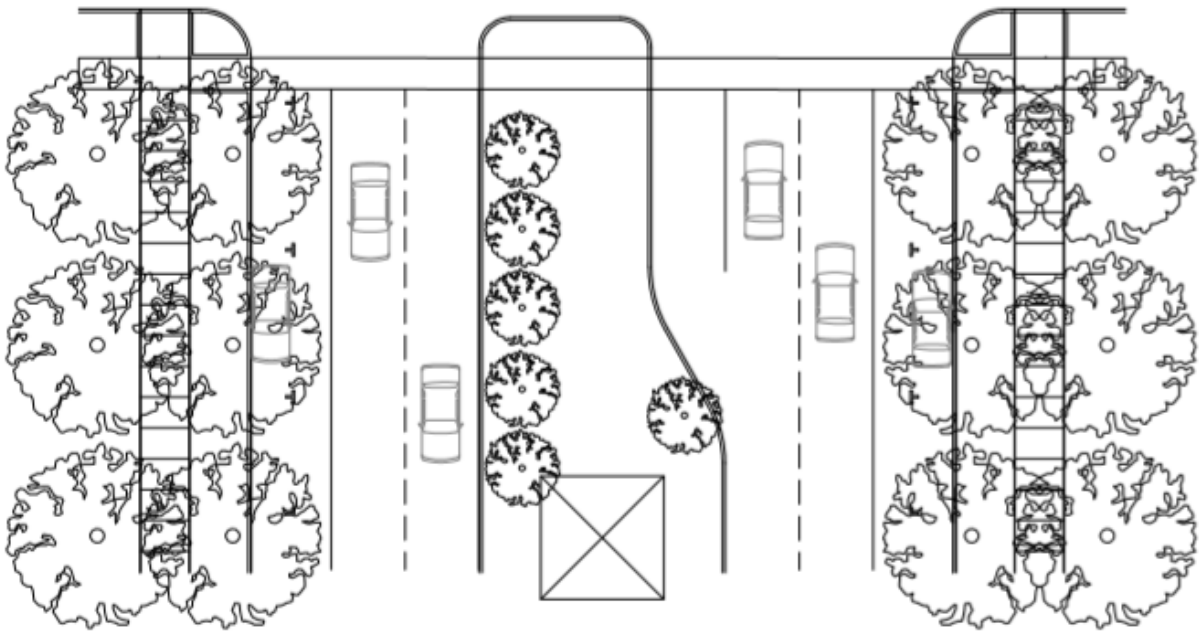


TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-2BGP
RUSSELL ROAD AT BEYOND GENERAL PLAN BUILDOUT
PARKING ALLOWED ON BOTH SIDES



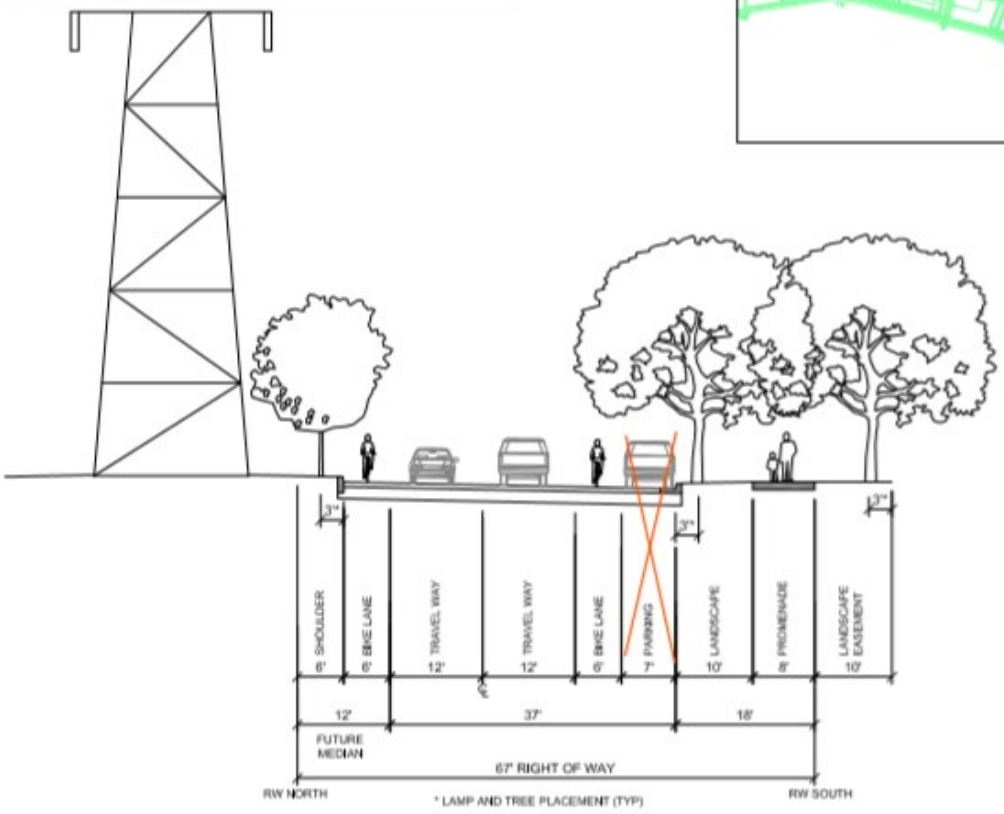


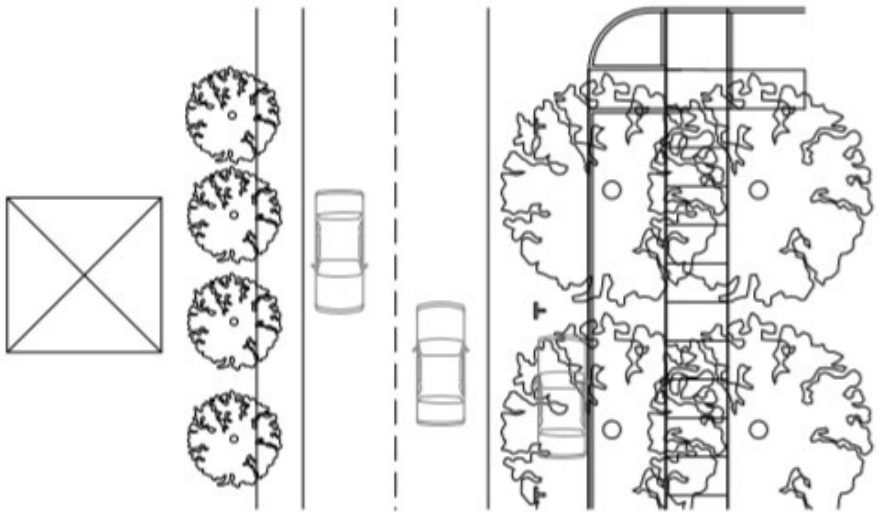


TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-2
RUSSELL ROAD INTERIM CONFIGURATION
PARKING ALLOWED ON ONE SIDE



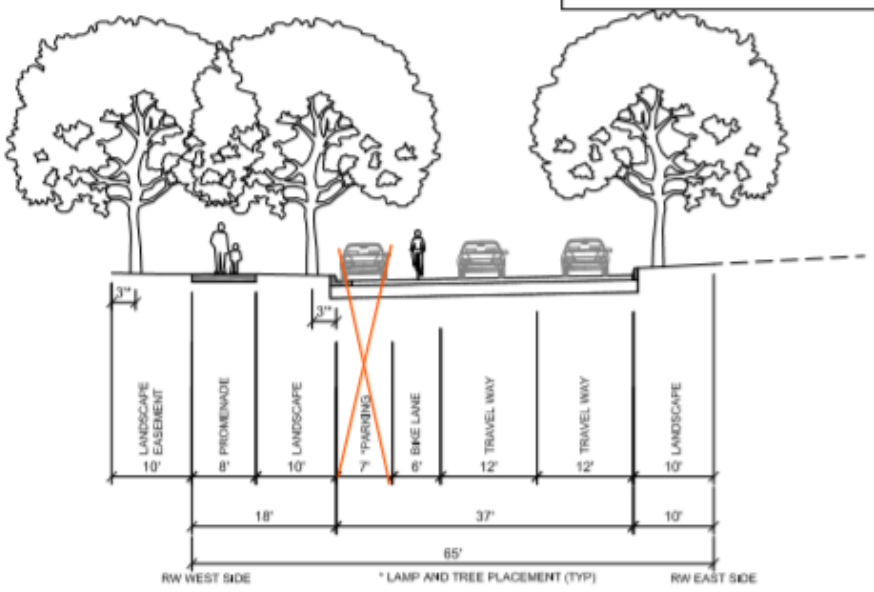


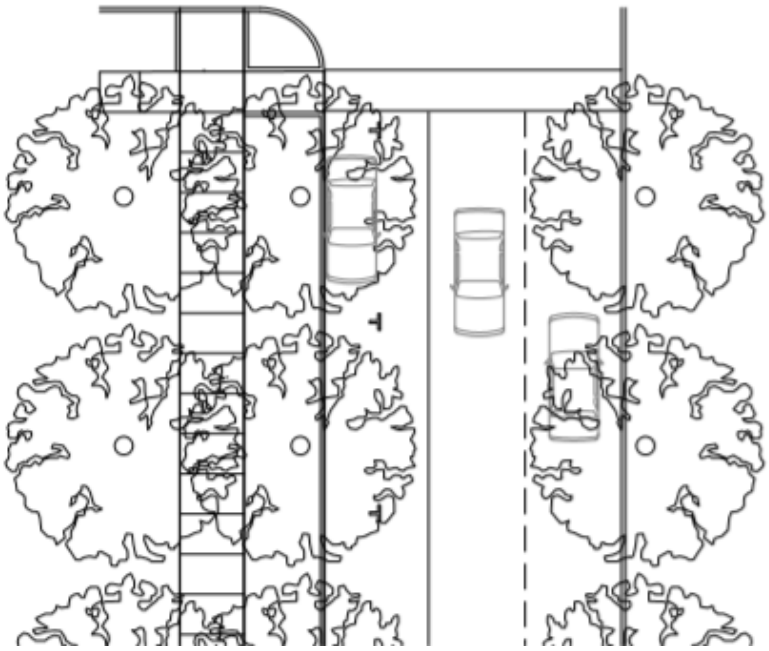


TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-4
CONSTITUTION BLVD AT SPECIFIC PLAN BUILDOUT
PARKING ALLOWED ON WEST SIDE WHEN IN
FRONT OF HOMES



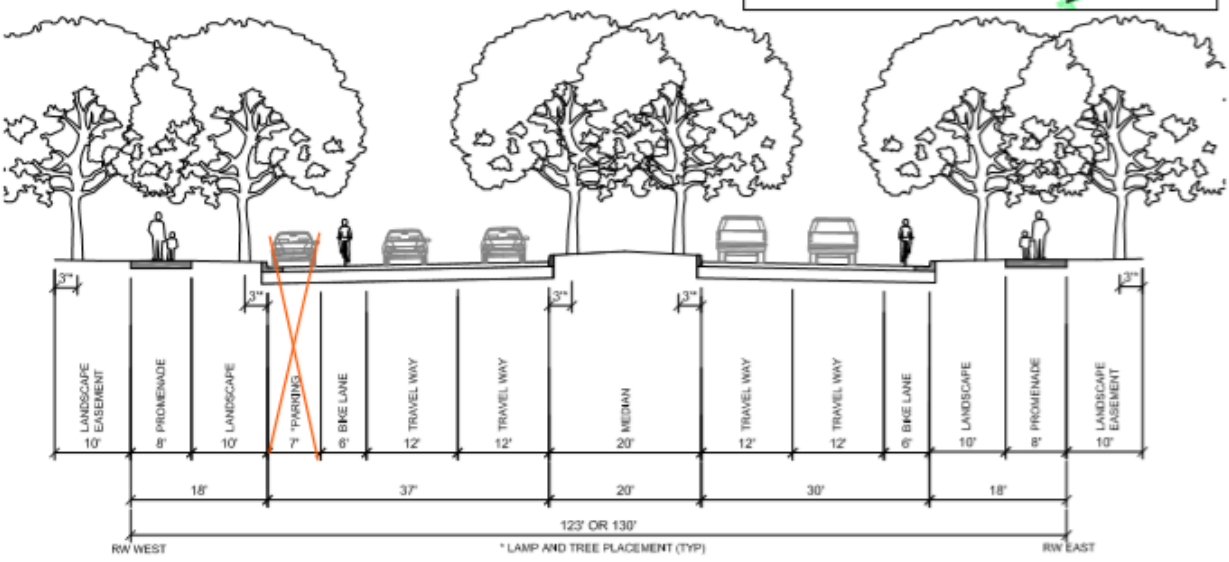




TRAFFIC AND CIRCULATION

ARTERIAL STREET - ART-4B-GP
CONSTITUTION BLVD BEYOND GENERAL PLAN BUILDOUT
*PARKING ALLOWED ON WEST SIDE WHEN IN FRONT OF HOMES





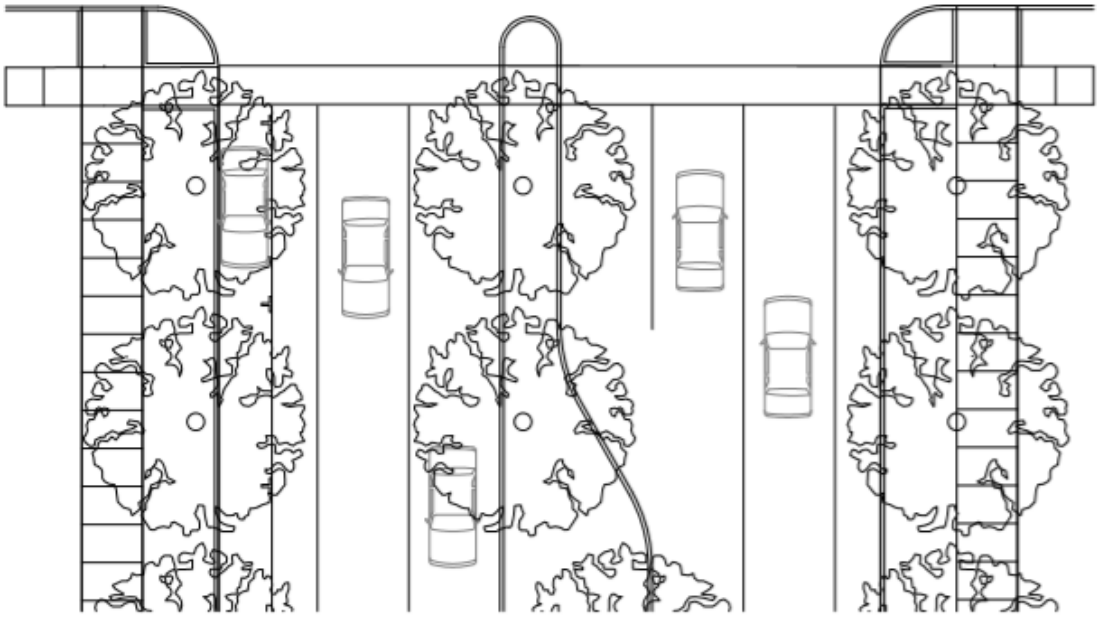


Exhibit C

City of Salinas

COMMUNITY DEVELOPMENT DEPARTMENT * 65 W. Alisal Street * Salinas, California 93901 * (831) 758-7206 * Fax (831) 758-7215

DATE: September 8, 2017

TO: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations

FROM: Jill Miller, Senior Planner
City of Salinas
Community Development Department
65 West Alisal Street (Second Floor)
Salinas, CA 93901
Telephone: (831) 758-7206
Fax: (831) 775-4258
Email: jill.miller@ci.salinas.ca.us

SUBJECT: Notice of Preparation –Central Area Specific Plan (CASP) EIR

EIR CONSULTANT
Steve McMurtry, Principal Planner
De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
Phone: (916) 580-9818

An Initial Study has been prepared for the proposed project and is attached to this Notice of Preparation (NOP). The Initial Study, which is incorporated herein by reference, contains a description of the proposed project, a map showing its location, and discussion of its probable environmental effects. Notably, the proposed project is one of statewide, regional, or areawide significance, making the project subject to the requirements of Public Resources Code section 21092.4. That statute provides that, for any such project, "the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project. Consultation shall be conducted in the same manner as for responsible agencies pursuant to [CEQA], and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within the jurisdiction of a transportation planning agency or a public agency that is consulted by the lead agency." As used in section 21092.4, the term "As used in this section, 'transportation facilities' includes major local arterials and public transit within five miles of the project site and freeways, highways, overpasses, on-ramps, offramps, and rail transit service within 10 miles of the project site."

The Initial Study lists those issues that will require detailed analysis and technical studies that will need to be evaluated and/or prepared as part of the EIR. The EIR will consider potential environmental effects of the proposed project to determine the level of significance of the environmental effect, and will analyze these potential effects to the detail necessary to make a determination on the level of significance.

Those environmental issues that have been determined to be less than significant will have a discussion that is limited to a brief explanation of why those effects are not considered potentially significant. (See CEQA Guidelines, § 15128.) In addition, the EIR may also consider those environmental issues, which are raised by responsible agencies, trustee agencies, and members of the public or related agencies during the NOP process.

We need to know the views of your agency or organization as to the scope and content of the environmental information germane to your agency's statutory responsibilities or of interest to your organization in connection with the proposed project. Specifically, we are requesting the following:

1. If you are a public agency, state whether your agency will be a responsible or trustee agency for the proposed project and list the permits or approvals from your agency that will be required for the project and its future actions;
2. Identify significant environmental effects and mitigation measures that you believe need to be explored in the EIR with supporting discussion of why you believe these effects may be significant;
3. Describe special studies and other information that you believe are necessary for the City of Salinas to analyze the significant environmental effects, alternatives, and mitigation measures you have identified;
4. For public agencies that provide infrastructure and public services, identify any facilities that must be provided (both on- and off-site) to provide services to the proposed project;
5. Indicate whether a member(s) from your agency would like to attend a scoping workshop/meeting for public agencies to discuss the scope and content of the EIR's environmental information;
6. Provide the name, title, and telephone number of the contact person from your agency or organization that we can contact regarding your comments.

Due to the time limits mandated by State law, your response must be sent to and received by the City of Salinas by the following deadlines:

- For responsible agencies, transportation planning agencies, and public agencies that have transportation facilities within their jurisdictions that could be affected by the project, not later than 30 days after you receive this notice.
- For all other agencies and organizations, not later than 30 days following the publication of this Notice of Preparation. The 30-day review period ends on October 9, 2017.

If we do not receive a response from your agency or organization, we will presume that your agency or organization has no response to make.

Because the project is one of statewide, regional, or areawide significance, the City of Salinas as lead agency is required to conduct at least one scoping meeting for the proposed project. (CEQA Guidelines, § 15082, subd. (c)(1).) A public scoping meeting will be held during the public review period as follows:

1. **September 27, 2017 at 2-4pm in the City of Salinas Rotunda (located at 200 Lincoln Avenue, Salinas, CA 93901).**

Please send your response to Jill Miller – Senior Planner at the City of Salinas, 65 West Alisal Street, Salinas, CA 93901. If you have any questions, please contact Jill Miller – Senior Planner at (831) 758- 7206 or via email at jill.miller@ci.salinas.ca.us. **The Notice of Preparation and the Initial Study are available for review at the City of Salinas Community Development Department located at 65 W. Alisal Street; at three Salinas libraries including the Steinbeck Library located at 350 Lincoln Avenue, the El Gabilan Library located at 1400 N. Main Street, and the Cesar Chavez Library located at 615 Williams Road; and on-line on the City's website at: https://www.cityofsalinas.org/our-city-services/community-development/documents-public-review.**

Exhibit D Draft Program Environmental Impact Report

https://salinasca-my.sharepoint.com/:b:/g/personal/jonathanm_ci_salinas_ca_us/EX57ii1VTNtLgZKPm3dY6s8BpVmLbZaULqy4EXAr_ADLLg?e=RKS7Bc

Exhibit E Draft Program Environmental Impact Report Technical Appendices

https://salinasca-my.sharepoint.com/:b:/g/personal/jonathanm_ci_salinas_ca_us/EcRwka2zdWxLow3QxA3gxZwBR2rvT4Vdoe-df3NaCtgGrA?e=7SlJjt

Exhibit F

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

2017091022

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: City of Salinas Central Area Specific Plan (CASP)

Lead Agency: City of Salinas
Contact Person: Jill Miller
Mailing Address: 65 W. Alisal Street
Phone: (831) 775-4258
City: Salinas Zip: 93901
County: Monterey

Project Location: County: Monterey City/Nearest Community: Salinas
Cross Streets: Zip Code: 93901
Longitude/Latitude (degrees, minutes and seconds): ____° ____′ ____″ N / ____° ____′ ____″ W Total Acres: 760
Assessor's Parcel No.: Section: ____ Twp.: ____ Range: ____ Base: ____
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools: ~~Diamond Valley Elem.~~

Document Type:

CEQA: ☒ NOP ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ____ ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec Other: ____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI Other: ☐ Joint Document ☐ Final Document ☐ Other: ____

Governor's Office of Planning & Research

SEP 07 2017
4:30 p.m.
STATE CLEARINGHOUSE

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☒ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other: ____

Development Type:

☒ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☒ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☒ Educational:
☒ Recreational:
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☒ Biological Resources ☐ Coastal Zone ☒ Drainage/Absorption ☐ Economic/Jobs ☐ Fiscal ☒ Flood Plain/Flooding ☒ Forest Land/Fire Hazard ☒ Geologic/Seismic ☒ Minerals ☒ Noise ☒ Population/Housing Balance ☒ Public Services/Facilities ☒ Recreation/Parks ☒ Schools/Universities ☒ Septic Systems ☐ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☒ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation ☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Growth Inducement ☒ Land Use ☒ Cumulative Effects ☐ Other: ____

Present Land Use/Zoning/General Plan Designation:

Various Land Use/GP Land Use designations. Zoning is New Urban Interim (NI) with a Specific Plan Overlay

Project Description: *(please use a separate page if necessary)*

The proposed project (the Central Area Specific Plan or CASP) is a Specific Plan that encompasses approximately 760 acres, located primarily within the City of Salinas (a small portion of the northwest corner of the Specific Plan area is currently located outside of the City of Salinas, within Monterey County). The CASP was designed using the principles of New Urbanism and Traditional Neighborhood Development (TND). TND, also known as village-style development, represents a comprehensive planning system that includes a variety of housing types and land uses in a defined area. The Specific Plan will serve as a bridge between the Salinas General Plan and individual development applications in the Specific Plan Area.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

_____ Air Resources Board
_____ Boating & Waterways, Department of
_____ California Emergency Management Agency
_____ California Highway Patrol
X Caltrans District #5
_____ Caltrans Division of Aeronautics
_____ Caltrans Planning
_____ Central Valley Flood Protection Board
_____ Coachella Valley Mtns. Conservancy
_____ Coastal Commission
_____ Colorado River Board
_____ Conservation, Department of
_____ Corrections, Department of
_____ Delta Protection Commission
_____ Education, Department of
_____ Energy Commission
_____ Fish & Game Region # _____
_____ Food & Agriculture, Department of
_____ Forestry and Fire Protection, Department of
_____ General Services, Department of
_____ Health Services, Department of
_____ Housing & Community Development
_____ Native American Heritage Commission
_____ Office of Historic Preservation
_____ Office of Public School Construction
_____ Parks & Recreation, Department of
_____ Pesticide Regulation, Department of
X Public Utilities Commission
X Regional WQCB #3
_____ Resources Agency
_____ Resources Recycling and Recovery, Department of
_____ S.F. Bay Conservation & Development Comm.
_____ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____ San Joaquin River Conservancy
_____ Santa Monica Mtns. Conservancy
_____ State Lands Commission
_____ SWRCB: Clean Water Grants
_____ SWRCB: Water Quality
_____ SWRCB: Water Rights
_____ Tahoe Regional Planning Agency
_____ Toxic Substances Control, Department of
_____ Water Resources, Department of

_____ Other: _____
_____ Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date 9/8/17 Ending Date 10/9/17

Lead Agency (Complete if applicable):

Consulting Firm: De Novo Planning Group
Address: 1020 Suncast Lane, Suite 106
City/State/Zip: Cameron Park, CA 95762
Contact: Steve McMurtry
Phone: 916-580-9818

Applicant: _____
Address: _____
City/State/Zip: _____
Phone: _____

Signature of Lead Agency Representative: [signature] **Date:** 9/8/17

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Exhibit G

FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

CENTRAL AREA SPECIFIC PLAN

OCTOBER 16, 2020

Prepared for:

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

Prepared by:

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

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

CENTRAL AREA SPECIFIC PLAN

OCTOBER 16, 2020

Prepared for:

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

Prepared by:

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

Chapter **Page Number**

Executive Summary ES-1

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1.2 Environmental Review Process 1.0-2

1.3 Organization of the Final EIR 1.0-3

2.0 Comments on Draft EIR and Responses 2.0-1

2.1 Introduction 2.0-1

2.2 List of Commentors 2.0-1

2.3 Comments and Responses 2.0-2

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1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

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

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

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

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

PURPOSE AND USE

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

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

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

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

1.2 ENVIRONMENTAL REVIEW PROCESS

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

NOTICE OF PREPARATION AND INITIAL STUDY

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

NOTICE OF AVAILABILITY AND DRAFT EIR

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

RESPONSE TO COMMENTS/FINAL EIR

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

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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

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

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

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

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

1.3 ORGANIZATION OF THE FINAL EIR

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

CHAPTER 1.0 – INTRODUCTION

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

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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

CHAPTER 3.0 - ERRATA

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

CHAPTER 4.0 – FINAL MMRP

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

CHAPTER 5.0 - REPORT PREPARERS

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

2.1 INTRODUCTION

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

2.2 LIST OF COMMENTORS

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

TABLE 2-1 LIST OF COMMENTORS

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

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

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

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

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

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

RESPONSES TO COMMENT LETTERS

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

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

Errata

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

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

Jill-

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

5.0 Alternatives to the Proposed Project

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

A-1

Please let me know if you have any questions.

Thanks,
Heather

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

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

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

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

No further response is required.

California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
David Shabazian, Director

JULY 29, 2020

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

Dear Ms. Miller:

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

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

Project Description

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

B-1

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

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

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

B-1 (continued)

Department Comments

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

B-2

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

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

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

B-3

Conclusion

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

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

B-4

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

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

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

B-4 (continued)

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

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

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

Response B-2: The commentor states:

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

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

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

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

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

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

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

Response B-3: The commentor states:

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

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

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

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

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

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

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

August 11, 2020

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

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

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

Dear Ms. Miller:

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

C-1

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

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

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

C-2

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

C-3

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

C-4

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

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

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

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

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

Sincerely,

Debra L. Hale
Executive Director

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

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

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

Response C-2: The commentor states:

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

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

Response C-3: The commentor states:

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

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

Response C-4: The commentor states:

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

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

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

Response C-5: The commentor states:

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

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

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

Response C-6: The commentor states:

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

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

Response C-7: The commentor states:

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

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

Response C-8: The commentor states:

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

This comment is noted. No further response is required.

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

Gmail Josh Smith <jsmith@denovoplanning.com>

FW: Comments on Central Area Specific Plan DEIR and DSP

1 message

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

See comment email below on CASP

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

Dear Jill,

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

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

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

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

Thank you.

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

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

Response D-1: The commentor states:

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

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

Response D-2: The commentor states:

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

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



August 10, 2020

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

Subject: DEIR for Central Area Specific Plan

Dear Ms Miller:

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

Project Description

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

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

E-1

The Specific Plan includes a variety of residential densities:

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

Data from DEIR p. 2.0-23

Agricultural Land

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

Air Quality

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

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

Greenhouse Gas Emissions

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

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

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

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

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

Page 2

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

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

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

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

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

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

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

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

E-4 (continued)

Page 3

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

E-4
(continued)

Page 4

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

E-4 (continued)

Hydrology

The DEIR finds:

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

E-5

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

Schools

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

The DEIR finds the following impact on schools:

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

E-6

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

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

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

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

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

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

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

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

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

LandWatch recommends the following mitigation measure:

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

E-6 (continued)

Transportation.

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

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

E-7

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

E-7 (continued)

Water Supply

The DEIR finds:

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

This finding is based on estimated on the following:

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

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

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

E-8

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

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

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

E-8 (continued)

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

Stormwater Facilities

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

E-9

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

Alternatives

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

E-10 (Continued)

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

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

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

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

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

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

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

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

E-10
(Continued)

Page 9

Thank you for the opportunity to review the DEIR.

E-10 (Continued)

Sincerely,

Michael D. DeLapa
Executive Director

Dear Ms. Miller,

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

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

Thank you.

Regards,

Michael DeLapa

E-11

Response to Letter E: Michael D. DeLapa, Landwatch

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

Response E-2: The commentor states that:

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

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

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

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

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

Response E-3: The commentor states that:

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

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

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

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

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

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

Page 3.1-27:

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

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

No further response to this comment is warranted.

Response E-4: The commentor states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pages 3.4-40 and 3.4-41:

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

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

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

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

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

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

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

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

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

Pages ES-31 and ES-32:

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

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

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

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

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

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

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

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

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

Response E-5: The commentor states that:

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

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

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

Response E-6: The commentor states that:

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

The DEIR finds the following impact on schools:

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

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

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

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

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

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

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

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

LandWatch recommends the following mitigation measure:

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

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

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

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

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

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

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

help to facilitate such an outcome.

Response E-7: The commentor states that:

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

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

Response E-8: The commentor states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response E-9: The commentor states that:

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

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

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

Response E-10: The commentor states that:

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

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

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

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

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

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

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

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

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

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

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

Thank you for the opportunity to review the DEIR.

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

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

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

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

Page 5.0-51:

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

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

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

Page ES-9:

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

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

No further response is required.

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

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August 11, 2020

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

Dear Ms. Miller:

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

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

F-1

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

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

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

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

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

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

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

F-1
(continued)

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

F-1 (continued)

I. Environmental Setting and Related Impact

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

COMMENT 1: California Tiger Salamander (CTS)

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

F-2

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

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

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

F-2 (continued)

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

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

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

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

F-2 (continued)

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

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

F-3

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

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

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

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

F-3 (continued)

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

COMMENT 3: Swainson's Hawk (SWHA)

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

F-4

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

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

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

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

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

F-4
(continued)

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

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

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

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

F-4 (continued)

COMMENT 4: Burrowing Owl (BUOW)

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

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

F-5

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

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

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

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

F-5
(Continued)

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

* meters (m)

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

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

F-5 (Continued)

COMMENT 5: Western Spadefoot

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

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

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

F-6

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

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

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

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

F-6 (Continued)

COMMENT 7: Special-Status plants

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

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

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

F-7

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

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

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

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

F-7
(Continued)

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

ENVIRONMENTAL DATA

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

F-8

FILING FEES

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

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CONCLUSION

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

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

F-8
(Continued)

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

ec: Office of Planning and Research, State Clearinghouse

Aimee Braddock
California Department of Fish and Wildlife

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REFERENCES

California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.

California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org

California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

California Department of Fish and Wildlife (CDFW). 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.

California Department of Fish and Wildlife (CDFW). 2020. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed July 22, 2020.

Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. Burrowing Owl (*Athene cunicularia*) *in* Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.

Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? *In* Research and Recovery in Vernal Pool Landscapes, D. G. Alexander and R. A. Schlising, Eds. California State University, Chico, California.

Searcy, C.A., E. Gabbai-Saldate, and H.B. Shaffer. 2013. Microhabitat use and migration distance of an endangered grassland amphibian. Biological Conservation 158: 80-87.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

DocuSign Envelope ID: C10443A8-F1BA-4F18-9A2E-3448922798AD

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

U.S. Fish and Wildlife Service (USFWS). 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.

U.S. Fish and Wildlife Service (USFWS). 2005. Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog. March 2005. 26 pp.

U.S. Fish and Wildlife Service (USFWS). 2017. Species Account for California Red-legged frog. March 2017. 1 pp.

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Attachment 1

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

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

SCH No.: 2017091022

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

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

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

The commentor further states:

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

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

Response F-2: The commentor states:

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

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

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

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

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

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

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

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

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

Pages 3.2-40 and 3.2-41:

MITIGATION MEASURES

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

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

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

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

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

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

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

No further response is warranted.

Response F-3: The commentor states:

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

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

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

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

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

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

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

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

Response F-4: The commentor states:

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

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

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

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

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

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

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

Response F-5: The commentor states:

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

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

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

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

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

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

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

Response F-6: The commentor states:

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

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

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

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

Response F-7: The commentor states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This comment is noted and no further action is required.

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Matt Wetstein
Superintendent/President, Cabrillo College

Staff: Kate Roberts, President & CEO

August 11, 2020

City of Salinas
200 Lincoln Avenue
Salinas, CA 93901

Subject: Central Area Specific Plan Draft EIR Public Comment

Dear City of Salinas Planning Staff,

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

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

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

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

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

G-4 (Continued)

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

G-5

In summary, MBEP strongly encourages:

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

G-6

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

Thank you for your consideration.

Sincerely,

Kate Roberts
President & CEO
Monterey Bay Economic Partnership

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

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

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

Response G-3: The commentor states:

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

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

Response G-4: The commentor states:

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

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

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

Response G-5: The commentor states:

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

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

Response G-6: The commentor states:

"In summary, MBEP strongly encourages:

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

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

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

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

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Making Conservation a California Way of Life.

August 11, 2020

MON/101/91.00
SCH#2017091022

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

Dear Ms. Miller:

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

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

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

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

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

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

H-3 (continued)

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

H-4

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

H-5

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

H-6

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

H-7

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

H-8

Sincerely,

Chris Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Development Review

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

Response to Letter H: Chris Bjornstad, Caltrans

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

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

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

Response H-4: The commentor states:

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

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

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

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

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

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

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

Response H-5: The commentor states:

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

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

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

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

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

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

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

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

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

Response H-6: The commentor states:

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

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

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

Response H-7: The commentor states:

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

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

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

LS Lozano Smith
ATTORNEYS AT LAW

Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

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

August 11, 2020

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

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

Dear Ms. Miller:

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

A. Summary

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

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

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

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

I-1 (continued)

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

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

B. Areas of Concern

1. District Communications with City and Developers

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

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

I-2

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

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

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

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

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

I-2
(Continued)

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

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

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

2. Suitability of Site for Use as Elementary School

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

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

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

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

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

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

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

I-3 (Continued)

3. Potential Increases in Enrollment

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

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

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

I-4

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

4. Insufficient School Funding

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

I-5

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

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

I-5 (Continued)

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

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

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

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

I-5
(Continued)

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

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

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

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

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

I-5 (Continued)

5. Environmental Impacts from Project "Phasing"

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

I-6

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

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

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

I-6 (Continued)

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

6. Landscape and Lighting Maintenance District

I-7

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

7. Design Standards

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

I-8

C. Environmental Factors Impacting District Schools

I-9

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

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

I-9 (Continued)

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

1. Noise Generated by Potential Construction

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

I-10

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

2. Hazards and Hazardous Emissions

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

I-11

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

I-11 (Continued)

3. Noise.

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

I-12

4. Environmental Factors Affecting Potential Elementary School Site

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

I-13

D. Cumulative Impacts

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

I-14

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

E. Conclusion and Requested Revisions and Amendments

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

I-15

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

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

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

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

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

Response I-2: The commentor states:

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

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

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

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

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

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

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

Response I-3: The commentor states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response I-4: The commentor states:

"3. Potential Increases in Enrollment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No further response is required.

Response I-5: The commentor states:

"4. Insufficient School Funding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response I-6: The commentor states:

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

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

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

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

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

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

Response I-7: The commentor states:

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

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

Response I-8: The commentor states:

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

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

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

Response I-9: The commentor states:

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

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

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

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

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

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

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

No further response to this comment is warranted.

Response I-10: The commentor states:

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

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

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

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

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

Response I-11: The commentor states:

"2. Hazards and Hazardous Emissions

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

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

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

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

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

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

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

Response I-12: The commentor states:

"3. Noise

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

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

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

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

Response I-13: The commentor states:

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

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

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

Response I-14: The commentor states:

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

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

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

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

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

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August 11, 2020

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

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

Dear Ms. Miller:

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

A. Summary

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

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

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

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

J-1 (Continued)

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

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

B. Areas of Concern

1. District Communications with City and Developers

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

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

J-2

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

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

2. Potential Increases in Enrollment

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

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

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

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

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

3. Insufficient School Funding

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

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

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

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

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

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

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

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

J-4
(Continued)

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

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

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

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

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

J-4 (Continued)

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

4. Environmental Impacts from Project "Phasing"

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

J-5

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

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

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

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

C. Environmental Factors Impacting District Schools

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

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

1. Noise Generated by Potential Construction

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

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

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

J-7 (Continued)

2. Hazards and Hazardous Emissions

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

J-8

3. Noise

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

J-9

D. Cumulative Impacts

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

J-10

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

J-10 (Continued)

E. Conclusion and Requested Revisions and Amendments

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

J-11

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

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

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

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

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

Response J-2: The commentor states:

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

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

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

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

Response J-3: The commentor states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHANGE)

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

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

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

No further response is required.

Response J-4: The commentor states:

"3. Insufficient School Funding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response J-5: The commentor states:

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

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

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

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

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

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

Response J-6: The commentor states:

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

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

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

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

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

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

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

No further response to this comment is warranted.

Response J-7: The commentor states:

> *"1. Noise Generated by Potential Construction*
>
> *The Draft EIR defines a "sensitive receptor" as "a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants." (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)*
>
> *The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify the middle school site the District already owns with the Plan area (or any future high school site) as a sensitive receptor that could be affected by construction of the Project. (Id.) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as "less than significant with mitigation," but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate at least one new*

school within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR."

The commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-8: The commentor states:

"2. Hazards and Hazardous Emissions

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate measures to mitigate those hazards during Specific Plan construction."

Similar to the previous comment, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed

project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Hazards impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of hazard-related impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-9: The commentor states:

> *"3. Noise*
>
> *The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools during Project construction."*

Similar to the previous two comments, the commentor faults the City for not assessing specific impacts on future students and teachers in future schools within the Specific Plan area. Since these students will be part of the Specific Plan area, we need not, under CBIA v. BAAQMD (2015) 62 Cal.4th 369, 377-378, address health effects on these students. That case holds generally that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents," though the court goes on to say that "[b]ut when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, nothing about the project exacerbates any existing hazards that could affect students of teachers.

The environmental analysis in the Draft EIR is generic and does not address parcel by parcel impacts, including parcels on which future schools may be located. However, such an analysis is not required. This sort of analysis can be conducted by the school district itself when it has a specific school to propose. (See Response to Comment I-3.) Noise impacts need not be addressed on a parcel by parcel basis. The Draft EIR does, however, provide a discussion of construction-related noise impacts. The school district will be the lead agency then, and can make whatever use of this Draft EIR it wants.

The school district is essentially demanding project-specific analysis for a school that has not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term specific plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. No further response to this comment is warranted.

Response J-10: The commentor states:

> ***"D. Cumulative Impacts***
>
> *Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code§ 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)*
>
> *The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts."*

This comment is noted. Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response J-11: The commentor states provides concluding statements, summarizing the concerns the commentor has regarding the proposed project, particularly how the project may impact the District's ability to serve the students resulting from the project. No further response to this comment is warranted.

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August 11, 2020

City of Salinas
Community Development Department
Attn: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Santa Rita Union School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Please accept this letter as the Santa Rita Union School District's ("District" or "SRUSD") comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project").

The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within SRUSD that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.) K-1

As noted in the Draft EIR, on April 28, 2020, the three school districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site originally designated as a middle/elementary school would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). If the territory transfer is approved, the District will not serve students generated by the Project; however, approval of the petition is not a certainty. For that reason, and also in support of the comments regarding the Draft EIR submitted by AUSD and SUHSD, the District submits this letter.

The District's major area of concern is the Draft EIR's failure to consider the real impacts, environmental and otherwise of the Project on the school districts that will serve the families who will eventually make their homes within the Specific Plan area. Among other things, the K-2

Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of the Project. In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

K-2 (Continued)

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

K-3

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.

K-4

All of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

By the City of Salinas's own calculations, if the pending territory transfer is approved, the 3,911 new homes included in the Specific Plan will generate up to 3,591 new students. (Draft EIR, p. 3.9-25-3.9-26.) Of that number, 2,752 would be elementary-age students, 311 would be middle school students, and 526 would be new high school students. (*Id.*) In the event the territory transfer is not approved, the Project could generate up to 4,033 new students, including 2,752 elementary students, 754 middle school students, and 526 high school students. (*Id.*)

As discussed in comments letters submitted by AUSD and SUHSD, the critical issue here is that there are insufficient school facilities to house these students and limited available funding to construct new facilities. The funding mechanisms referenced in the Draft EIR are both inadequate and overly optimistic. The bottom line is that the Specific Plan and Draft EIR simply assume that new school facilities will be provided, despite the fact that funding for such facilities is likely to be extremely limited or in some cases, entirely unavailable. This will result in an influx of students to the existing facilities of the school districts serving the Specific Plan area as well as other school districts in the area, including the District, and the environmental impacts of this influx, when appropriate school facilities are not available, have not been properly assessed.

K-5

In the case of the District, denial of the pending territory transfer would mean that SRUSD will be responsible for serving elementary and middle school students generated by the Project. SRUSD currently serves approximately 3,569 students in kindergarten through eighth grade at its four elementary schools and two middle schools. As acknowledged in the Draft EIR, the District's existing school sites are already over-capacity. In addition to students generated by this Project, the District will also be responsible for serving students generated by the West Area Specific Plan.

K-5 (Continued)

The Specific Plan identifies the 18-acre site in the western part of the Project area as a potential location for a District middle/elementary school (if a boundary adjustment is not approved). As discussed in the letter submitted by AUSD, a CDE consultant who reviewed the Draft EIR has identified a number of potential concerns with the proposed site. As an initial concern, the CDE consultant noted the need for a hydrology study to evaluate the potential for flooding. The consultant indicated that the road and greenway/pedestrian pathway running through the center of the site is likely to collect runoff from adjacent houses and Gabilan Creek and then run downslope through the site. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site. As the property has been used for agriculture, a new Department of Toxic control Substances ("DTSC") survey to identify contaminants such as pesticides, is also essential. The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. Inspections and repairs to pipes and water main components would be highly disruptive to school operations.

These and other concerns may render the proposed site unsuitable for use as a school. As discussed in the letter submitted by AUSD, the Project developers had close to two years' advance notice of the pending territory transfer, but the Draft EIR does not identify or address any environmental impacts related to the western school site with regard to its use as a campus for elementary or middle school students.

K-6

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to fund the construction of new school facilities and the influx of students to existing school facilities. Installation of portables and ongoing construction on existing sites necessary to accommodate these students will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. The changing of attendance boundaries, bussing, and inter-district transfer or parents electing to send their children to other school districts or school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The current Draft EIR fails in this regard.

As was the case with the West Area Specific Plan EIR, the Draft EIR describes a "phased" approach to development of the Specific Plan area that is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) The few other references to phasing in the Draft EIR suggest that development of the Specific Plan area will take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is unsupported. *(Id.)* In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR simply states that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (*I*d.)

K-7

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. The Draft EIR is deficient in this regard.

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

K-8

As noted above, the District will also be responsible for serving students generated by the West Area Specific Plan. This Project's anticipated impacts on the District, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

The Specific Plan's failure to ensure funding for necessary school facilities and the resulting inadequacies of the Draft EIR are a significant concern for every local educational agency serving the City of Salinas. The District fully supports other local educational agencies that have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR and agrees with the issues raised in their respective comment letters.

K-9

We are hopeful for the opportunity to discuss our concerns and work together to reach a solution that ensures that quality school facilities can be provided. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH

Devon B. Lincoln

DBL/mc

cc: Timothy Ryan, Superintendent, Santa Rita Union School District

Response to Letter K: Devon B. Lincoln, Lozano Smith Attorneys at Law representing Santa Rita Union

Response K-1: The commentor provides an introductory statement and provides a summary of the commentor's concerns with the Draft EIR. Discussion of each of the issues summarized in this portion of the comment letter are provided in the responses, below.

Response K-2: The commentor states:

> *"The District's major area of concern is the Draft EIR's failure to consider the real impacts, environmental and otherwise of the Project on the school districts that will serve the families who will eventually make their homes within the Specific Plan area. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of the Project. In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in tum, fails to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.*
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> *In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in tum, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR."*

No land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely identifying locations where schools would complement other land uses. The footprint-related impacts of schools are generally no different than those of other uses. Nor are school residents any more or less susceptible to atmospheric environmental conditions than are other area residents. School districts must ultimately make their own siting decisions, and must conduct their own project-specific CEQA analysis in doing so. (See Response to Comment I-3.)

Impacts associated with schools are analyzed in Section 3.9 Public Services. Page 3.9-15 of the Draft EIR presents the City's policy toward working with school districts to identify land needed for new schools, and to consider impacts of proposed projects on school enrollment and facilities when considering new projects. The City's policies are as follows:

Policy LU-9.1: Work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.

Policy LU-9.2: Consider impacts of proposed projects on school enrollment and facilities when acting on annexation applications to ensure that public services and facilities service standards identified in Table LU-4 are met.

The purpose for identifying sites for new schools is to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (i.e., Pub. Resources Code, § 21151.8) task the school districts with the responsibility for design and construction of its own schools, and for conducting its own project-specific CEQA analysis in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school districts with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school districts through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees; instead, that responsibility lies with the school district. Education Code (EC) section 17620 grants the school districts the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

It is important to consider the statutory requirements that apply to school facilities impacts in this discussion. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impacts caused by new development. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities.

The school district has established the appropriate fee for all development in the City of Salinas. This fee established by the school district, following the requirements of State law, is the fair share funding that the City will require of this development. By statute, the City and school district cannot require fees beyond that allowed by the State law, and affirmed by the District through their approved nexus study. The City will fully cooperate with the school district, as it has in the past, in the collection of the school impact fees that have been established by school district.

Moreover, in *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, 1027-1028, the court said in that case is that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The

City did that here, as the City considered school construction as part of full buildout of the project area. The physical impacts of school construction are not different than the impacts of any kind of development. Grading and site alteration are required for any kind of development.

The City's approach to CEQA compliance has been correct. Consistent with SB 50 (see Draft EIR, pp. 39-14 - 3.9-15, 3.9-20), the City addressed the physical effects of school construction and operation, along with all other land uses within the Specific Plan Area (e.g., effects on biological resources, cultural resources, air quality, greenhouse gases, etc.) but did not treat school overcrowding as an environmental impact category subject to CEQA. Rather, the City is requiring the applicants to pay their school impact fees, as contemplated by Government Code Section 65996, which provides that the payment of such fees is deemed to be "full and complete school facilities mitigation" for any demands on school facilities caused by new development. The Districts' demand for analysis of impacts on the Districts' financial condition goes beyond what the Legislature has declared is required or allowed under CEQA. The demand is also contrary to long-standing distinctions between environmental impacts, on the one hand, and economic or social impacts, on the other. (See, e.g., CEQA Guidelines, § 15131.)

The City has established sites for new schools to ensure that there is adequate land set aside for the development of new school facilities within the Specific Plan Area. Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school district with the responsibility for design and construction of its own schools, and for conducting its own project-specific CEQA analysis in doing so. While the City is not the lead agency responsible for school development, the City fully supports the school district with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school district through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees, instead that responsibility lies with the school district. Education Code (EC) 17620 grants the school district the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. No further response is warranted.

Response K-3: The commentor states:

> *"As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts."*

This comment is noted. In *Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016, 1027-1028, the court said in that case is that, though Senate Bill 50 from 1998 relieves lead agencies of considering school overcrowding, lead agencies must still look at the physical environmental effects of school construction, such as effects on traffic, air quality, biological resources, and the like. The City did that here, as the City considered school construction as part of

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Ultimately, the Education Code and CEQA (Pub. Resources Code, § 21151.8) task the school district with the responsibility for design and construction of its own schools. While the City is not the lead agency responsible for school development, the City fully supports the school district with the provision of infrastructure and land to facilitate school facility development, as well as the collection of school impact fees to fund new school development. It is standard for the City to require all development projects to adhere to the State's laws regarding the funding of school facilities, including the payment of school impact fees that are established by the school district through their nexus study/fee justification efforts. The City, however, does not establish the school impact fees, instead that responsibility lies with the school district. Education Code (EC) 17620 grants the school district the authority to impose school impact fees, and the school district has established impact fees that are applicable to development in the Specific Plan Area. No further response is warranted.

Response K-4: The commentor states:

> *" Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.*
>
> *All of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR."*

This comment is noted. Cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time,

but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response K-5: The commentor states:

> *"By the City of Salinas's own calculations, if the pending territory transfer is approved, the 3,911 new homes included in the Specific Plan will generate up to 3,591 new students. (Draft EIR, p. 3.9-25-3.9-26.) Of that number, 2,752 would be elementary-age students, 311 would be middle school students, and 526 would be new high school students. (Id.) In the event the territory transfer is not approved, the Project could generate up to 4,033 new students, including 2,752 elementary students, 754 middle school students, and 526 high school students. (Id.)*
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This comment is noted. As previously provided under Response K-2 (above), no land use plan (general plan or specific plan) is understood to guarantee that the planned uses will materialize. Rather, such plans set forth a vision of land use that might materialize if market conditions and public financing allow it to happen. The Draft EIR for the project is not deficient simply because neither the City nor the project developers can guarantee adequate school funding. The City is merely

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Response K-6: The commentor states:

"The Specific Plan identifies the 18-acre site in the western part of the Project area as a potential location for a District middle/elementary school (if a boundary adjustment is not approved). As discussed in the letter submitted by AUSD, a CDE consultant who reviewed the Draft EIR has identified a number of potential concerns with the proposed site. As an initial concern, the CDE consultant noted the need for a hydrology study to evaluate the potential for flooding. The consultant indicated that the road and greenway/pedestrian pathway running through the center of the site is likely to collect runoff from adjacent houses and Gabilan Creek and then run downslope through the site. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site. As the property has been used for agriculture, a new Department of Toxic control Substances ("DTSC") survey to identify contaminants such as pesticides, is also essential. The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running though the school site. Inspections and repairs to pipes and water main components would be highly disruptive to school operations.

These and other concerns may render the proposed site unsuitable for use as a school. As discussed in the letter submitted by AUSD, the Project developers had close to two years' advance notice of the pending territory transfer, but the Draft EIR does not identify or address any environmental impacts related to the western school site with regard to its use as a campus for elementary or middle school students.

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to fund the construction of new school facilities and the influx of students to existing school facilities. Installation of portables and ongoing construction on existing sites necessary to accommodate these students will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. The changing of attendance boundaries, bussing, and inter-district transfer or parents electing to send their children to other school districts or school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The current Draft EIR fails in this regard."

This comment is noted. The commentor identifies that the potential boundary changes between the respective school districts would be environmentally significant; however, the generalized footprint impacts of individual schools would not presumably differ simply because the schools are operated on one district rather than another. For example, the commentor identifies that a 'road and public

pedestrian path' would run through the middle of an elementary school campus (were the district boundary change to occur). However, it is not clear how this would generate serious safety concerns beyond those that would occur if the site were to stay within the boundaries of the SRUSD, where the site would be developed as a middle/elementary school. City, state, and federal road and sidewalk public safety requirements would apply in both cases. Furthermore, it is not clear how such a pathway would limit the land available for the construction of school facilities, including in one case versus the other. Moreover, crucially, both scenarios were analyzed in *Section 3.9: Public Services* of the Draft EIR.

The commentor states that approvals from the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) would be required prior to the Alisal Union School District (AUSD) acquiring property for the new school site, were the boundary change to occur. The commentor identifies that, although the CDE has not yet evaluated the suitability of the site for use as an elementary school site, a CDE consultant has raised concerns about the location of the site in a floodplain and the need for a hydrology study, and that a gas pipeline study would almost certainly be needed for approval of the property for use as a school site. In addition, the commentor states that the installation of a large underground water main below the road running through the school site would require inspections and repairs to pipes and water main components that would be highly disruptive to school operations.

While these claims may or may not be true, the Draft EIR was not required to undertake a site-specific analysis for the school sites. In preparing the Specific Plan, the City attempted to identify viable school sites, but was aware that, under CEQA and the Education Code, school districts have the ultimate say over school sites, and, in their capacity as lead agencies for such site-specific projects, they are responsible for addressing site specific issues under criteria found in the Education Code and CEQA (e.g., in Public Resources Code section 21151.8). (See Response to Comment I-3.)

The commentor is essentially demanding project-specific analysis for schools that have not yet been designed, based on planning criteria unique to schools from the Education Code. The City does not have that obligation in an EIR for a long-term Specific Plan. The school district itself must comply with CEQA and Education Code requirements when the time comes to propose and build a school. (See Response to Comment I-3.) No further response is warranted.

Response K-7: The commentor states:

> *"As was the case with the West Area Specific Plan EIR, the Draft EIR describes a "phased" approach to development of the Specific Plan area that is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) The few other references to phasing in the Draft EIR suggest that development of the Specific Plan area will take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (Id.) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the*

Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR's assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is unsupported. (Id.) In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR simply states that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that "the middle school site is expected to be developed first." (Id.)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. The Draft EIR is deficient in this regard."

The commentor faults the City for not including any phasing analysis, and states that the Draft EIR mainly just looks at the environmental impacts of buildout. Yet the school district does not cite any authority for the alleged need to address phasing; nor does the commentor cite any authority indicating that addressing full project buildout is inappropriate. Indeed, looking at buildout is the normal approach taken in EIRs, and is consistent with CEQA case law. CEQA does not require analysis of individual phases of projects. For market-driven projects such as specific plans, lead agencies have no way of identifying a specific "schedule" for development, as requested by the commentor. Therefore, the school district is incorrect in stating that "the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area" and that "[t]he Draft EIR is deficient in this regard." (See also Response to Comment I-6.) No further response to this comment is warranted.

Response K-8: The commentor states:

"Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code§ 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

As noted above, the District will also be responsible for serving students generated by the West Area Specific Plan. This Project's anticipated impacts on the District, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts."

This comment is noted. As previously described, cumulative impacts from public facilities resulting from the construction of public facilities, including schools, is addressed under Impact 3.9-6 (pages 3.9-33 and 3.9-35 of the DEIR). As provided under Impact 3.9-6, the 2002 General Plan Final Program EIR analyzed impacts to public services (including schools), and found that General Plan policies addressed the public services needs of future development resulting from implementation of the General Plan. The specific environmental impact of constructing new facilities could not be determined at the time, but the Final Program EIR found that construction and operation of such facilities could potentially cause significant impacts. These potential impacts, however, were addressed and mitigated to the greatest extent feasible by the General Plan policies and mitigation measures included in Sections 5.1 through 5.12 of the Salinas General Plan Final Program EIR.

Cumulative impacts are also discussed for each environmental topic in *Chapter 4.0 Other CEQA Required Topics* of the Draft EIR. The cumulative impacts throughout the project Draft EIR address the project's anticipated impacts, combined with the impacts of the West Area Specific Plan as well as other projects in the area. No further response to this topic is warranted.

Response K-9: The commentor states:

"The Specific Plan's failure to ensure funding for necessary school facilities and the resulting inadequacies of the Draft EIR are a significant concern for every local educational agency serving the City of Salinas. The District fully supports other local educational agencies that have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR and agrees with the issues raised in their respective comment letters.

We are hopeful for the opportunity to discuss our concerns and work together to reach a solution that ensures that quality school facilities can be provided. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly."

This is a conclusion to the comment letter. Detailed responses to the points identified in this conclusion are provided throughout Responses K-1 through K-8 (above). No further response is required.

Monterey Bay Air Resources District

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

August 11, 2020

Community Development Department
ATTN: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, CA 93901

Email: jill.miller@ci.salinas.ca.us

Re: City of Salinas Central Area Specific Plan DEIR

Dear Ms. Miller:

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments: L-1

3.1. AIR QUALITY

- **Mitigation Measure 3.1-1:** While *traffic calming measures* in neighborhoods can improve public safety, the Air District encourages the City to implement Vehicle Miles Traveled (VMT) reduction measures to maximize emission reductions and for congestion management.

  The Air District highly supports the inclusion of roundabouts and making the project plan area a bike- and ped-friendly community. If signalizing intersections is selected, then the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design should be employed. *Local annual funding opportunities from the Air District are available for ATCS and roundabout design and construction projects. Please contact Alan Romero, aromero@mbard.org, for more information.* L-2

- **Mitigation Measure 3.1-2:** The Air District supports incorporating electric vehicle infrastructure in the project plan area designs. To achieve further emission reduction of criteria pollutants and greenhouse gases, the Air District suggests including publically available dual port Level 2 & DC fast-charge charging stations throughout the project plan area. *Local annual funding opportunities from the Air District are available for EV charging infrastructure. Please contact Alan Romero, aromero@mbard.org, for more information.*

- The Air District prefers that operational emissions be mitigated at the project level; however, since mitigation measures cannot reduce emissions below significance thresholds, the Air District requests that the City of Salinas cooperate with the Air District to develop off-site mitigation measures. Please contact David Frisbey at the Air District office at (831) 647-9411 or dfrisbey@mbard.org.

3.5. HAZARDS AND HAZARDOUS MATERIALS

- **Mitigation Measure 3.5-1-3.5.3:** Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work. L-3

Richard A. Stedman, Air Pollution Control Officer

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

Please contact Shawn Boyle or Cindy Searson in the Compliance Division at (831) 647-9411 for more information regarding these rules. https://www.arb.ca.gov/drdb/mbu/cur.htm

L-3
(Continued)

Please let me know if you have any questions. I can be reached at (831) 718-8021 or hmuegge@mbard.org.

Best Regards,



Hanna Muegge
Air Quality Planner

cc: Richard A. Stedman
David Frisbey

Richard A. Stedman, Air Pollution Control Officer

Response to Letter L: Hanna Muegge, Monterey Bay Air Resources District (MBARD)

Response L-1: This comment provides introductory text. No comment response is warranted.

Response L-2: The comment provides suggestions for modifying and/or improving air quality mitigation measures. In particular, the commentor states that the Air District (i.e. MBARD) encourages the City to implement vehicle-miles-travelled (VMT) reduction measures, rather than traffic calming measures (as identified in Mitigation Measure 3.1-1), to maximize emission reductions and for congestion management.

However, it should be noted that the proposed project *Section 3.10-1: Transportation and Circulation* does not include VMT analysis, as the Draft EIR was submitted for public review prior to the deadline associated with requiring a VMT analysis as part of the transportation impact analysis (i.e. LOS was used as the criteria instead). Nevertheless, the Specific Plan includes a design that functionally deemphasizes the motor vehicle by establishing new urban principals in the community design, and uses extensive bike and ped facilities with high accessibility and connectivity to the community. The mitigation measures found throughout *Section 3.1: Air Quality* and *Section 3.4: GHG, Climate Change, and Energy* represent the feasible mitigation associated with the significant and unavoidable aspects of the proposed project for these environmental topics.

The commentor also states that the Air District supports the inclusion of roundabouts and making the project plan area a bike- and ped-friendly community. The commentor states that, if signalizing intersections is selected, then the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design should be employed. As provided *Section 3.10: Transportation and Circulation*, mitigation measures where intersection improvements are required incorporate the requirement that ATCS are implemented in the applicable intersection design.

The commentor further states that the Air District supports incorporating electric vehicle infrastructure in the project plan area designs. To achieve further emission reduction of criteria pollutants and greenhouse gases, the Air District suggests including publicly available dual port Level 2 & DC fast-charge charging stations throughout the project plan area. The commentor also states that local annual funding opportunities from the Air District are available for EV charging infrastructure. Mitigation Measure 3.1-7, as provided in *Section 3.1: Air Quality* of the Draft EIR, requires the installation of Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development) within the Plan Area.

Lastly, the commentor states that the Air District prefers that operational emissions be mitigated at the project level; however, since mitigation measures cannot reduce emissions below significance thresholds, the Air District requests that the City of Salinas cooperate with the Air District to develop off-site mitigation measures. As provided in *Section 3.1: Air Quality* of the Draft EIR, Mitigation Measure 3.1-8 requires the project applicant(s) to develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of

the Air District and the City of Salinas on a project by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Therefore, the proposed project already incorporates these suggested mitigation measures.

Separately, it is noted that Mitigation Measure 3.4-1, which is provided in *Section 3.4: GHG, Climate Change, and Energy* of the Draft EIR, also requires off-site measures as part of the Greenhouse Gas Reduction Plans (GGRP) aimed at achieving specific performance standards.

In summary, as provided throughout *Section 3.1: Air Quality* and *Section 3.4: GHG, Climate Change, and Energy* of the Draft EIR, these proposals are incorporated into the mitigation measures found in the Draft EIR (including Mitigation Measures 3.1-1, which includes traffic calming measures; Mitigation Measure 3.1-7, which includes the installation of Level 2 electric vehicle (EV) charge stations at workplace sites; Mitigation Measure 3.1-8, which requires the project applicant(s) to develop a reasonably feasible offsite mitigation program to reduce project-generated air emissions below the applicable thresholds; the nineteen mitigation measures provided in *Section 3.10: Transportation and Circulation* that require installation of ATCS in the applicable intersection design; and Mitigation Measure 3.4-1, which requires off-site measures as part of the Greenhouse Gas Reduction Plans (GGRP) aimed at achieving specific performance standards). Therefore, the proposed project already incorporates the mitigation measures associated with air quality as required by CEQA case law. No further response to this comment is warranted.

Response L-3: The commentor states:

> *"Mitigation Measure 3.5-1-3.5.3: Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.*
>
> *Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.*
>
> *Please contact Shawn Boyle or Cindy Searson in the Compliance Division at (831) 647-9411 for more information regarding these rules. https://www.arb.ca.gov/drdb/mbu/cur.htm"*

This comment is noted. Based on this comment, the City has updated Mitigation Measure 3.5-1 of the Draft EIR, as follows, to incorporate this language into Mitigation Measure 3.5-1, as well as the associated mitigation measure contained in the Executive Summary of the Draft EIR, as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

Pages 3.5-20 and 3.5-21:

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

   Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

   Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require*

further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

5) *Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010, and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Pages ES-33 and ES-35 (Tables ES-2):

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

   In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

   Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health*

Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

5) *Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

No further response is required.

LAFCO of Monterey County

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August 11, 2020

Jill Miller, Senior Planner
City of Salinas Community Development Department
65 West Alisal Street
Salinas, CA 93901

RE: City of Salinas' Central Area Specific Plan Draft Environmental Impact Report

Dear Ms. Miller,

Thank you for this opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Salinas' Central Area Specific Plan (CASP) Project. LAFCO is a Responsible Agency under the California Environmental Quality Act for the proposed project, and will have regulatory authority for any future annexations for areas included in the proposed project, which have not been annexed into the City of Salinas. It is in this role that LAFCO is commenting on the Draft EIR. M-1

1. Annexation of the Settrini/Garcia/Igaz Properties within the City's Sphere of Influence

If the City approves the CASP, LAFCO anticipates that, in the future, the City may request annexation of the Settrini/Garcia/Igaz Properties from LAFCO. If this occurs, as a CEQA Responsible Agency, LAFCO would plan to use the City's plan-level CASP Draft EIR and future project-level CEQA document prepared by the City.

We appreciate that the Draft EIR references LAFCO's October 9, 2017 comment letter on the Salinas CASP Notice of Preparation. LAFCO has reattached this letter for reference. M-2

In our review of the Draft EIR, LAFCO Housing and Jobs Policy is described on page 3.8-7. However, in our review, the Draft EIR did not include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws as requested in our October 9, 2017 letter. We ask that you respond to this request to the extent possible. Inclusion of this information will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency should a future annexation proposal be submitted to LAFCO. LAFCO's adopted policies are available on LAFCO's web site: http://www.monterey.lafco.ca.gov/

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Similarly, in our October 9, 2017 letter, we requested that you include an analysis of the CASP's consistency with the adopted 2006 City-County MOU. In our review of the Draft EIR, we did not find that this analysis was included. We also ask that you address this request to the extent possible. M-3

We appreciate this opportunity to review the Draft EIR. Please continue to keep us informed throughout your process. City staff and consultants are welcome to contact

LAFCO staff if you have any questions. We would be happy to meet with you and your staff for more detailed discussions.

M-3
(Continued)

Sincerely,

Kate McKenna

Kate McKenna, AICP
Executive Officer

Enclosure

LAFCO of Monterey County

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October 9, 2017

Jill Miller, Senior Planner
Community Development Department
City of Salinas
65 West Alisal Street
Salinas, California 93901

RE: Notice of Preparation – Salinas Central Area Specific Plan (CASP)

Dear Ms. Miller:

Thank you for this opportunity to comment on the Notice of Preparation for a draft Environmental Impact Report for the Salinas Central Area Specific Plan. In order to comply with the deadline for commenting on the Notice of Preparation, I am providing the following comments in draft form. This letter is subject to review and authorization at the next regular meeting of the Local Agency Formation Commission on October 23. 2017.

LAFCO's statutory authority is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.). Among LAFCO's purposes are: Discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Cortese-Knox-Hertzberg Act identifies factors that must be considered, and determinations that must be made, as part of LAFCO's review of annexation proposals.

M4

Under the California Environmental Quality Act (CEQA), LAFCO is a Responsible Agency for this proposal, and will have regulatory authority for the proposed annexation application. It is in this role that LAFCO is commenting on the Notice of Preparation.

Most of the proposed 760-acre future development area was annexed to the City on May 19, 2008 following a collaborative effort which also resulted in a sphere of influence expansion and a new Memorandum of Understanding between the City and the County of Monterey. However, a portion of the northwest corner of the CASP includes three parcels (totaling 50 acres) currently outside of the existing city limits but within the City's Sphere of Influence, as designated by the Local Agency Formation Commission of Monterey County (LAFCO). Development of currently unincorporated areas would be subject to LAFCO's approval of annexation at a future date.

1. <u>Annexation of the Settrini Property within the City's Sphere of Influence</u>

The September 2002 Salinas General Plan included the designation of an area to the northeast of the City as a "Future Growth Area" for urban development. A portion of this area now forms the CASP. At that time, the area was outside the City's sphere and

jurisdictional boundary and required annexation prior to any city development. In the late 2000s, the City submitted an application to LAFCO requesting two actions: (1) sphere of influence expansion of approximately 3,350 acres and (2) annexation of approximately 2,400 acres within this proposed sphere of influence boundary. The portion of the sphere amendment area that was not included within the annexation area, referred to as the "Remainder Areas," totaled approximately 950 acres and encompassed two non-contiguous sub-areas. One of the remainder areas is known as the "Settrini" property, which includes 3 parcels totaling 50 acres, and is currently located in the CASP. The second area is located northeast of the Salinas Municipal Airport and not part of the CASP. As part of the May 19, 2008 sphere resolution, the City acknowledged that additional studies, including but not limited to ones relating to water supply, traffic, and wastewater treatment, needs to be completed prior to the annexation of areas not annexed back in 2008.

If the CASP is approved, LAFCO anticipates at a future date a request to consider approval of the Settrini property annexation, in accordance with the Cortese-Knox-Hertzberg Act and local LAFCO policies. The full text of LAFCO's adopted Policies is available on LAFCO's web site: http://www.monterey.lafco.ca.gov/

As a CEQA Responsible Agency, LAFCO plans to use the City's environmental document to fulfill CEQA clearance for the annexation, and to support the evaluation of the proposal's consistency with the applicable LAFCO laws and policies, including adopted "Preservation of Open-Space and Agricultural Lands" and "Housing and Jobs" policies, among others. LAFCO requests that the draft EIR currently being prepared include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws to the extent possible, recognizing that "plan-level" review may only provide for generally limited conformance analysis. LAFCO staff can provide examples of similar analyses from other recent proposals.

M4
(Continue

A more detailed, site-specific, and updated analysis to LAFCO laws and policies should also be anticipated as a required part of subsequent, project-level CEQA documents when future proposals are brought forward to LAFCO. Provision of this information in current and future CEQA documents will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency, when the future annexation proposal for the area within the CASP is submitted to LAFCO.

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Please include in the draft EIR an analysis of the CASP's consistency with the adopted 2006 City-County MOU. The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

We appreciate this opportunity to provide comments on the Notice of Preparation, subject to Commission authorization on October 23. Please continue to keep us informed throughout your process. I would be happy to meet with you and your staff for more detailed discussions.

Sincerely,

Kate McKenna

Kate McKenna, AICP
Executive Officer

Response to Letter M: Kate McKenna, Local Agency Formation Commission of Monterey County (LAFCo)

Response M-1: This comment serves as an introduction to the comment letter. No further response is warranted.

Response M-2: The commentor states:

> *"1. Annexation of the Settrini/Garcia/Igaz Properties within the City's Sphere of Influence*
>
> *If the City approves the CASP, LAFCO anticipates that, in the future, the City may request annexation of the Settrini/Garcia/Igaz Properties from LAFCO. If this occurs, as a CEQA Responsible Agency, LAFCO would plan to use the City's plan-level CASP Draft EIR and future project-level CEQA document prepared by the City.*
>
> *We appreciate that the Draft EIR references LAFCO's October 9, 2017 comment letter on the Salinas CASP Notice of Preparation. LAFCO has reattached this letter for reference.*
>
> *In our review of the Draft EIR, LAFCO Housing and Jobs Policy is described on page 3.8-7. However, in our review, the Draft EIR did not include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws as requested in our October 9, 2017 letter. We ask that you respond to this request to the extent possible. Inclusion of this information will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency should a future annexation proposal be submitted to LAFCO. LAFCO's adopted policies are available on LAFCO's web site: http://www.monterey.lafco.ca.gov/"*

Based on this comment, the City has updated the Draft EIR to include an analysis of the Specific Plan's conformance to the relevant LAFCO's adopted policies and State laws as requested in our October 9, 2017 letter.

Based on this comment, we have updated page 3.8-19 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

> The construction of new developments within the Specific Plan Area would increase temporary construction jobs in the area. As buildout of the project is expected to occur gradually in response to market demand, construction related employment would be similarly dispersed over time. Local construction companies are likely to find ample pools of employable personnel in the Salinas area, based on the current and projected employment trends. Due to the fact there is currently a surplus of unemployed workforce within the City, it is likely that area residents would fill the majority of these temporary construction positions.
>
> CONFORMANCE TO LAFCO'S ADOPTED POLICIES AND STATE LAWS
>
> LAFCO maintains a variety of adopted policies relating to spheres of influence and changes of organization and reorganization. LAFCO has requested an analysis of the conformance of

the project to related LAFCO laws and policies, as they relate to annexations of unincorporated areas (such as housing and jobs policies). The following discussion provides a plan-level analysis of the relevant LAFCO policies that relate to the environment (it should be noted that a Plan-level review only provides for a limited conformance analysis; further detailed analysis would be provided to LAFCO upon a potential request at a future date request to consider approval of the annexation of the Settrini/Garcia/Igaz properties).

TABLE 3.8-3: PROJECT CONFORMANCE TO LAFCO'S ADOPTED LAWS AND POLICIES

LAFCO Law/Policy	***Analysis of Project Conformance***
Preservation of Open-Space and Agricultural Lands Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence or urban service area (hereinafter, "Proposal" or "Proposals"), shall provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. To implement this policy, it is the further policy of LAFCO that:* 1. *A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development.(Government Code section 56001.) Proposals that fail to discuss this balance, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the need for orderly development is balanced against the preservation of open space and prime agricultural lands.* 2. *A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands. (Government Code section 56668 (a).) Proposals that fail to discuss their effect, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the physical and economic integrity of agricultural lands is maintained.* 3. *A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses. (Government Code section 56377.) Proposals that fail to discuss potential conversion, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that: a) they guide development or use of land for other than open-space uses away from existing prime agricultural lands in open-space use and toward areas containing nonprime agricultural lands (Government Code section 56377 (a)); and b) development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency will*	**Consistent**: The proposed project would be consistent with this policy. Specifically, the potential annexation of the Settrini/Garcia/Igaz properties are consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. The annexation of these properties would provide further residential and commercial development to an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. The physical and economic integrity of the adjacent and other nearby agricultural lands would be maintained with the potential annexation of the Settrini/Garcia/Igaz properties. Potential annexation of the Settrini/Garcia/Igaz properties would increase the amount of publically available open space, as parks planned for these properties would provide open space land uses that do not currently exist. In addition, the potential annexation and development of the Settrini/Garcia/Igaz properties is consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General

occur prior to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency (Government Code section 56377 (b)). 4. *A Proposal must, if applicable, provide for pre-zoning (Government Code section 56375 (a)), and must demonstrate that it is consistent with the General Plans and Specific Plans of the existing local agency and any immediately adjacent local agency (Government Code sections 56375 (a) and 56668 (g)). Proposals may be denied if they are not consistent with such plans, or, if not pre-zoned, if the Proposal does not demonstrate to the satisfaction of LAFCO that the existing development entitlements are consistent with the local agency's plans.*	Plan Final Program EIR (EDAW/AECOM 2007)]. Appropriate zoning has been provided for the Settrini/Garcia/Igaz properties, in conformance with the Central Area Specific Plan, and consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan.
Housing and Jobs Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation. Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). These factors and their impacts, if any, shall be considered by the Commission in acting upon the Proposal.*	**Consistent**: Potential annexation of the Settrini/Garcia/Igaz properties would add to local and county-wide housing supply that is currently at an enormous deficit. Moreover, at the State level, the Legislature has recently found that "[t]he lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a).) The Central Area Specific Plan has been long in coming, and reflects City and County growth management decisions made long ago. (See Chapter 2, Project Description, § 2.2, Project Goals and Objectives.). Moreover, the project would generate employment growth through the commercial development throughout the Settrini/Garcia/Igaz properties. The annexation of these properties would develop an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. This approach to planning complements the local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). See the mitigation measures provided throughout Section 3.1: Air Quality; Section 3.4: GHG, Climate Change and Energy, and Section 3.10: Transportation and Circulation for mitigation measures that would further these goals and objectives.

SOURCE: LAFCO OF MONTEREY COUNTY, POLICIES AND PROCEDURES (AS ADOPTED BY THE LAFC) OF MONTEREY COUNTY ON FEBRUARY 24, 2020)

It is noted that any future annexation of the Settrini/Garcia/Igaz properties would require an evaluation of consistency with LAFCO policies, including those policies that are not specifically environmental topics. No further response is required.

Response M-3: The commentor states:

> *"2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)*
>
> *Similarly, in our October 9, 2017 letter, we requested that you include an analysis of the CASP's consistency with the adopted 2006 City-County MOU. In our review of the Draft EIR, we did not find that this analysis was included. We also ask that you address this request to the extent possible.*
>
> *We appreciate this opportunity to review the Draft EIR. Please continue to keep us informed throughout your process. City staff and consultants are welcome to contact LAFCO staff if you have any questions. We would be happy to meet with you and your staff for more detailed discussions."*

Based on this comment, the City has updated the Draft EIR to include an analysis of the Specific Plan's consistency with the adopted 2006 City-County MOU, as requested in our October 9, 2017 letter.

Based on this comment, we have updated page 3.8-19 of the Draft EIR as follows, which is also noted in Section 3.0 (Errata) of the Final EIR (with underline for new text, ~~strike out~~ for deleted text):

> CONFORMANCE TO THE ADOPTED 2006 GREATER SALINAS AREA OF MEMORANDUM UNDERSTANDING (MOU)
>
> The following Table provides an analysis of the project's consistency with the adopted 2006 City-County Memorandum of Understanding (MOU). The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

TABLE 3.8-4: PROJECT CONFORMANCE TO THE 2006 CITY-COUNTY MOU

MOU Agreements	***Analysis of Project Conformance***
City Growth: 1. *City and County agree that the future growth direction of the City shall be to the north and east of the current City limits, except as otherwise provided in this MOU.* 2. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the north and east of the City's existing City Limits (Exhibit A).* 3. *County supports the City's 2005 Preliminary Sphere of*	**Consistent:** The proposed project (including the Settrini/Garcia/Igaz properties) is consistent with each of the relevant provisions, as follows: *Provision 1*: The project

	Influence/Annexation Proposal to LAFCO to the south of the City's existing City Limits (Exhibit A) for the exclusive purpose of agricultural processing and processing capacity (Fresh Express). County further supports future City Sphere of Influence/Annexation proposals to the south of the City's existing City Limit for the exclusive purpose of agricultural processing capacity (Unikool), subject to the establishment of appropriate agricultural conservation easements	development is to the north of the previous and current City limits. The project would not conflict with this provision.
4.	*City and County agree to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence insofar as the easements are consistent with the adopted General Plans of the two jurisdictions.*	*Provision 2*: The project development is to the north of the previous and current City limits.
5.	*City and County agree to work cooperatively and in concert with the affected property owners to annex developed unincorporated areas (e.g. Bolsa Knolls) adjacent to or within the City's Sphere of Influence as shown in Exhibit A and to transfer existing County sanitation facilities (e.g. Boronda) upon future City annexation that support these areas subject to the property owners paying any required sanitation system connection fees established by MRWPCA. It is anticipated that an initial effort consistent with this annexation commitment shall be cooperation by all parties to consider and facilitate the proposed Chapin Rogge annexation application insofar as the annexation is consistent with the provisions of LAFCO.*	*Provision 3*: Not applicable. *Provision 4*: Not applicable. *Provision 5*: The project, inclusive of the Settrini/Garcia/Igaz properties, would not conflict with this provision.
6.	*City and County agree that developments within the 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after annexation to the City and that the City shall consult with the County in the planning process. City and County also agree that the developments within the area designated by the County General Plan as the Greater Salinas Planning Area shall only occur after consultation with the City in the Planning process.*	*Provision 6*: The project would not conflict with this provision.
7.	*City and County agree that the County shall not process any proposals for development in areas contiguous (immediately adjacent) to the City's City Limit if those proposals would require either or both a County General Plan amendment or rezoning. Proposals for development requiring a General Plan amendment or a rezoning shall be referred to the City for consideration and possible annexation to the City.*	*Provision 7*: The project would not conflict with this provision. *Provision 7*: The project would not conflict with this provision.
8.	*City and County agree to work cooperatively and expeditiously in annexation matters consistent with this agreement.*	*Provision 8*: The project would not conflict with this provision.
9.	*City and County agree to support fees and taxes needed to mitigate the collective impact of new and existing development on the regional transportation system to the extent that the fees and taxes reflect the overall financing program adopted by the TAMC.*	*Provision 9*: The project would not conflict with this provision. TAMC fees are identified in Section 3.10: Transportation and Circulation of this Draft EIR.
10.	*City and County agree that County will develop a County-wide Traffic Impact fee program for the improvement of major County roads in accordance with the County's adopted General Plan. The County fee program will be developed in consultation with TAMC and Monterey County cities. It is recognized that there will be development within the City of Salinas related to the anticipated annexation of land to the north and east of the existing City Limits, and it is the desire of both jurisdictions that the County not rely on the imposition of an ad hoc traffic fee on City development. Therefore the development of the Traffic Impact fee for the Salinas Area, as shown in Exhibit B, will be a priority and a nexus study and hearing process should be completed within 18 months of the adoption of the 2006 County General Plan. The County Traffic Impact Fee will be imposed on development in affected cities and unincorporated areas.*	*Provision 10*: The project would not conflict with this provision. The project will be applicable traffic fees. See Section 3.10: Transportation and Circulation of this Draft EIR.
11.	*City and County agree to work cooperatively on establishing the alignment, phasing and financing of the regional roadway facility commonly referred to as Westside Bypass and will expedite the completion of a Project Study Report for this future roadway. City and County agree that the ultimate alignment of the future Westside Bypass shall establish the boundary for the City. It is the intent of both parties*	*Provision 11*: The project would not conflict with this provision.

to minimize the impact on agricultural land in establishing the Westside Bypass alignment so that the ultimate alignment shall not result in the development of acres of agricultural land in excess of that anticipated by the Westside Bypass alignment as shown in the City of Salians 2002 adopted General Plan (Exhibit C). 12. *City and County agree that future development between the area west of Davis Road and the future Westside Bypass, excluding the Boronda Redevelopment Project Area, shall be limited to expansion of the City' retail sale capacity and shall take place after annexation.* 13. *City and County agree to work cooperatively to address the collective impact of current and anticipated land uses in the reclamation Ditch Watershed Area. There is a recognition that a comprehensive financing program is needed that includes grants, benefits assessments, appropriate development impact fees, and special taxes required to address current and anticipated impacts. The County, in consultation with the City, should complete a nexus study and hearing process, assessing benefit of current and existing land uses, withn 36 months of adoption of this MOU. The adopted impact fee will be imposed on current and existing land uses in both the City and unincorporated areas.*	*Provision 12*: The project would not conflict with this provision. *Provision 13*: The project would not conflict with this provision.
Boronda Redevelopment Project Area: 14. *City and County agree that in the undeveloped southern portion of the Boronda Redevelopment Project Area (Exhibit D), the County shall take the lead in the planning, review, and approval process subject to concurrent City review so that the final approved project is consistent with existing City development standards. City recognizes the County's desire and intent to assure development that is consistent with commitments made to the Boronda community regarding required amendments to the current adopted Boronda Community Plan and the anticipated development is assumed to provide financial benefit (i.e. tax increment) to the Boronda Development Area. City and County will work cooperatively to assure that those commitments will result from and through the final approvals for development and annexation to the City of Salinas. City and County further agree that there will be no final development approvals prior to completion of all requirements (including LAFCO approval) for annexation of the subject area to the City of Salinas.* 15. *City and County agree that property tax generated within the Boronda Redevelopment Area shall continue to accrue to the Boronda Redevelopment Area for implementation of the current (January 1, 2006) adopted Redevelopment Area. Upon completion of the aforementioned Plan, the former Redevelopment Property tax increment shall be allocated between the City and County on a 50/50 basis.*	*Provision 14*: The project would not conflict with this provision. *Provision 15*: The project would not conflict with this provision.
Affordable Housing: 16. *City and County agree to support each other's efforts to construct affordable housing throughout the County necessary to achieve the Fair Share Housing Allocation as approved by the Association of Monterey Bay Area Governments (AMBAG)* 17. *City and County mutually agree that neither will pursue future development related litigation against the other insofar as the subject development is consistent with this agreement.*	*Provision 16*: The project would not conflict with this provision. *Provision 17*: The project would not conflict with this provision.

SOURCE: GREATER SALINAS AREA MEMORANDUM OF UNDERSTANDING, 2006

No further response is required.

Response M-4: This comment represents an appendix to the comment letter, providing the comments originally included in LAFCo's comment on the project Notice of Preparation (NOP) in 2017. No further response is required.

Revisions made to the Draft EIR are identified below. None of the revisions identify new significant environmental impacts, nor does any of the revisions result in substantive changes to the Draft EIR.

3.1 REVISIONS TO THE DRAFT EIR

SECTION 0.0 EXECUTIVE SUMMARY

Page ES-9:

TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-7	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less
Section 3.1~~2~~ – Biological Resources (BIO)					
BIO Impact 3.2-1	LS	Less	Slightly Less	Equal	Slightly Less
BIO Impact 3.2-2	~~LS/MM~~SU	Less	Slightly Less	Equal	Slightly Less

Pages ES-21 through ES-22 of the Draft EIR is amened as follows:

Mitigation Measure 3.2-1*: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted*

well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.

The regulatory approvals are ~~This is~~ anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat.

It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).

CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.

***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) ~~scientific collecting permit~~ for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP ~~scientific collecting permit~~ every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.*

In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP

by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.

Page ES-31 and ES-32 of the Draft EIR is amended as follows:

Mitigation Measure 3.4-1*: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, ~~pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:*

1) *The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*
2) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050),

the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

Pages ES-33 and ES-35 (Tables ES-2):

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall*

comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.

In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

SECTION 3.1 AIR QUALITY

Pages 3.1-27 of the Draft EIR is amended as follows:

The City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The population estimates for the Central Area Specific Plan are included in these growth forecasts. Additionally, as the proposed project has been planned for over twenty years, the project has been incorporated into earlier versions of the Regional Growth Forecast, including AMBAG's 2014 Regional Growth Forecast, which feeds into the current AQMP (i.e. MBARD's 2012 – 2015 AQMP). As such, the City has met the action recommended by MBARD in the *CEQA Air Quality Guidelines* (MBARD, 2008a) to ensure consistency with the applicable air quality plan (i.e. "*Ensure that the jurisdiction's population forecasts are updated in the next AQMP by working with AMBAG or the appropriate local agency*.").

Pages 3.1-44 of the Draft EIR is amended as follows:

CONCLUSION

The increases in criteria pollutants generated by the proposed project when combined with the existing criteria pollutants emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Specific Plan Area. Construction emissions would be temporary in nature, while the operational activities of a project would be most likely to cause substantial adverse effects on human beings, since ongoing, chronic, and lifetime exposure to criteria pollutants are key in the level of health impact. However, the increases of these pollutants generated by the proposed project are not on their own likely to generate an increase in the number of days exceeding the health-based NAAQS or CAAQS standards, based on the size of the project in comparison the Monterey County as a whole. For these reasons, with implementation of Mitigation Measure 3.1-~~2~~10, the Specific Plan would have a ***less than significant*** impact related to this topic.

Pages 3.1-46 of the Draft EIR is amended as follows:

MITIGATION MEASURES

Implement Mitigation Measures 3.1-1 through 3.1-1~~1~~0.

SECTION 3.2 BIOLOGICAL RESOURCES

Pages 3.2-40 and 3.2-41 of the Draft EIR is amended as follows:

MITIGATION MEASURES

Mitigation Measure 3.2-1*: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.*

The regulatory approvals are ~~This is~~ anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat.

It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any

recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).

CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.

***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) ~~scientific collecting permit~~ for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP ~~scientific collecting permit~~ every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.*

In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.

SECTION 3.4 GHG, CLIMATE CHANGE, AND ENERGY

Pages 3.4-40 and 3.4-41 of the Draft EIR is amended as follows:

***Mitigation Measure 3.4-1**: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable~~, pursuant to CEQA Guidelines section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions,~~ the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5, Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following:*

3) *The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year* 2040*, and 0.80 MT CO_2e/service population/year by year 2050.*

4) *Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.*

GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to:

- *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.*
- *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.*

If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including

requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered.

Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.

SECTION 3.5 HAZARDS AND HAZARDOUS MATERIALS

Pages 3.5-20 and 3.5-21 of the Draft EIR is amended as follows:

Mitigation Measure 3.5-1: *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:*

1) *Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

2) *Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.*

Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

3) *The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

4) *Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.*

Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010, and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.

SECTION 3.8 POPULATION AND HOUSING

Page 3.8-19 of the Draft EIR is amended as follows:

The construction of new developments within the Specific Plan Area would increase temporary construction jobs in the area. As buildout of the project is expected to occur gradually in response to market demand, construction related employment would be similarly dispersed over time. Local construction companies are likely to find ample pools of employable personnel in the Salinas area,

based on the current and projected employment trends. Due to the fact there is currently a surplus of unemployed workforce within the City, it is likely that area residents would fill the majority of these temporary construction positions.

CONFORMANCE TO LAFCO'S ADOPTED POLICIES AND STATE LAWS

LAFCO maintains a variety of adopted policies relating to spheres of influence and changes of organization and reorganization. LAFCO has requested an analysis of the conformance of the project to related LAFCO laws and policies, as they relate to annexations of unincorporated areas (such as housing and jobs policies). The following discussion provides a plan-level analysis of the relevant LAFCO policies that relate to the environment (it should be noted that a Plan-level review only provides for a limited conformance analysis; further detailed analysis would be provided to LAFCO upon a potential request at a future date request to consider approval of the annexation of the Settrini/Garcia/Igaz properties).

TABLE 3.8-3: PROJECT CONFORMANCE TO LAFCO'S ADOPTED LAWS AND POLICIES

LAFCO Law/Policy	***Analysis of Project Conformance***
Preservation of Open-Space and Agricultural Lands Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence or urban service area (hereinafter, "Proposal" or "Proposals"), shall provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. To implement this policy, it is the further policy of LAFCO that:* 1. *A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development.(Government Code section 56001.) Proposals that fail to discuss this balance, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the need for orderly development is balanced against the preservation of open space and prime agricultural lands.* 2. *A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands. (Government Code section 56668 (a).) Proposals that fail to discuss their effect, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that the physical and economic integrity of agricultural lands is maintained.* 3. *A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses. (Government Code section 56377.) Proposals that fail to discuss potential conversion, in the opinion of the executive officer, will be deemed incomplete. Proposals may be denied if they fail to demonstrate to the satisfaction of LAFCO that: a)*	**Consistent**: The proposed project would be consistent with this policy. Specifically, the potential annexation of the Settrini/Garcia/Igaz properties are consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. The annexation of these properties would provide further residential and commercial development to an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. The physical and economic integrity of the adjacent and other nearby agricultural lands would be maintained with the potential annexation of the Settrini/Garcia/Igaz properties. Potential annexation of the Settrini/Garcia/Igaz properties would increase the amount of publically available open space, as parks planned for these properties would provide open space land uses that do not currently exist. In addition, the potential annexation and

they guide development or use of land for other than open-space uses away from existing prime agricultural lands in open-space use and toward areas containing nonprime agricultural lands (Government Code section 56377 (a)); and b) development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency will occur prior to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency (Government Code section 56377 (b)). 4. *A Proposal must, if applicable, provide for pre-zoning (Government Code section 56375 (a)), and must demonstrate that it is consistent with the General Plans and Specific Plans of the existing local agency and any immediately adjacent local agency (Government Code sections 56375 (a) and 56668 (g)). Proposals may be denied if they are not consistent with such plans, or, if not pre-zoned, if the Proposal does not demonstrate to the satisfaction of LAFCO that the existing development entitlements are consistent with the local agency's plans.*	development of the Settrini/Garcia/Igaz properties is consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan, for which an EIR was certified [Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007)]. Appropriate zoning has been provided for the Settrini/Garcia/Igaz properties, in conformance with the Central Area Specific Plan, and consistent with the land uses and densities in the North of Boronda Future Growth Area (FGA) as established by the Salinas General Plan.
Housing and Jobs Policy: *It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation. Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). These factors and their impacts, if any, shall be considered by the Commission in acting upon the Proposal.*	**Consistent**: Potential annexation of the Settrini/Garcia/Igaz properties would add to local and county-wide housing supply that is currently at an enormous deficit. Moreover, at the State level, the Legislature has recently found that "[t]he lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a).) The Central Area Specific Plan has been long in coming, and reflects City and County growth management decisions made long ago. (See Chapter 2, Project Description, § 2.2, Project Goals and Objectives.). Moreover, the project would generate employment growth through the commercial development throughout the Settrini/Garcia/Igaz properties. The annexation of these properties would develop an area that has been considered for development for over twenty years, and has been designed as part of the Specific Plan with New Urbanism principles, walkability, and efficient urban development patterns, as described in Section 2:0 Project Description of this Draft EIR. This approach to planning complements the local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG)

	emissions and local vehicle miles traveled (VMT). See the mitigation measures provided throughout Section 3.1: Air Quality; Section 3.4: GHG, Climate Change and Energy, and Section 3.10: Transportation and Circulation for mitigation measures that would further these goals and objectives.

SOURCE: LAFCO OF MONTEREY COUNTY, POLICIES AND PROCEDURES (AS ADOPTED BY THE LAFC) OF MONTEREY COUNTY ON FEBRUARY 24, 2020)

CONFORMANCE TO THE ADOPTED 2006 GREATER SALINAS AREA OF MEMORANDUM UNDERSTANDING (MOU)

The following Table provides an analysis of the project's consistency with the adopted 2006 City-County Memorandum of Understanding (MOU). The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

TABLE 3.8-4: PROJECT CONFORMANCE TO THE 2006 CITY-COUNTY MOU

MOU Agreements	***Analysis of Project Conformance***
City Growth: 1. *City and County agree that the future growth direction of the City shall be to the north and east of the current City limits, except as otherwise provided in this MOU.* 2. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the north and east of the City's existing City Limits (Exhibit A).* 3. *County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the south of the City's existing City Limits (Exhibit A) for the exclusive purpose of agricultural processing and processing capacity (Fresh Express). County further supports future City Sphere of Influence/Annexation proposals to the south of the City's existing City Limit for the exclusive purpose of agricultural processing capacity (Unikool), subject to the establishment of appropriate agricultural conservation easements* 4. *City and County agree to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence insofar as the easements are consistent with the adopted General Plans of the two jurisdictions.* 5. *City and County agree to work cooperatively and in concert with the affected property owners to annex developed unincorporated areas (e.g. Bolsa Knolls) adjacent to or within the City's Sphere of Influence as shown in Exhibit A and to transfer existing County sanitation facilities (e.g. Boronda) upon future City annexation that support these areas subject to the property owners paying any required sanitation system connection fees established by MRWPCA. It is anticipated that an initial effort consistent with this annexation commitment shall be cooperation by all parties to consider and facilitate the proposed Chapin Rogge annexation application insofar as the annexation is consistent with the provisions of LAFCO.* 6. *City and County agree that developments within the 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after annexation to the City and that the City shall consult with the County in*	**Consistent:** The proposed project (including the Settrini/Garcia/Igaz properties) is consistent with each of the relevant provisions, as follows: *Provision 1*: The project development is to the north of the previous and current City limits. The project would not conflict with this provision. *Provision 2*: The project development is to the north of the previous and current City limits. *Provision 3*: Not applicable. *Provision 4*: Not applicable. *Provision 5*: The project, inclusive of the Settrini/Garcia/Igaz properties, would not conflict with this provision. *Provision 6*: The project

the planning process. City and County also agree that the developments within the area designated by the County General Plan as the Greater Salinas Planning Area shall only occur after consultation with the City in the Planning process.	would not conflict with this provision.
7. City and County agree that the County shall not process any proposals for development in areas contiguous (immediately adjacent) to the City's City Limit if those proposals would require either or both a County General Plan amendment or rezoning. Proposals for development requiring a General Plan amendment or a rezoning shall be referred to the City for consideration and possible annexation to the City.	*Provision 7*: The project would not conflict with this provision.
8. City and County agree to work cooperatively and expeditiously in annexation matters consistent with this agreement.	*Provision 8*: The project would not conflict with this provision.
9. City and County agree to support fees and taxes needed to mitigate the collective impact of new and existing development on the regional transportation system to the extent that the fees and taxes reflect the overall financing program adopted by the TAMC.	*Provision 9*: The project would not conflict with this provision. TAMC fees are identified in Section 3.10: Transportation and Circulation of this Draft EIR.
10. City and County agree that County will develop a County-wide Traffic Impact fee program for the improvement of major County roads in accordance with the County's adopted General Plan. The County fee program will be developed in consultation with TAMC and Monterey County cities. It is recognized that there will be development within the City of Salinas related to the anticipated annexation of land to the north and east of the existing City Limits, and it is the desire of both jurisdictions that the County not rely on the imposition of an ad hoc traffic fee on City development. Therefore the development of the Traffic Impact fee for the Salinas Area, as shown in Exhibit B, will be a priority and a nexus study and hearing process should be completed within 18 months of the adoption of the 2006 County General Plan. The County Traffic Impact Fee will be imposed on development in affected cities and unincorporated areas.	*Provision 10*: The project would not conflict with this provision. The project will be applicable traffic fees. See Section 3.10: Transportation and Circulation of this Draft EIR.
11. City and County agree to work cooperatively on establishing the alignment, phasing and financing of the regional roadway facility commonly referred to as Westside Bypass and will expedite the completion of a Project Study Report for this future roadway. City and County agree that the ultimate alignment of the future Westside Bypass shall establish the boundary for the City. It is the intent of both parties to minimize the impact on agricultural land in establishing the Westside Bypass alignment so that the ultimate alignment shall not result in the development of acres of agricultural land in excess of that anticipated by the Westside Bypass alignment as shown in the City of Salians 2002 adopted General Plan (Exhibit C).	*Provision 11*: The project would not conflict with this provision.
12. City and County agree that future development between the area west of Davis Road and the future Westside Bypass, excluding the Boronda Redevelopment Project Area, shall be limited to expansion of the City' retail sale capacity and shall take place after annexation.	*Provision 12*: The project would not conflict with this provision.
13. City and County agree to work cooperatively to address the collective impact of current and anticipated land uses in the reclamation Ditch Watershed Area. There is a recognition that a comprehensive financing program is needed that includes grants, benefits assessments, appropriate development impact fees, and special taxes required to address current and anticipated impacts. The County, in consultation with the City, should complete a nexus study and hearing process, assessing benefit of current and existing land uses, withn 36 months of adoption of this MOU. The adopted impact fee will be imposed on current and existing land uses in both the City and unincorporated areas.	*Provision 13*: The project would not conflict with this provision.
Boronda Redevelopment Project Area:	*Provision 14*: The project would not conflict with this provision.
14. City and County agree that in the undeveloped southern portion of the Boronda Redevelopment Project Area (Exhibit D), the County	

shall take the lead in the planning, review, and approval process subject to concurrent City review so that the final approved project is consistent with existing City development standards. City recognizes the County's desire and intent to assure development that is consistent with commitments made to the Boronda community regarding required amendments to the current adopted Boronda Community Plan and the anticipated development is assumed to provide financial benefit (i.e. tax increment) to the Boronda Development Area. City and County will work cooperatively to assure that those commitments will result from and through the final approvals for development and annexation to the City of Salinas. City and County further agree that there will be no final development approvals prior to completion of all requirements (including LAFCO approval) for annexation of the subject area to the City of Salinas. 15. *City and County agree that property tax generated within the Boronda Redevelopment Area shall continue to accrue to the Boronda Redevelopment Area for implementation of the current (January 1, 2006) adopted Redevelopment Area. Upon completion of the aforementioned Plan, the former Redevelopment Property tax increment shall be allocated between the City and County on a 50/50 basis.*	*Provision 15*: The project would not conflict with this provision.
Affordable Housing: 16. *City and County agree to support each other's efforts to construct affordable housing throughout the County necessary to achieve the Fair Share Housing Allocation as approved by the Association of Monterey Bay Area Governments (AMBAG)* 17. *City and County mutually agree that neither will pursue future development related litigation against the other insofar as the subject development is consistent with this agreement.*	*Provision 16*: The project would not conflict with this provision. *Provision 17*: The project would not conflict with this provision.

SOURCE: GREATER SALINAS AREA MEMORANDUM OF UNDERSTANDING, 2006

SECTION 3.9 PUBLIC SERVICES

Pages 3.9-24 through 3.9-26 of the Draft EIR is amended as follows:

TABLE 3.9-10: STUDENT GENERATION RATES FOR THE SUHSD, AUSD, AND SRUSD

DWELLING UNIT TYPE	*EDUCATION LEVEL*	*GENERATION FACTORS*
ALISAL UNION SCHOOL DISTRICT (AUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**~~0.6755~~0.4180**
	Middle	**N/A**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**~~0.7398~~0.2857**
	Middle	**N/A**
	High	**N/A**
SANTA RITA UNION SCHOOL DISTRICT (SRUSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**0.3148**
	Middle	**0.1955**
	High	**N/A**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**0.5715**
	Middle	**0.1892**
	High	**N/A**
SALINAS UNION HIGH SCHOOL DISTRICT (SUHSD)		
SINGLE-FAMILY (NE A-B) AND (NG A-B)	Elementary	**N/A**
	Middle	**~~0.135~~0.114**
	High	**~~0.208~~0.137**
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	Elementary	**N/A**
	Middle	**~~0.009~~0.028**
	High	**~~0.041~~0.011**

SOURCES: SALINAS UNION HIGH SCHOOL DISTRICT: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020 ; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, JULY ~~202~~, ~~2018~~2020. NOTES: AUSD ONLY CONTAINS ELEMENTARY SCHOOLS; SRUSD ONLY CONTAINS ELEMENTARY AND MIDDLE SCHOOLS; SUHSD ONLY CONTAINS MIDDLE AND HIGH SCHOOLS.

TABLE 3.9-11: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (NO BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	0.1955	429
		High	0.208	456
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.5715	~~1,270~~981
		Middle	0.1892	325
		High	0.041	70
Total	**3,911**			**~~4,033~~3,178**

*SOURCE: ~~2018 SCHOOL FACILITY NEEDS ANALYSIS AND JUSTIFICATION REPORT~~SCHOOL FACILITY NEEDS ANALYSIS FOR THE SALINAS UNION HIGH SCHOOL DISTRICT MAY 2020; SANTA RITA UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, MARCH 6, 2018. ALISAL UNION SCHOOL DISTRICT SCHOOL FACILITIES NEEDS ANALYSIS, ~~JULY 20, 2018~~JULY 2, 2020. NOTES: * ASSUMES DEVELOPMENT OCCURS EQUAL TO OR GREATER THAN MAXIMUM ALLOWED DENSITIES WOULD ALLOW. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ASSUMES THE HIGHEST VALUES WHEN COMPARING ALL SCHOOL DISTRICT GENERATION RATES FOR EACH GRADE COHORT. ACTUAL ATTENDANCE BOUNDARIES AND STUDENTS GENERATED MAY VARY DEPENDING ON FUTURE ATTENDANCE BOUNDARIES. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

It should be noted that a district boundary change between the Santa Rita Union School District and the Alisal Union School District is currently underway and may be completed in 2020, although the City of Salinas has no control over when, or if, such a boundary change is to occur. If the boundary adjustment is finalized, no portion of the Specific Plan will be located within the boundaries of the SRUSD. Therefore, two separate tables are provided below to evaluate student enrollment/generation: the first (Table 3.9-11) reflects the student generation in the event the district boundary adjustment does not occur. The second (Table 3.9-12) reflects the student generation in the event the district boundary change does occur. It should be noted that the projections provided in Table 3.9-11 reflect the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11).

TABLE 3.9-12: PROJECTED SPECIFIC PLAN AREA STUDENT GENERATION ESTIMATES (WITH BOUNDARY CHANGE)

DWELLING UNIT TYPE	*TOTAL DWELLING UNITS**	*EDUCATION LEVEL*	*GENERATION FACTORS***	*POTENTIAL STUDENTS GENERATED****
SINGLE-FAMILY (NE A-B) AND (NG A-B)	2,194	Elementary	~~0.6755~~0.4180	~~1,482~~917
		Middle	~~0.135~~0.114	~~296~~250
		High	~~0.208~~0.137	~~456~~301
MULTIFAMILY NEIGHBORHOOD GENERAL (NG-C) AND VILLAGE CENTER (VC A-B)	1,717	Elementary	~~0.7398~~0.2857	~~1,270~~491
		Middle	~~0.009~~0.028	~~15~~48
		High	~~0.041~~0.011	~~70~~19
Total	**3,911**			**~~3,591~~2,025**

*SOURCE ~~Source:~~ ~~2018 School Facility Needs Analysis and Justification Report~~School Facility Needs Analysis for the Salinas Union High School District May 2020, ~~July 20, 2018~~July 2, 2020. NOTES: *ASSUMES DEVELOPMENT EQUAL TO OR GREATER THAN THE MAXIMUM ALLOWED DENSITIES. ACTUAL DEVELOPMENT MAY BE REDUCED. ** ELEMENTARY SCHOOL GENERATE FACTORS ARE PROVIDED BY THE ALISAL UNION SCHOOL DISTRICT, WHILE THE MIDDLE AND HIGH SCHOOL GENERATION FACTORS ARE PROVIDED BY THE SALINAS UNION HIGH SCHOOL DISTRICT, SINCE THE PROPOSED PROJECT WOULD NOT BE WITHIN THE SANTA RITA UNION SCHOOL DISTRICT UNDER THE WITH BOUNDARY CHANGE SCENARIO. ***TOTAL MAY NOT ADD UP TO DUE ROUNDING.*

As shown in Table 3.9-11, assuming no school district boundary changes are expected to occur, the proposed project is expected to generate up to approximately ~~4,033~~3,178 additional students. This value is conservative, since this projection is based on the use of the highest student generation factors of all three school districts for each grade cohort (as described in the tables notes under Table 3.9-11). However, as shown in Table 3.9-12, if a boundary change were to occur between the Santa Rita Union School District and the Alisal Union School District (such that only the AUS and the SUHSD would serve the Specific Plan Area), the proposed project is projected to generate approximately ~~3,591~~2,025 students. In this second scenario, only two school districts (instead of three) would serve the Specific Plan Area; therefore, only student generation factors for the two school districts remaining to serve the Specific Plan Area (AUSD and SUHUSD) under this scenario were used.[1]

CHAPTER 4.0 OTHER CEQA-REQUIRED TOPICS

Page 4.0-39 of the Draft EIR is amended as follows:

- Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation.
- Impact 3.1-7: Cumulative impact on the region's air quality.
- Impact 3.2-2: Impact on endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian.

[1] For the purposes of these projections, while under the 'No Boundary Change' scenario, student generation factors from the SRUSD (in addition to the other two school districts) were utilized, under the 'With Boundary Change scenario', the SRUSD school generation factors were not utilized.

- Impact 3.2-9: The proposed project has the potential to interfere with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites.
- Impact 3.2-12: Cumulative loss of biological resources including habitats and special status species.
- Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Impact 3.4-4: Cumulative Impact on climate change from increased project-related greenhouse gas emissions.
- Impact 3.7-1: The proposed project has the potential to increase traffic noise levels at existing receptors.
- Impact 3.7-8: Cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development.
- Impact 3.9-1: The proposed project may require the construction of fire department facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.9-3: Project implementation may result in in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts.
- Impact 3.9-4: Project implementation may result in effects on parks, or has the potential to require the construction of park facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.9-5: Project implementation may result in effects on other public facilities.
- Impact 3.9-6: Under cumulative conditions the proposed project may result in effects on public facilities, which may cause substantial adverse physical environmental impacts.

CHAPTER 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

Page 5.0-20 of the Draft EIR is amended as follows:

> The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the ~~Monterey Bay Air Resources Board's (MBARD)~~AMBAG's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to the proposed project.

Page 5.0-51 of the Draft EIR is amended as follows:

TABLE 5.0-8: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE CENTRAL AREA SPECIFIC PLAN

ENVIRONMENTAL TOPIC	PROPOSED PROJECT[1]	NO PROJECT (NO BUILD) ALTERNATIVE	REDUCED LAND AREA PROJECT ALTERNATIVE	REDUCED RESIDENTIAL INTENSITY/DENSITY ALTERNATIVE	SMALLER-SCALE PROJECT ALTERNATIVE
SECTION 3.1 - AIR QUALITY (AQ)					
AQ Impact 3.1-1	LS	Equal	Equal	Greater	Greater
AQ Impact 3.1-2	SU	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-3	LS/MM	Less	~~Equal~~Slightly Less	Slightly Less	Slightly Less
AQ Impact 3.1-4	LS/MM	Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
AQ Impact 3.1-5	LS/MM	Slightly Less	~~Equal~~Slightly Greater	Slightly Less	Slightly Less
~~AQ Impact 3.1-6~~	~~LS~~	~~Slightly Greater~~	~~Equal~~	~~Slightly Less~~	~~Slightly Less~~
AQ Impact 3.1-7	CC & SU	Slightly Less	Equal	Slightly Less	Slightly Less
Section 3.1~~2~~ – Biological Resources (BIO)					
BIO Impact 3.2-1	LS	Less	Slightly Less	Equal	Slightly Less
BIO Impact 3.2-2	~~LS/MM~~SU	Less	Slightly Less	Equal	Slightly Less

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Salinas Central Area Specific Plan Project (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Chapter 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP. The FMMRP also includes mitigation measures which are required by the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and the *Final Supplement for the Salinas General Plan Final Program EIR* (EDAW, 2007).

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Salinas will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing**: Identifies at which stage of the Project mitigation must be completed.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

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TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
AIR QUALITY				
Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-1:*** *Prior to approval of tentative maps, conditional use permits or site plan review, the project applicant(s) shall incorporate the following features into project plans and specifications, as directed by the City of Salinas:* • *Provide traffic calming measures (such as speed bumps, traffic circles, and/or other standard measures) on at least 50% of streets and intersections within the Plan Area;* • *Require the parking lots or parking structures for new commercial, office, retail, and multifamily development to provide enough parking spaces for carpools and vanpools to accommodate reasonably foreseeable consumer demand at the time of the approval of such development, consistent with State of California laws and policies intended to encourage the use of carpools and vanpools;* • *Require the use of low-VOC paint for all new building architectural coatings within the Plan Area, consistent with or better than, what is required by the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of tentative maps, conditional use permits or site plan review	
	Mitigation Measure 3.1-2: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate effective methods to facilitate the use of cleaner alternative fuel (e.g., electric vehicles, carpooling, etc.) within the Plan Area. Effective methods may include the installation of alternative fuel (e.g. electric) charging stations at locations spaced throughout the Plan Area including but not limited to those specified in this Draft EIR, as applicable, consistent with or better than what is required by the City's Municipal Code and Specific Plan. Additionally, this can be achieved by providing preferential parking for alternatively-powered vehicles, including electric cars, and/or by providing carpool/vanpool parking spaces.*	City of Salinas Community Development Department	Prior to approval of development review permit(s)	
	Mitigation Measure 3.1-3: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate the use of alternative*	City of Salinas	Prior to	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	energy for the residential and mixed use/commercial developments, including by implementing alternative energy (e.g. PV solar) building requirements, consistent with or better than, what is required by the City's Municipal Code and State requirements (e.g. the 2019 California Solar Mandate). Project applicant(s) shall also ensure that pre-installed electrical hookups and/or charging stations, as applicable, are incorporated into all project plans and specifications.	Community Development Department	approval of development review permit(s)	
	Mitigation Measure 3.1-4: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that low-flow (high-efficiency) indoor water fixtures will be installed throughout the Plan Area, including for bathroom and kitchen faucets, toilet fixtures, and showers, in both residential and non-residential buildings, in compliance with or better than the standards required within the most recent version of the California Green Building Standards Code.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-5: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that water-efficient irrigation systems will be installed throughout the Plan Area, consistent with or better than the requirements contained within the State's Model Water Efficient Landscape Ordinance, the City's Water Conservation Ordinance and the Salinas Zoning Code Landscaping and Irrigation requirements.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-6: *Prior to approval of improvement plans or development review permits, as applicable, the project applicant(s) shall ensure that pedestrian/bicycle facilities (e.g. pedestrian paths, outdoor bike racks, etc.) are provided within the Specific Plan Area, in coordination with and subject to approval by the City of Salinas. The project proponent shall also provide bicycling parking near the entrance to commercial establishments within the Specific Plan Area, consistent with or better than the requirements contained within the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of improvement plans or development review permits, as applicable	
	Mitigation Measure 3.1-7: *Prior to the issuance of development review permit(s), the project applicant(s) shall incorporate the following additional Plan Area requirements, as applicable:* • *Install secured bicycle storage facilities (bike lockers, cages, interior*	City of Salinas Community Development Department	Prior to approval of development review	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	space, or similar as approved by the City Engineer) at all commercial and public facilities with 50 employees or more; • *Incorporate park-and-ride lots.* • *Install Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development); and* • *Install publicly-available dual post Level 2 charge stations within the VC or NG zones, and/or other zones as deemed acceptable by the City of Salinas. (Note: The 'level' of the charging station refers to the voltage that the electric vehicle charger uses. Level 1 charging is your typical traditional home outlet, while level 2 is a 240 Volt Portable Cordset or Wall-mounted Charging Station (2-10 hours charging).* ***Mitigation Measure 3.1-8****: Prior to the approval of individual phases (i.e. tentative maps, site plan review, etc.), the project applicant(s) shall develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of the Air District and the City of Salinas on a project-by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Example projects that could be included in the offsite mitigation program may include, but are not limited to, the following:* • *Replace existing agricultural combustion-based generators/pumps with electric agricultural water pumps (in place of generators/pumps;* • *Replace combustion school buses with electric school buses within the local community;*	City of Salinas Community Development Department	permit(s) Prior to approval of individual phases (i.e. tentative maps, site plan review, etc.)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Install adaptive traffic control systems;* *Install solar photovoltaic (PV) systems.*			
Impact 3.1-3: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-9**: Prior to the issuance of grading permits, the project applicant shall prepare a grading plan subject to review and approval by the City. In the event that ground-disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (e.g., grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth-moving (e.g., finish grading), the required grading plans shall include the following measures to be implemented as needed to prevent visible dust emissions:* • *Water all active construction sites to prevent visible dust emissions. Frequency should be based on the type of operation, soil, and wind exposure;* • *Prohibit grading and earthmoving activities, and cover stock piles, during periods of high wind (over 15 mph);* • *Limit vehicle speed on construction sites to 15 mph.* • *Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);* • *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area;* • *Maintain at least 1-foot of freeboard in each haul truck;* • *Provide windbreaks on the windward perimeter of construction projects where adjacent to open land;* • *Cover inactive storage piles;* • *Sweep streets if visible soil material is carried out from the construction site; and/or* • *Post a publicly visible sign written in English and Spanish which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District (MBARD) shall be visible to*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	ensure compliance with Rule 402 (Nuisance). The sign shall be in accordance with MBARD and/or City requirements, as applicable • *Use cleaner construction equipment that conforms to EPA's second or first-most stringent Tier emission standards (e.g. Tier 3 or Tier 4 emission standards in 2019), or better; and/or* • *Further, where reasonably feasible, construction equipment should include the use of alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.*			
Impact 3.1-5: The proposed project has the potential for public exposure to toxic air contaminants	***Mitigation Measure 3.1-10:*** *Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations), the project applicant shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in accordance with the California Air Pollution Control Officers Association Air Toxic "Hot Spots" Program guidance. The prioritization screening shall also be conducted consistent with the guidance provided by the Monterey Bay Air Resources District, which will be responsible for determining which facilities based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the Monterey Bay Air Resources District considers the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.* *If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the applicable thresholds (utilizing an air dispersion modelling program such as AERMOD). As of the time of this writing, the commonly accepted threshold for cancer risk is 10 in a million for carcinogens, and the reference exposure level for non-carcinogens (HI = 1). Facilities that exceed the applicable threshold(s) have the potential to expose the public to toxic air contaminants*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	levels that would be considered significant. Facilities that exceed the applicable threshold(s) must incorporate mitigation to reduce the risks from emission of toxic air contaminants to an acceptable level (i.e., to a level that does not exceed the applicable threshold[s]). Potential mitigation includes: reducing the size of the facility area; rearranging the site to reduce the potential for impacts on the nearest sensitive receptors; and utilizing products that reduce the level of toxic air contaminants, or removal of such products from the operational phase of the project.			
Impact 3.1-7: Cumulative impact on the region's air quality	*Implement Mitigation Measures 3.1-1 through 3.1-10.*	See Mitigation Measures 3.1-1 through 3.1-8	See Mitigation Measures 3.1-1 through 3.1-8	
BIOLOGICAL RESOURCES				
Impact 3.2-2: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian	***Mitigation Measure 3.2-1****: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.* *The regulatory approvals are anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	Prior to issuance of grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	treatment activities in areas deemed to be viable CTS habitat. *It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).* *CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.* ***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development	Prior to issuance of grading and/or building permits Prior to issuance of grading and/or	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season. *In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.* ***Mitigation Measure 3.2-3**: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CRLF. This is anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CRLF habitat.* *The Gabilan and Natividad Creek are CRLF habitat and both are anticipated to be expanded through habitat creation/restoration. The restoration and habitat creation include up to 30 acres along Gabilan Creek and 74 acres (net of any recreational amenities and public facilities required to facilitate the project) along Natividad Creek. Given that the creation/restoration is an*	Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community	building permits Prior to issuance of grading and/or building permits Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	expansion of habitat beyond what exists presently, it is anticipated that there would be a net increase in CRLF habitat. There is, however, the potential for temporary impacts to CRLF during the creation/restoration effort. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW. ***Mitigation Measure 3.2-4****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to CRLF to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with a scientific collecting permit for CRLF to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with a scientific collecting permit every 72 hours during the migration/breeding season 5) installation of pit traps to capture CRLF migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CRLF found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report.* ***Mitigation Measure 3.2-5****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to WPT to the extent feasible, the proposed project activities shall be compliant with the following Avoidance and Minimization Measures: 1) conduct environmental education training for all construction personnel, 2) conduct western pond turtle surveys within creek corridors, ponded/basin areas, and irrigation ditches by a qualified biologist, 3) survey upland areas within 0.5 miles of the aquatic features for evidence of nests as well as individual turtles, 4) make a reasonable effort to capture and relocate as many western pond turtles as possible to minimize take, 5) if a nest is observed, move eggs to a suitable location or facility for incubation, and release hatchlings into the creek corridor the following autumn, 6) design habitat elements within the creek corridor to benefit western pond turtle (i.e. include logs or rafts for emergent basking sites, and upland areas adjacent to ponds in a relatively open condition), and 7) post construction report. All survey and/or handling of WPT shall be performed by a qualified biologist in consultation with the*	Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	CDFW.			
Impact 3.2-3: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Birds	***Mitigation Measure 3.2-6****: Building and grading permits and plans issued for development in the project area shall note the following: If construction activities occur during the avian breeding season (February 1 – September 15) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Specific Plan Area, and shall be submitted to the City. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The biologist will conduct a survey in the Specific Plan Area for all special-status birds protected by the federal and state ESA, MBTA and CFGC. The biologist shall map all nests that are within, and visible from, the Specific Plan Area. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Nests shall be monitored at least twice per week during the nesting season and a report submitted to the City and CDFW monthly.*	City of Salinas Community Development Department Qualified Biologist California Department of Fish and Wildlife	In conjunction with issuance of building and grading permits and plans	
Impact 3.2-5: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or	***Mitigation Measure 3.2-7****: Grading and/or building permits and plans issued for development in the project area shall note the following:* • *Monterey Dusky-Footed Woodrat: Any vegetation/ground disturbance to the Gabilan Creek associated with the crossings or restoration should be conducted when woodrats are least likely to breed in October through November. No more than 30 days prior to construction located within 50-feet of Gabilan Creek, a qualified biologist shall conduct a preconstruction survey for Monterey dusky-footed woodrat middens. At the discretion of a qualified biologist, an exclusion buffer shall be established around any woodrat middens that can be avoided, and these exclusion zones shall be fenced as Environmentally Sensitive Areas to protect the nest. If a woodrat midden cannot be avoided, potential dismantling and relocation strategies shall be developed and presented to the*	City of Salinas Community Development Department Qualified Biologist	In conjunction with issuance of building and/or grading permits and plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
USFWS - Mammals	*City of Salinas Community Development Department by a qualified biologist for review and/or approval. Potential dismantling and relocation strategies may include hiring a qualified biologist to dismantle the middens by hand for relocation within the restored/created habitat along Gabilan and Natividad Creeks, or outside of the project site as appropriate. If approved by the City, a qualified wildlife biologist may dismantle only middens within the project site that would be disturbed by construction activities. If young are encountered during dismantling of the midden, any removed material may be replaced and a 50-foot no-disturbance buffer would be established around the active midden. The buffer would remain until young are weaned and are able to disperse on their own accord (typically for a period of 14 days). All removed midden substrate would be collected and relocated to suitable woodland habitat outside of the project footprint. Appropriate personal protective equipment (e.g., respirator, gloves, and Tyvek suit) shall be used while dismantling and relocating woodrat nest material to protect against disease carried by rodents (e.g. hantavirus).* • *Bats: Fifteen days prior to construction activities within 200 feet of potential bat roosting habitat, the project applicant shall retain a qualified biologist familiar with bat biology to perform a preconstruction survey for roosting special-status bats, which shall be submitted to the City. The areas with potential bat roosting habitat include: 1) the three residential complexes located between Natividad Road and Gabilan Creek, 2) the outbuildings/structures located throughout the Specific Plan Area, and 3) Gabilan Creek. The survey shall include a minimum of one daytime and one evening survey. The survey shall cover the trees, structures, and debris located within these complexes. If active roosting is observed, removal of the tree or building shall be avoided until the bats can be excluded. All active non-maternity roosting sites shall be fitted with passive exclusion devices, such as one-way flaps or doors, and all bats shall be allowed to leave voluntarily. Once it is confirmed that all bats have left the roost (minimum of five days), crews shall be allowed to continue work in the area. If a maternity roosting site is discovered, a minimum 50-foot buffer shall be established around*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the roost. The project applicant shall consult with the qualified biologist in order to determine if a greater buffer is warranted based on the bat species, roost location, and specific construction activities to be performed in the vicinity. The buffer shall stay in effect until all young are determined to be volant (i.e., able to fly and feed independently) by a qualified biologist. Once it is determined that all young are volant (generally by August 1st), passive exclusion devices shall be installed and all bats shall be allowed to leave voluntarily. Once it is determined by the qualified biologist that all bats have left the roost (minimum of five days), crews shall be allowed to work within the buffer zone. Project Improvement Plans will include this measure as a note in the plans.			
Impact 3.2-7: The proposed project has the potential to have substantial adverse effect on federally - or state- protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	***Mitigation Measure 3.2-8****: Prior to grading/building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek (and its tributaries), the project applicant shall obtain jurisdictional determinations from the USACE, RWQCB, and CDFW for the creeks and ditches that are proposed to be disturbed. The creeks are confirmed jurisdictional and authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, CDFW-1600 Streambed Alteration Agreement) will be necessary. The irrigation ditches are anticipated to be exempt. If these regulatory agencies concur that these irrigation ditches are exempt, then no further mitigation is necessary for the irrigation ditches. If it is determined that these ditches are not exempt, authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, 1600 Streambed Alteration Agreement) will be necessary. At a minimum, the project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations, although a higher mitigation measure may be required by the USACE, RWQCB, and CDFW through their permitting processes. It is anticipated that the restoration of Gabilan and Natividad Creeks will result in up to 104 acres of wetland and riparian habitat creation (net of any recreational amenities and public facilities required to facilitate the project), which will serve as onsite mitigation; however, a mitigation plan must be submitted and approved by the USACE, RWQCB, and CDFW through the permitting processes conducted pursuant to Clean Water Act Sections 401 and 404, Fish and Game Code Section 1600, and State Water Board*	City of Salinas Community Development Department U.S. Army Corps of Engineers Regional Water Quality Control Board California Department of Fish and Wildlife	Prior to grading / building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Procedures for the Discharge of Dredged or Fill Material to Waters of the State.			
CULTURAL AND TRIBAL RESOURCES				
Impact 3.3-1: Project implementation may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5	***Mitigation Measure 3.3-1:*** *Grading and/or building permits and plans for development in the project area shall note the following: In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading, all work shall stop in the area of the find until an appropriate avoidance or data recovery program can be developed and implemented by a qualified archaeologist. This archaeologist shall determine whether the uncovered deposits or features qualify as either "historical resources" within the meaning of CEQA Guidelines section 15064.5, subdivision (a), "unique archaeological resources" as defined in Public Resources Code section 21083.2, subdivision (g), or "tribal cultural resources," as defined in Public Resources Code section 21074. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approve and imposed by the City. In assessing whether avoidance is feasible, the City Planner shall consider project design, logistics, and cost considerations. All costs associated with the City's Planner's determination of project design, logistics and cost considerations shall be borne by the developer/applicant. Avoidance is infeasible where it would preclude the construction of important structures or infrastructure or require exorbitant expenditures. Recommended mitigation measures shall be reviewed by the City Planner and shall be approved if feasible in light of project design, logistics, and cost considerations and, if approved, shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City Planner. Data recovery, including photo documentation, excavation and recovery, laboratory analysis, etc., shall be an option if preservation in place is infeasible. Where resources have been determined to be "unique archaeological resources" but not "historical resources" or "tribal cultural resources," the project proponent's obligations shall be limited as set forth in Public Resources Code section 21083.2, subdivisions (d), (e), and (f). Grading/building permits and plans shall note this measure.*	City of Salinas Community Development Department Qualified Archaeologist	In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.3-2: Project implementation may cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5	*Implement Mitigation Measure 3.3-1.*	See Mitigation Measure 3.3-1	See Mitigation Measure 3.3-1	
Impact 3.3-3: Project implementation may directly or indirectly destroy a unique paleontological resource	***Mitigation Measure 3.3-2:*** Grading and/or building permits and plans for development in the project area shall note the following: *If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Salinas shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where the resource could be curated and displayed for public education purposes.*	City of Salinas Community Development Department Qualified Paleontologist	If paleontological resources are discovered during the course of construction	
Impact 3.3-4: Project implementation may disturb human remains, including those interred outside of formal cemeteries	***Mitigation Measure 3.3-3****: Grading and/or building permits and plans for development in the project area shall note the following: If human remains are found during construction within the Specific Plan Area, or at off-site infrastructure improvement locations, there shall be no further excavation or disturbance of the area of the find or any nearby area reasonably suspected to overlie adjacent human remains until a qualified archeological monitor and the coroner of Monterey County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if:* *a) the Native American Heritage Commission is unable to identify a*	City of Salinas Community Development Department Monterey County Coroner Native American Heritage Commission	If human remains are discovered during the course of construction within the Specific Plan Area	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; *b) the descendent identified fails to make a recommendation; or* *c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*			
Impact 3.3-5: Project implementation may cause a substantial adverse change in the significance of a tribal cultural resource	*Implement mitigation measures 3.3-1 through 3.3-3.*	See Mitigation Measures 3.3-3 and 3.3-4	See Mitigation Measures 3.3-3 and 3.3-4	
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	***Mitigation Measure 3.4-1****: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b) and shall include the following:* *1) The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO2e/service population/year by year 2040, and 0.80 MT CO2e/service population/year by year 2050.* *2) Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.* *GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols*	City of Salinas Community Development Department	Prior to the approval of the tentative maps and development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to: • *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.* • *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.* *If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. *Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.			
Impact 3.4-2: Potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	*Implement Mitigation Measure 3.4-1.*	See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
Impact 3.4-4: Cumulative impact on climate change from increased project-related greenhouse gas emission		See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.5-1: Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	***Mitigation Measure 3.5-1:*** *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:* *1) Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *2) Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have*	City of Salinas Community Development Department	Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable	

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	already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility. *In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.* *Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.* *3) The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances*			

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	Control, or other appropriate federal, State, or local regulatory agencies. *4) Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *5) Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* ***Mitigation Measure 3.5-2:*** *Prior to the issuance of grading permits, existing water wells within the grading area shall be destroyed under permit from the City of Salinas and/or the Monterey County Health Department, as applicable. Any destruction of these facilities shall be in accordance with the Monterey County Well Standards for Abandonment/Destruction. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate destruction of*	City of Salinas Community Development Department Monterey County Health Department City of Salinas Community Development Department Monterey County Health Department	Prior to the issuance of grading permits Prior to the issuance of building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	these facilities. ***Mitigation Measure 3.5-3:*** *Prior to the issuance of building permits, the water well or wells that will be providing water for the applicable portion of the Specific Plan Area, shall be constructed and tested for water quality under permit from the Monterey County Health Department. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate construction and operation of these facilities.*			
Impact 3.5-2: Create a significant hazard to school sites due to siting or the placement of infrastructure	***Mitigation Measure 3.5-4:*** *The property line of all school sites (even if it is a joint use agreement as described in subsection (o) of § 14010) shall be at least the following distance from the edge of respective power line easements as identified in the California Code of Regulations Title 5, Article 2. School Sites § 14010, Standards for School Site Selection (c):* • *100 feet for power lines that are between 50 and 133 kV.*	City of Salinas Community Development Department	Prior to approval of improvement plans for any school site	
HYDROLOGY AND WATER QUALITY				
Impact 3.6-1: The proposed project has the potential to violate water quality standards or waste discharge requirements during construction	***Mitigation Measure 3.6-1:*** *Prior to issuance of grading permits, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the City of Salinas prior to submitting to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed to be effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and shall not preclude the use of equally or more effective new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Salinas. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB or the*	City of Salinas Public Works Department Regional Water Quality Control Board	Prior to issuance of grading permits	

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	City of Salinas.			
Impact 3.6-2: The proposed project has the potential to violate water quality standards or waste discharge requirements during operation	***Mitigation Measure 3.6-2:*** *Prior to the issuance of grading permits, the project proponent shall submit to the Salinas Public Works Department the project Improvement Plans. The Improvement Plans shall be consistent with the City's Development Standards, Standard Plans, and current NPDES permit requirements at the time of permitting. The NPDES permit granted to the City of Salinas by the Central Coast RWQCB (RWQCB – Central Coast Region, 2019) requires the following:* *I. Erosion and Sediment Control BMPs – Erosion control and sediment control BMPs shall be designed, installed, and maintained to reduce the discharge of pollutants from construction sites to the maximum extent practical (MEP) and protect water quality;* *II. Erosion and sediment from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other sediment control BMPs; and* *III. Soil Stabilization – Stabilization of disturbed areas shall, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased.* *Additionally, the Improvement Plans shall be consistent with the requirements of the City's most current Stormwater Development Standards for New and Redevelopment Projects. The City of Salinas Stormwater Standards for New and Redevelopment Projects (City of Salinas, 2013) require the following practices:* *I. Limit disturbance of creeks and natural drainage features and provide setbacks according to the City's latest NPDES permit;* *II. Minimize compaction of highly permeable soils; and* *III. Limit clearing and grading of native vegetation to the minimum needed to build the project and provide fire*	City of Salinas Public Works Department	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	protection. ***Mitigation Measure 3.6-3:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for water quality best management practices (BMPs) and water quality detention/retention basins designed to meet the applicable regulatory requirements and to reduce contaminant loadings to receiving waters to the maximum extent practicable.* *The approved Stormwater Control Plans shall be submitted to the Central Coast RWQCB through SMARTS as part of the project's SWPPP permit documents.* ***Mitigation Measure 3.6-4:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for operational water quality best management practices (BMPs) and water quality detention basins designed to prevent to the maximum extent practicable the creation of new sources of polluted runoff. Operational water quality BMPs may include extended detention basins, wet ponds/detention basins, porous pavement, inlet filters, vegetative BMPs, underground infiltration systems, vegetative swales, or storm drain stenciling and posting of signage. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.* ***Mitigation Measure 3.6-5:*** *Prior to the approval of site improvement plans, the project applicant shall submit a Hydrologic study as part of the Stormwater Control Plan to the Salinas Public Works Department detailed plans and calculations for supplemental retention and peak flow control. BMPs will be designed to meet regulatory requirements and to reduce peak flows during storm events below peak flows under pre-project conditions. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.6-3: The proposed project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge	***Mitigation Measure 3.6-6:*** *Prior to the approval of site improvement plans, the project applicant shall site, and design and include an Operation and Maintenance Plan for stormwater retention/infiltration basins and infiltration promoting BMPs sufficient to assure that there is no reduction in groundwater recharge. In order to assure there is no reduction in recharge, the plan shall result in circumstances which maintain infiltration to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater. The site, design, and installation shall be consistent with the requirements of the City's Stormwater Development Standards for New and Redevelopment Projects. The contents of the site, landscaping (ground cover, bushes and trees, etc.) and irrigation (as applicable), design, and installation shall be included in a Stormwater Control Plan. The Stormwater Control Plan shall be reflected on the Improvement Plans and subject to review and approval by the Salinas Public Works Department and the City Planner. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for the review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-7:*** *Prior to the approval of site improvement plans, the project applicant shall site, design, and include an Operation and Maintenance Plan for post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Maintenance procedures (including frequency of procedure, cleaning schedules, applicant responsibility for each procedure, performance standards, or other means) and funding mechanisms shall be established for those facilities to assure adequate long-term performance and success in treating the water and controlling infiltration into the groundwater. The Improvement Plans and Operation and Maintenance Plan shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.6-6: Place housing or structures that would impede/redirect flows within a 100-year, or 200-year flood	***Mitigation Measure 3.6-8****: Prior to the approval of site improvement plans, the project applicant shall submit an application for a letter of map revision based on fill (LOMR-F) to the City of Salinas floodplain administrator and FEMA with pertinent information and studies for approval that indicates no*	City of Salinas Public Works Department	Prior to the approval of site improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	*building construction would take place within remapped FEMA flood zones AE and A and that no changes to the regulated floodway will result in an increase in the base flood elevation or impact the downstream waterways.* ***Mitigation Measure 3.6-9****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department detailed grading plans and calculations designed to place enough fill onto the shaded Zone X area as to raise the land surface elevation above the base flood elevation so that flooding hazards are minimized to a FEMA flood standard. The project applicant shall submit an application for a LOMR-F to the City of Salinas floodplain administrator and FEMA with pertinent information for approval.* ***Mitigation Measure 3.6-10****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department and the City Planner, detailed plans, calculations, landscaping (and irrigation, as applicable) plans, and design basis reports for creek corridor restoration, including detention/retention/water quality basins, within the flood hazard extents identified as Zones A and AE that provide assurances that during large storm events, creek flows and sediment transport from upstream sources are not impeded at the same time as when the adjacent basins are at or near capacity. The design basis reports for creek corridor restoration shall also be submitted to the USACE, USFWS, and RWQCB and any required permitting processed prior to City approval. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-11****: Prior to the approval of site improvement plans, the project applicant shall submit a Stormwater Control Plan that provides sufficient supporting documentation and calculations to the Salinas Public Works Department to address sediment transport issues of fine-grained materials from upstream and local sources that could clog*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	infiltration capacities and could fill required storage space within the stormwater basins at the downstream boundaries of the project area to the extent practicable. *The calculations to address these sediment transport issues may include:* • *A streamflow and sediment transport (bedload and suspended sediment) data collection monitoring program that begins one- to two-years pre-construction and continues through a mandated post-project timeframe and would provide volumetric information for calculations related to the potential for sediment deposition.* • *Pre-project measurements could be used to estimate sediment loading, which could inform the design of mitigation measures and enable estimates of maintenance frequencies needed ensure ongoing efficacy of the measures. During project execution and after project completion, measurements of bedload and suspended sediment in the channel at the downstream boundary of the project could be used to verify performance of sediment management measures and avoidance of associated sediment transport impacts.* • *The United States Geological Survey gage record on Gabilan Creek (#11152600) contains limited suspended sediment data that was collected in March and April of 2017. These data could be used to compare to and/or validate measurements obtained via field data collection.* *Strategies and measures to address these sediment transport issues may include:* • *Bioretention Basins: Bioretention basin features provide multiple water quality functions for stormwater systems, including performing as depositional areas for sediments that settle and get trapped in the bioretention media.* *An operations and maintenance plan shall be used to address specific*		plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	maintenance requirements related to sediment accumulation, such that basin media remediation would take place when a threshold condition (such as a certain amount of sediment accumulation on the basin floor) is reached. For instance, if sediment deposition exceeds a depth of 2-inches, even a small patch, the sediment would require removal to keep the basin functioning properly. *Furthermore, the functional lifespan of bioretention media (mulch, soils, drain rock, underdrain) is generally about 15 years. Annual monitoring reports could be used to track basin performance under varying wet season conditions and used to guide media replacement timing.* • *Treatment Wetlands: Treatment wetlands are designed to mimic the natural infiltration, nutrient cycling, habitat, and a myriad of other important ecological functions provided by natural wetlands. Treatment wetlands could be constructed at storm drain outfall locations or adjacent to or off-channel from a creek channel. Wetlands could vary between those that are highly designed and may need relatively high levels of maintenance to more naturally based designs that may need more limited maintenance, each with varying levels of treatment potential.* *Treatment performance is a function of wetland to watershed ratio, wetland treatment design, area hydrology, hydraulic residence time, and source pollutants. The preferred residence time through wetlands varies based on vegetation type and quantity, water depth, temperature, and design flow rates. Having a lower design flow rate can result in longer hydraulic residence time, which is preferred particularly at the start of a rainy season, since the "first flush" volume of stormwater runoff will generally contain the highest concentrations of pollutants. Treatment wetland design generally considers dry season irrigation return flows and first flush principles.* • *Vegetated Banks/Riparian Corridor: Trees and other riparian corridor vegetation appropriate to the environment, such as willows, could*			

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	grow rapidly on channel banks and trap sediments, removing sediment from streamflows as well as from local surface runoff. • *Floodplains: Floodplains provide one of the most important storage spaces for sediment as it moves discontinuously through a watershed. Naturally functioning floodplains generally extend laterally past the immediate riparian buffer zone into relatively flat areas. Floodplain access could be provided by bank and channel grading at specified design storm flows. The rate of sediment deposition on floodplains is largely dependent on the frequency of inundating flows, the suspended sediment loads in the river, available floodplain area, and presence of vegetation.* ***Mitigation Measure 3.6-12****: Prior to the approval of site improvement plans, the project applicant shall provide an Operation and Maintenance Plan as part of the Stormwater Control Plan with sufficient supporting documentation and calculations for review and approval by the Salinas Public Works Department demonstrating that risks associated with reduction of infiltration capacity in the detention/retention/water quality basins shall be minimized to the maximum extent practicable.* ***Mitigation Measure 3.6-13****: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with sufficient supporting documentation and calculations that the risks associated with basin embankment side slope failure because of the non-cohesive nature of Gabilan and Natividad Creek corridor sediments will be minimized to the extent practicable.* ***Mitigation Measure 3.6-14****: Prior to the approval of site improvement plans, the project applicant shall provide operations, maintenance, and SWPPP procedures for review and approval by the Salinas Public Works Department such that any detention/retention/water quality basin issues associated with sedimentation or loss of infiltration capacities are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that sedimentation or loss of infiltration capacities are addressed and subsequently approve the operations,*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

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	maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project. ***Mitigation Measure 3.6-15**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with operations, maintenance, and SWPPP procedures such that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed and subsequently approve the operations, maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project.* *All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.*	City of Salinas Public Works Department	Prior to the approval of site improvement plans	

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NOISE				
Impact 3.7-2: The proposed project has the potential to increase noise levels associated with construction activities	***Mitigation Measure 3.7-1:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that construction activities shall adhere to the requirements of the City of Salinas Municipal Code with respect to hours of operation.* ***Mitigation Measure 3.7-2:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that all equipment shall be fitted with factory equipped mufflers and in good working order. All stationary noise generating equipment (i.e. generators) shall be located at least 200 feet from a sensitive receptor. All construction staging areas shall be located at least 200 feet from a sensitive receptor.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.7-4: The proposed project has the potential to expose new sensitive receptors to excessive transportation noise	***Mitigation Measure 3.7-3:*** *Prior to the approval of site improvement plans and respective permits, the plans shall note the location, design, and construction details of the eight-foot to nine-foot tall sound walls and/or landscaped berm/wall combinations, as applicable, that will be constructed along the primary Specific Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. At the City's discretion, wall heights which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. See the Draft EIR Table 3.7-14 for specific noise barrier/wall heights along each roadway. Additionally, at the City's discretion, alternative noise reduction measures which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. Alternative noise reduction measures, such as building orientation and use of noise-attenuating features, can be utilized provided that a site-specific acoustical analysis is conducted that demonstrates that the alternative methods would ensure that noise levels do not exceed the City's conditionally acceptable 60-70 dB L_{dn} noise standard.* *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the City of Salinas based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable. The design/appearance of the wall is subject to*	City of Salinas Community Development Department	Prior to approval of improvement plans and respective permits	

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	the design approval by the City of Salinas to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti. These graffiti prevention best management practices may include, without limitation: *(1) The use or the installation and maintenance of ant-graffiti materials and surface treatments approved by the City on likely graffiti-attracting surfaces.* *(2) Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.* *(3) Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.* *(4) Immediate removal of graffiti by appropriate means within seventy-two hours.* *(5) Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).* *(6) Authorizing right of access by city employees or contract agents to remove graffiti if not removed within specified time periods.* *(7) Supplying the city at its request with paint (of the appropriate color and type), cleaning agents, and/or other materials acceptable to the city to abate or to deter graffiti.* *(8) Other requirements, as deemed reasonably feasible by the city planner, to deter, to protect or to reduce the potential for graffiti*			

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	defacement. ***Mitigation Measure 3.7-4:*** *Prior to the approval of building permits, the first row of residential dwellings located along E. Boronda Road and Constitution Boulevard shall include windows having a Sound Transmission Class (STC) 35, or higher, rating installed in second floor facades and rooms that have windows or doors that abut or face E. Boronda Road and/or Constitution Boulevard. Exterior walls shall also require 3-coat stucco and RC-channels, sheathing, or another acceptable construction application that effectively attenuates noise intrusion to the interior of the house. The exterior wall specifications would specifically apply to the first row of homes that abut or face E. Boronda Road and/or Constitution Boulevard and only apply to the facades facing these roadways. The specifications do not apply to single story homes, or the first floor of a two-story home, both of which are attenuated by the sound wall. These requirements shall be included in the building plans for the specific dwelling units and noted on the building permits. A detailed analysis of any additional interior mitigation measures shall be conducted when building plans are available and prior to building permit issuance to verify these requirements. These requirements shall also be noted in the site improvement plans prior to approval by the City.* ***Mitigation Measure 3.7-5:*** *Prior to the approval of building permits, mechanical ventilation shall be required in the first row of all residential dwellings that abut E. Boronda Road and Constitution Boulevard, as desired for acoustical isolation, to keep their doors and windows closed and still maintain acceptable interior temperature and noise levels. This requirement shall be included in the building plans for the specific dwelling units and noted on the building permits. This requirement shall also be noted in the site improvement plans prior to approval by the City.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to approval of building permits Prior to approval of building permits	
Impact 3.7-5: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed park and school uses	***Mitigation Measure 3.7-6:*** *Prior to the approval of site improvement plans, as applicable, when parks or play areas are located near residential uses, the center of active play areas, such as football fields, soccer fields or other athletic fields, shall be located at a minimum distance of 90-feet from the nearest residential property lines. Large active play areas shall comply with the 60 dB L_{eq} and 70 dB L_{max} standards, and shall include these further noise level evaluations during the design phases of future park areas.*	City of Salinas Community Development Department	Prior to the approval of site improvement plans	

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	Parks shall be designed such that residences front, or side in limited locations where approved by the City Planner, to the park. Minimum 6-foot tall sound walls and/or landscaped berms shall be constructed where school site directly abuts a residential property line in instances where site design (i.e., minimum distances, siting of activity areas, etc.) cannot achieve the 60 dB L_{eq} and 70 dB L_{max} noise standards. No wall shall be required where residential uses are fronted towards a park or school site and separated by a roadway or a walkway. *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the Salinas Public Works Department and the City Planner. The design/appearance of the walls is subject to the design approval by the Salinas Public Works Department and the City Planner based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti (see Mitigation Measure 3.7-3 for further discussion of best management practices).*			
Impact 3.7-6: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed commercial mixed-uses	***Mitigation Measure 3.7-7:*** *Prior to the approval of development review permits, the plans shall demonstrate: where mixed use commercial, business professional, office, or similar uses face residential uses or where loading docks or truck circulation routes face residential areas, the following measures shall be included in the project design:* • *All HVAC equipment shall be located within mechanical rooms where possible or shielded from view with solid or grated barriers;* • *Emergency generators shall comply with the City's noise criteria at the nearest noise-sensitive receivers;*	City of Salinas Community Development Department	Prior to the approval of development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Delivery/loading activities shall comply with the Salinas Zoning Code standards and regulations; and* *The applicant shall submit a noise study to verify that the appropriate noise control measures have been incorporated into the project design and will achieve compliance with the City's noise level standards.*			
Impact 3.7-7: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed well sites	***Mitigation Measure 3.7-8:*** *The potential well sites are shown in the Specific Plan. The actual wells are subject to the approval of a Conditional Use Permit (CUP) by the City pursuant to the requirements of the Salinas Zoning Code and the Central Area Specific Plan. The potential well sites and the CUP requirement for said facilities shall be clearly noted on the site improvement plans.* *Prior to approval of the CUP and subsequent issuance of the building permits for the wells, the plans shall demonstrate that the following measures shall be included in the project design:* • *The wells have been designed and will be built to not exceed a noise level of 55 dB L_{eq} at the nearest residential or school property line during normal operation of the facilities;* • *The generators shall not be permitted to exceed the City's daytime noise standard of 60 dB L_{eq};* • *The generators shall be tested only during daytime hours; and* *Additionally, that the wells have been designed (in accordance with the Central Area Specific Plan) to incorporate decorative screen walls, landscaping and other features to ensure compatibility with surrounding land uses.*	City of Salinas Community Development Department	Prior to approval of the CUP and subsequent issuance of the building permits for the well and treatment plant facilities	
PUBLIC SERVICES AND RECREATION				
Impact 3.9-1: The proposed project may require the construction of fire department facilities which may cause substantial adverse physical	***Mitigation Measure 3.9-1:*** *Prior to the issuance of a Certificate of Occupancy for each dwelling unit (and prior to issuance of building permits for non-residential uses), the applicant shall pay all applicable project impact fees per the impact fee schedule.*	City of Salinas Community Development Department	Prior to the issuance of a Certificate of Occupancy for each dwelling	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
environmental impacts			unit (and prior to issuance of building permits for non-residential uses)	
Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts	***Mitigation Measure 3.9-2:*** *Prior to the issuance of building permits for each dwelling unit, the applicant shall pay applicable school fees mandated by SB 50 to the Salinas Union High School District (SUHSD), Alisal Union School District (AUSD), and/or Santa Rita Union School District (SRUSD) (only required for the SRUSD if the school district boundary adjustment between the SRUSD and the AUSD is not completed as anticipated) and provide documentation of said payment to the City.*	City of Salinas Community Development Department	Prior to the issuance of building permits for each dwelling unit	
TRANSPORTATION AND CIRCULATION				
Impact 3.10-1: Under Existing Plus Project conditions, implementation of the proposed Specific Plan would conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-1****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings at North Main Street/Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-2****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the widening of the intersection at Natividad Road/East Laurel Drive to add additional northbound and southbound through lanes, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). This improvement is part of the City's Traffic Improvement Program. Total fees shall be determined by the City of Salinas. The final*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-3**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-4**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and to add an eastbound left turn pocket at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. This condition includes the addition of an eastbound left turn pocket and optimization of the existing signal timing to better accommodate the expected changes in traffic distribution and volume with implementation of the proposed project. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-5**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and splits at the South Sanborn/North Sanborn/John Street intersection, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-6**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall contribute its fair-share funding to the Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee (RDIF) Program and the City of Salinas' Traffic Impact Fee (TIF) Program, as determined by the TAMC and the City of Salinas, respectively, in proportion to the area planned for development by such project applicant. These programs include improvements to U.S. 101 that would improve mainline and ramp junction operations, which would mitigate the proposed project's impact to the U.S. 101 ramp junctions affected by the proposed project (i.e. the Northbound Boronda Road Off-Ramp and Northbound West Laurel Drive Off-Ramp.*	City of Salinas Public Works Department	issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-2: Under Existing Plus Project and Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-7**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a traffic signal at San Juan Grade Road/Van Buren Avenue, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans for each stage of project development shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-8**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to optimize the existing traffic signal timing and splits at intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall*	City of Salinas Public Works Department City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		non-residential development	
	***Recommended Condition of Approval 3.10-9**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of the existing signal timing at San Juan Grade Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-10**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to convert the eastbound right turn lane to a shared through-right turn lane at Natividad Road/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-11**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and*	City of Salinas Public Works	Prior to issuance of Certificate of Occupancy for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-12****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a traffic signal at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-13****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to add a southbound left turn pocket and optimize traffic signal timings at the traffic signal at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	Department City of Salinas Public Works Department City of Salinas Public Works Department	residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-3: Under Cumulative Plus Project conditions, implementation of the proposed Specific Plan may conflict with the transportation performance	***Recommended Condition of Approval 3.10-14****: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of funding to the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
measures established by the City of Salinas, Monterey County, and Caltrans	*traffic signal at intersection of U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road. Regional fees shall be determined by the City of Salinas in consultation with TAMC. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*		prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-15**: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a traffic signal at intersection of U.S. 101 Northbound Ramps/Crazy Horse Canyon Road. Total fees shall be determined by the City of Salinas in consultation with TAMC. Fees are payable prior to final improvement plans for each tentative map.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-16**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Crazy Horse Canyon Road/San Juan Grade Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-17**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Rogge Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	(ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		issuance for non-residential development	
	***Recommended Condition of Approval 3.10-18**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Russell Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-19**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of southbound and westbound left turn lanes at the intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-20:** Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound right turn overlap phase at the intersection of North Main Street/West Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-21**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a southbound left turn lane at the intersection of Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-22**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at the intersection of Old Stage Road/Williams Road/Private Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-23**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound through lane, the addition of a northbound right turn overlap phase, and the conversion of the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note these improvements and the fair-share funding requirement.		development	
	Recommended Condition of Approval 3.10-24*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound and southbound through lanes at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-25: *Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of an eastbound left turn lane at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-26*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a westbound left turn lane at the intersection of South Davis Road/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-27*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound left turn lane at the*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	intersection of Main Street/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.			
Impact 3.10-4: Under Cumulative Plus Project with Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-28****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Old Stage Road/Hebert Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-29:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound left turn lane at Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-30:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an appropriately sized roundabout at North Sanborn Road/Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of final improvement plans for each tentative map Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Recommended Condition of Approval 3.10-31: *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a southbound left turn lane at East Front Street/Sherwood Drive/Market Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-32*: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound through lane at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-33*: Implement previously identified Recommended Condition of Approval 3.10-14, which identifies the need to install a traffic signal at the intersection at U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-34*: Implement previously identified Recommended Condition of Approval 3.10-15, which identifies the need to install a traffic signal at the intersection at U.S. 101 Northbound Ramps/Crazy Horse Canyon Road.*	City of Salinas Community Development Department		
	Recommended Condition of Approval 3.10-35*: Implement previously identified Recommended Condition of Approval 3.10-16, which identifies the need to install a traffic signal at the intersection at Crazy Horse Canyon Road/San Juan Grade Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to	
	Recommended Condition of Approval 3.10-36*: Implement previously*	City of Salinas Community Development		

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	identified Recommended Condition of Approval 3.10-28, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Hebert Road.	Department	building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-37**: Implement previously identified Recommended Condition of Approval 3.10-17, which identifies the need to install a traffic signal at the intersection at Natividad Road/Rogge Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-38**: Implement previously identified Recommended Condition of Approval 3.10-18, which identifies the need to install a traffic signal at the intersection at Natividad Road/Russell Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-39**: Implement previously identified Recommended Condition of Approval 3.10-7, which identifies the need to install a traffic signal at the intersection at San Juan Grade Road/Van Buren Avenue.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-40**: Implement previously identified Recommended Condition of Approval 3.10-8 and 3.10-19, which identifies the need to install southbound and westbound left turn lanes, and to optimize signal timing, at North Main Street/East Boronda Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-41**: Implement previously identified Recommended Condition of Approval 3.10-2, which identifies the need to install northbound and southbound through lanes at Natividad Road/East Laurel Drive.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-42**: Implement previously identified Recommended Condition of Approval 3.10-21 and 3.10-29, which identify the need to Install southbound left turn lane and an eastbound left turn lane at Constitution Boulevard/East Laurel Drive.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-43**: Implement previously identified Recommended Condition of Approval 3.10-3, which identifies the need to install a roundabout at the intersection at North Sanborn*	City of Salinas Community Development	Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Boronda Road. ***Recommended Condition of Approval 3.10-44****: Implement previously identified Recommended Condition of Approval 3.10-22, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Williams Road/Private Road.* ***Recommended Condition of Approval 3.10-45****: Implement previously identified Recommended Condition of Approval 3.10-23, which identifies the need to install a northbound through lane, add in a northbound right turn overlap phase, and convert the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive.* ***Recommended Condition of Approval 3.10-46****: Implement previously identified Recommended Condition of Approvals 3.10-4 and 3.10-24, which identify the need to install northbound and southbound through lanes, Optimize existing signal timings, and add an eastbound left turn pocket, at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way.* ***Recommended Condition of Approval 3.10-47****: Implement previously identified Recommended Conditions of Approval 3.10-12 and 3.10-25, which identify the need to* traffic signal or roundabout, to improve the intersection's LOS to A during the evening peak hour, and to install an eastbound left turn lane, at the intersection of Williams Road/East Boronda Road. ***Recommended Condition of Approval 3.10-48****: Implement previously identified Recommended Condition of Approval 3.10-31, which identifies the need install a southbound left turn lane at the intersection of East Front Street/Sherwood Drive/Market Drive.* ***Recommended Condition of Approval 3.10-49****: Implement previously identified Recommended Condition of Approval 3.10-26, which identifies the need* install a westbound left turn lane at the intersection of South Davis	Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Blanco Road. ***Recommended Condition of Approval 3.10-50****: Implement previously identified Recommended Conditions of Approval 3.10-13 and 3.10-32, which identify the need to install a southbound left turn lane and optimize signal timings, and to install an eastbound through lane, at the intersection of Salinas Street/North Main Street/West Market Street/East Market Street.* ***Recommended Condition of Approval 3.10-51****: Implement previously identified Recommended Condition of Approval 3.10-27, which identifies the need to install a northbound left turn lane at the intersection at South Main Street/Blanco Road.* ***Recommended Condition of Approval 3.10-52****: Implement previously identified Recommended Condition of Approval 3.10-6, which identifies the need to contribute to the TAMC RDIF Program and payment of the City of Salinas's Traffic Impact Fees for the U.S. 101 Mainline Segments.*	City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
OTHER ISSUES ADDRESSED IN THE FINAL SUPPLEMENT FOR THE 2002 SALINAS GENERAL PLAN FINAL PROGRAM EIR				
AESTHETICS				
A1	The City will implement General Plan Implementation Program CD-1 – City Gateway Guidelines. Implementation Program CD-1 requires the City to implement the City's Gateway Guidelines addressing identification graphics and entry signs, lighting, and landscaping for the City's major entry points identified in Figure CD-1.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A2	The City will implement General Plan Implementation Program CD-2 – Architectural Design. Implementation Program CD-2 requires the City to strengthen the City's Design Guidelines and require compliance to enhance the City's visual appeal and ensure compatible, aesthetically pleasing development with particular emphasis on: 1) historic areas of the community; and 2) properties visible from Highway 101.	Community Development, Redevelopment Agency	Ongoing – the City is required to implement this measure everywhere it applies.	
A3	The City will implement General Plan Implementation Program CD-3 – Lighting Ordinance, on an ongoing basis. Implementation Program CD-3 requires the City to improve the City Lighting Ordinance to ensure that: 1) all future outdoor lights include cut-off lenses to minimize light dispersion above the fixture head; 2) a lighting study is required to be performed when appropriate to ensure adequate light levels, while not exceeding industry standards; and 3) sky glow is reduced.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A4	The City will implement General Plan Implementation Program CD-4 – Landscaping Standards, on an ongoing basis. Implementation Program CD-4 requires the City to implement landscaping requirements for public and private development and redevelopment projects to promote greater visual and functional compatibility with residential development and pedestrian/bicycle use.	Community Development, Redevelopment Agency	Ongoing – the City is required to implement this measure everywhere it applies.	
A5	The City will implement General Plan Implementation Program CD-5 – Review Discretionary Development Projects, on an ongoing basis. Implementation Program CD-5 requires the City to review discretionary development proposals for potential aesthetics impacts per the California Environmental Quality Act (CEQA). The standards established in the Zoning Code, the City's Design Guidelines, Landscaping Standards, Lighting Ordinance, Gateway Guidelines, the projects incorporation of Traditional	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Neighborhood Development (TND) characteristics, and the projects potential to damage or block scenic resources and views will be used to determine the significance of impacts. If potential impacts are identified, mitigation in the form of project redesign (e.g., bulk, height, architectural details, lighting) will be required to reduce the impact to a level less than significant.			
A6	The City will implement General Plan Implementation Program COS-10 – Buffers, on an ongoing basis. Implementation Program COS-10 requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and non-agricultural land uses. A number of factors shall be used to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A7	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, on an ongoing basis. Implementation Program COS-9 requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
A8	The City will implement General Plan Implementation Program LU-7 – City-Centered Growth, on an ongoing basis. Implementation Program LU-7 requires the City to give priority to redevelopment and infill projects that reduce development pressure on agricultural lands and establish an incentive program to promote these projects, such as priority permit processing and density bonuses, for such developments.	Community Development, Redevelopment Agency	Ongoing – though the project convert existing agricultural lands to urban development, the City is required to implement this measure everywhere it applies.	
A9	The City will implement General Plan Implementation Program CD-8 – California Main Street Program on an ongoing basis. Implementation Program CD-8 requires the City to expand community participation in the	Community Development, Public Works,	Ongoing – the City is required to implement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Main Street Program and continue to work with the Program to create an identity that emphasizes our cultural heritage and attracts businesses and consumers to the downtown area.	Redevelopment Agency, Oldtown Salinas organization	this measure everywhere it applies.	
A10	The City will implement General Plan Implementation Program COS-14 – Historic/Architectural Preservation, on an ongoing basis. Implementation Program COS-13 requires the City to consider implementing a historic/architectural preservation program and a historic/architectural preservation ordinance that encourages public/private partnerships to preserve and enhance historically significant buildings in the community. Measures to implement may include, but are not limited to, Transfer of Development Rights (TDR), establishment of criteria for a historic/architectural resources review process, and implementation of a Mills Act program. TDR could benefit the community by protecting historic resources through an agreement that allows the development potential ("rights") on the historic property to be transferred to another property when the historic resources on the original property is preserved. The Mills Act program would involve the City entering into a contract with a property owner to change how the County Assessor calculates taxes on their property in exchange for the continued preservation of the property by the property owner. The adjusted property taxes are recalculated using a formula in the Mills Act and Revenue and Taxation Code.	Community Development, Redevelopment Agency, City Manager's Office, City Council, County Assessors Office	Ongoing – the City is required to implement this measure everywhere it applies.	
AGRICULTURAL RESOURCES				
AG1	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the project would comply with this measure.	
AG2	The City will implement General Plan Implementation Program LU-7 – City-Centered Growth, which requires the City to give priority to redevelopment and infill projects that reduce development pressure on agricultural lands. Establish an incentive program to promote these projects, such as priority permit processing and density bonuses for such	Community Development, Redevelopment Agency	Ongoing – although the project would develop agricultural	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	developments.		lands, the City gives infill development priority for development an ongoing basis.	
AG3	The City will implement General Plan Implementation Program COS-11, which requires the City to be consistent with the County of Monterey's "Right-to-Farm" Ordinance, and the County of Monterey Draft General Plan Policy LU-7.8 and Actions LU-7.b and LU-7.c, revise the City's Zoning Ordinance to require the recordation of a Right-to-Farm Notice as a condition of discretionary permit approval for residential development within 1,000 feet of an established agricultural operation. The purpose of the Notice is to acknowledge that residents in the area may experience inconveniences and discomfort associated with the normal farming and grazing activities, such as noise and dust. The Notice shall specifically state that a variety of activities may occur that may be incompatible with the proposed development and that an established agricultural operation in full compliance with applicable laws, shall not be considered a nuisance due to changes in the surrounding area. The Notice shall also state that a person's right to recover under a nuisance claim against these activities may be restricted.	Community Development, ACOE, FWS, CDFG	Ongoing – the City is required to implement this measure everywhere it applies.	
AG4	The City will implement General Plan Implementation Program COS-10 - Buffers, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and non-agricultural land uses. A number of factors shall be used to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
AG5	The City will work with the County of Monterey, and other local jurisdictions, to create and implement an agricultural land conservation easement program including such measures as securing the dedication of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
LAND USE AND PLANNING				
LU1	The City will implement General Plan Implementation Program LU-3 – Zoning and Subdivision Ordinances Update, which requires the City to review and update the Zoning Code and Subdivision Ordinance to ensure consistency with the General Plan and to help implement the General Plan policies and New Urbanism principles.	Community Development, Public Works	Ongoing – the project is consistent with the General Plan and follows New Urbanism principles.	
LU2	The City will implement General Plan Implementation Program LU-8 – Local Agency Formation Commission, which requires the City to be consistent with a portion of Draft Policy LU 3.4 of the Monterey County Draft General Plan, and to cooperate with LAFCO and the County of Monterey to direct growth outside the City limits to the Future Growth Area, on lands that are served or are planned to be served, with a full range of urban services, such as public water and sewer, an extensive road network, public transit, safety and emergency response services, parks, trails, and open space.	Community Development, LAFCO, County of Monterey	Ongoing – the Central Area Specific Plan is consistent these requirements.	
LU3	The City will implement General Plan Implementation Program LU-22 – Salinas Municipal Airport Master Plan, which requires the City to update and implement the Airport Master Plan. Funding has been approved to update the Salinas Municipal Airport Master Plan. The update should contain the following: address minimum distance for the Eastern bypass south of airport, define how the Eastern bypass can best be integrated with ILS approach, and determine limitations on surrounding land uses and new roadways to allow continuation of airport operations, including the potential lengthening of runway 31/13, and the California International Airshow. Upon any update of the Airport Master Plan, the Monterey County Airport Land Use Plan or the California Airport Land Use Planning Handbook, the Salinas General Plan will be reviewed and revised, as necessary.	Community Development, Salinas Airport	Ongoing – the City is required to implement this measure everywhere it applies.	
LU4	The City will implement General Plan Implementation Program LU-23 – Monterey County Airport Land Use Plan, which requires the City to continue to support the implementation of the Monterey County Airport Land Use Plan (MCALUP) and support the timely update of the MCALUP to	Community Development, Salinas Airport, County of	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	meet new State guidelines.	Monterey	applies.	
LU5	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requiring the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
LU6	The City will implement General Plan Implementation Program LU-7, which requires the City to encourage City-Centered Growth and give priority to redevelopment and infill projects that reduce development pressure on agricultural lands. The City will also establish an incentive program to promote these projects, such as priority permit processing and density bonuses for such developments.	Community Development, Redevelopment Agency	Ongoing – though the project convert existing agricultural lands to urban development, the City is required to implement this measure everywhere it applies.	
HAZARDS AND HAZARDOUS MATERIALS				
H1	The City will implement General Plan Implementation Program S-8 – Household Hazardous Waste Program, which requires the City to continue to work with the Salinas Valley Solid Waste Authority to implement the Household Hazardous Waste program to protect resident from dangers resulting from the use, transport, and disposal of hazardous materials used in the home.	County of Monterey Environmental Health Division, Salinas Valley Solid Waste Authority	Ongoing – the City is required to implement this measure everywhere it applies.	
H2	The City will implement General Plan implementation Program S-9 – Small Business Hazardous Waste Program, which requires the City to continue to work with the Salinas Valley Solid Waste Authority to implement the Small Business Hazardous Waste Program, which allows qualified small businesses to dispose of their hazardous wastes at the Salinas Hazardous Household Waste Collection Facility.	County of Monterey Environmental Health Division, Salinas Valley Solid Waste	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Authority		
H3	The City will implement General Plan Implementation Program S-7 – Hazardous Materials, which requires the City to minimize public health risks and environmental risks from the use, transport, storage, and disposal of hazardous materials by: • Cooperating with federal, state, and county agencies to effectively regulate the management of hazardous materials and hazardous waste; • Cooperating with the County of Monterey to implement the applicable portions of the County Hazardous Waste Management Plan; • Identifying roadway transportation routes for conveyance of hazardous materials (the City does not exercise jurisdictional over transportation of freight along railroad right-of- way or state highways); • Implementing the Multi-Hazard Emergency Plan for accidents involving hazardous materials; and • Cooperating with the Certified Unified program Agency (CUPA) for Salinas (the County of Monterey, Environmental Health Division) and the Salinas Fire Department to administer Risk Management Plans for businesses within the City. • Requiring development project applicants to provide a hazardous materials report documenting past uses of the property and reporting the results of soil sampling where needed to determine whether remediation is required.	County of Monterey, Environmental Health Division, Salinas Fire Department, California Department of Transportation	Ongoing – the City is required to implement this measure everywhere it applies.	
H4	The City will implement General Plan Implementation Program S-6 – Pesticide Use, which requires the City to continue to monitor regulations governing the use of pesticides and work with the County Agricultural Commission to promote the responsible use of pesticides.	Community Development, Fire Department, County Agriculture Commission	Ongoing – the City is required to implement this measure everywhere it applies.	
H5	The City will implement General Plan Implementation Program S-18 – Flood Control Insurance, which requires the City to continue to participate in the National Flood Insurance Program (NFIP).	Community Development, Development and Permit Services, Public	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Works	applies.	
H6	The City will implement General Plan Implementation Program S-19 – Flood Overlay District Regulations, which requires the City to continue to apply the Flood Overlay District regulations, pursuant to the City's Zoning Code and implement Section 9, Article VI of the Municipal Code, to minimize the potential impact to and from new development in areas subject to flooding. Update the boundaries of the District as needed to reflect current hydrologic conditions.	Community Development, Development and Permit Services, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
H7	The City will implement General Plan Implementation Program LU-17 – Project-Related Flood Control and Stormwater Management, which requires, as a condition of project approval, new development to provide adequate storm water and flood management facilities as determined by the Public Works Department. In order to determine the facility and Best Management Practices (BMP) needs, the City may require a hydrological/drainage analysis to be performed by a certified an City-approved engineer, with the cost of said analysis the responsibility of the project applicant.	Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
H8	The City will implement General Plan Implementation Program S-22 – Promote Fire Prevention, which requires the City to promote fire prevention in Salinas by: • Working closely with the Salinas Fire Department to implement fire hazard education and fire prevention programs; • Coordinating with Cal Water and Alco water districts and the Salinas Fire Department to ensure that water pressure for existing developed areas and sites to be developed is adequate for fire fighting purposes; • Conform to Fire Department requirements for individual projects; • Adopting and implementing the most recent Uniform Fire Code provisions and appropriate amendments; and • Continue to require sprinklers in new buildings.	Development and Permit Services, Fire Department, water companies	Ongoing – the City is required to implement this measure everywhere it applies.	
H9	The City will implement General Plan Implementation Program CD-10 – Weed Abatement, which requires the City to continue to monitor and abate weeds throughout the community.	Weed Abatement Specialist	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
			applies.	
H10	The City will implement General Plan Implementation Program LU-12 – Fire Protection, Emergency Services, and Law Enforcement Annual Level Of Service Review, which requires the City to review the level of services and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service are provided and facilities are maintained.	Fire Department, Police Department	Ongoing – the City is required to implement this measure everywhere it applies.	
H11	The City will implement General Plan Implementation Program LU-21 – Salinas Municipal Airport Master Plan, which requires the City to continue working with the Salinas Airport Commission to implement the Airport Master Plan, providing technical assistance and information to the Commission when necessary. Funding has been approved to update the Salinas Municipal Airport Master Plan. The update should contain the following: address minimum distance for Eastern bypass south of airport, define how Eastern bypass can best be integrated with ILS approach, and determine limitations on surrounding land uses and new roadways to allow continuation of airport operations, including the potential lengthening of runway 31/13, and the California International Airshow. Upon any update of the Airport Master Plan, the Monterey County Airport Land Use Plan or the California Airport Land Use Planning Handbook, the Salinas General Plan will be reviewed and revised, as necessary.	Community Development, Salinas Airport	Ongoing – the City is required to implement this measure everywhere it applies.	
H12	The City will implement General Plan Implementation Program C-8 – Monterey County Airport Land Use Commission, which requires the City to continue to coordinate with the Monterey County Airport Land Use Commission (ALUC) on projects near the airport. Encourage ALUC to update its County Airport Land Use Plan.	Community Development, Salinas Airport, Public Works, County of Monterey, Development and Permit Services	Ongoing – the City is required to implement this measure everywhere it applies.	
H13	The City will implement General Plan Implementation Program S-11 – Air Transportation Safety, which requires the City to minimize the potential for accidents related to aircraft operation by coordinating with the Monterey County Airport Land Use Commission (ALUC) to review development proposals for compatibility with the Salinas Municipal Airport Master Plan, Monterey County Airport Land Use Plan, and	Community Development, Development and Permit Services, Monterey	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	California Airport Land Use Planning Handbook for comprehensive airport land use planning.	County ALUC, Salinas Airport	applies.	
H14	The City will implement General Plan Implementation Program S-12 – Salinas Municipal Airport Master Plan, which requires the City to revise the Airport Master Plan in order to update operational and safety procedures, reflect State and Federal mandates, better utilize airport property, and recommend land use compatibility standards for land surrounding the airport.	Community Development, Salinas Airport, ALUC	Ongoing – the City is required to implement this measure everywhere it applies.	
H15	The City will implement General Plan Implementation Program N-4 – Salinas Municipal Airport Master Plan, which requires the City upon any update of the Salinas Municipal Airport Master Plan, the County Airport Land Use Plan, or California Airport Land Use Planning Handbook, review and revise as necessary Table N-4, Figure N-2, and the goals, policies, and noise plan within the General Plan Noise Element to correspond with the updated Airport Master Plan.	Community Development, Salinas Airport Commission, ALUC	Ongoing – the City is required to implement this measure everywhere it applies.	
H16	The City will implement General Plan Implementation Program S-23 – Multi-hazard Emergency Plan, which requires the City to annually review and update the Multi-Hazard Emergency Plan under the provision of the State Emergency Management System format to maximize the efforts of emergency service providers (e.g., fire, medical, and law enforcement) and minimize human suffering and property damage during disasters. Provide annual practice sessions to the City. Support high-level multi-jurisdictional cooperation and communication for emergency planning and management. Solicit private individuals and organizations to enhance service provider communications and response with cellular telephones, ham radios, AM/FM radio, and cable television.	Community Development, Police Department, Fire Department, public and private medical facilities, Monterey County Emergency Communications, Monterey County Mobile Emergency Coordination Unit, Federal Emergency Management Agency (FEMA),	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		American Red Cross, Monterey County Office of Emergency Services		
H17	The City will implement General Plan Implementation Program S-23 – Emergency Preparedness Education, which requires the City to coordinate with local agencies and organizations to educate all citizens to take appropriate action to safeguard life and property during and immediately after emergencies.	Fire Department, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency Services	Ongoing – the City is required to implement this measure everywhere it applies.	
GEOLOGY/SOILS				
GS1	The City will implement General Plan Implementation Program S-14, Natural Hazards Risk Reduction, prior to the approval of a discretionary permit. Implementation Program S-14 requires the City to assess development proposals for potential hazards pursuant to the California Environmental Quality Act, requiring measures when necessary to mitigate all identified public safety hazards.	Community Development, Fire Department, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
GS2	The City will implement General Plan Implementation Program S-15 – Open Space Easements for Natural Hazards, when the threat from natural hazards cannot be mitigated through geotechnical and structural design methods. Implementation Program S-15 requires the City to use open space easements and other regulatory techniques to prohibit development and avoid unmitigable public safety hazards.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
GS3	The City will implement General Plan Implementation Program S-16 – Structural Design, on an ongoing basis. Implementation Program S-16 requires the City to implement the most recent state building and seismic	Development and Permit	Ongoing – the City is required to implement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	requirements for the structural design of new development and redevelopment projects.	Services	this measure everywhere it applies.	
GS4	The City will implement General Plan Implementation Program S-17 – Soil and Geologic Surveys, on an ongoing basis. Implementation Program S-17 requires that during the review of development and redevelopment proposals, the City require surveys of soil and geologic conditions by state licensed Engineering Geologists and Civil Engineers where appropriate. When potential geologic impacts are identified, the City shall require project applicants to mitigate the impacts per the recommendations contained within the geologic survey.	Community Development, Development and Permit Services, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
GS5	The City will implement General Plan Implementation Program S-23 – Multi-hazard Emergency Plan, on an ongoing basis. Implementation Program S-23 requires the City to maintain the Multi-hazard Emergency Plan under the provision of the State Emergency Management System format to maximize the efforts of emergency service providers (e.g., fire, medical, and law enforcement) and minimize human suffering and property damage during disasters. Support high-level multi-jurisdictional cooperation and communication for emergency planning and management. Solicit private individuals and organizations to enhance service provider communications and response with cellular telephones, ham radios, AM/FM radio, and cable television.	Community Development, Police Department, Fire Department, public and private medical facilities, Monterey County Emergency Communications, Monterey County Mobile Emergency Coordination Unit, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Services		
GS6	The City will implement General Plan Implementation Program S-24 – Emergency Preparedness Education, on an ongoing basis. Implementation Program S-23 requires the City coordinate with local agencies and organizations to educate all residents and businesses to take appropriate action to safeguard life and property during and immediately after emergencies.	Fire Department, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency Services	Ongoing – the City is required to implement this measure everywhere it applies.	
POPULATION AND HOUSING				
PH1	The City will implement General Plan Implementation Program HE-2 – Provision of Future Sites, which requires the City to continue to work with the Local Agency Formation Commission to ensure that sufficient land, infrastructure, and services are available to support housing development.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
PH2	The City will implement General Plan Implementation Program LU-12 – Fire Protection, Emergency Services, and Law Enforcement Annual Level of Service Review, which requires the City to review the level of services and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service are provided and facilities are maintained.	Fire Department, Police Department	Ongoing – the City is required to implement this measure everywhere it applies.	
PH3	The City will implement General Plan Implementation Program C-3 – Capital Improvement Plan, which requires the City to continue to update on an annual basis the Capital Improvement Plan to plan for and fund future improvements to the circulation system, as well as other public facilities, including improvements to the existing pedestrian and bicycle system, within the community.	Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
PH4	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
PH5	The City will implement General Plan Implementation Program COS-33 – Promote Energy Retrofit Programs, which requires the City to promote retrofit programs by the City to reduce energy usage and consequently reduce emissions from energy consumption. Encourage utility companies to provide informational literature about available retrofit programs at City offices, the Permit Center, and libraries.	Development and Permit Services, utility companies	Ongoing – the City is required to implement this measure everywhere it applies.	
PH6	The City will implement General Plan Implementation Program CD-11 – Smart Growth Principles, which requires the City to use the Smart Growth Network's Getting to Smart Growth: 100 Policies for Implementation (ICMA, 2002) or other similar policy manual, perform an "audit" of the City's Zoning and Subdivision Ordinances to identify potential impediments to the development of smart growth and traditional neighborhood development projects. Revise, adopt, and implement new standards and procedures as necessary to encourage smart growth and traditional neighborhood development in Salinas.	Community Development, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
PH7	The City will implement General Plan Implementation Program COS-23 – Monterey Bay Unified Air Pollution Control District Air Quality Management Plan, which requires the City to continue to cooperate with the Monterey Bay Unified Air Pollution Control District to implement the most recent Air Quality Management plan to address regional motor vehicle emissions. In particular, coordinate with the District and AMBAG, providing technical assistance and demographic data when available, during the development of future population projections by AMBAG.	Community Development, Monterey Bay Unified Air Pollution Control District, AMBAG	Ongoing – the City is required to implement this measure everywhere it applies.	

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Exhibit H

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS OF THE CITY COUNCIL OF THE CITY OF SALINAS FOR THE CENTRAL AREA SPECIFIC PLAN

I. INTRODUCTION

The City of Salinas (hereinafter "City"), as lead agency, prepared a Program Environmental Impact Report (hereinafter "EIR") for the Central Area Specific Plan (hereinafter "Specific Plan" or "project"). In its entirety, the EIR consists of the June 26, 2020 Draft Program EIR (hereinafter "Draft EIR" or "DEIR") and the October 8, 2020 Final Program EIR (hereinafter "Final EIR" or "FEIR") (State Clearinghouse No. 2017091022).

The Applicant has submitted applications requesting approval of the Central Area Specific Plan, Rezoning, and Development Agreement. As approved, the project will facilitate the City's future consideration of applications for individual projects to be proposed within the Specific Plan Area.

The EIR analyzes the impacts of the Central Area Specific Plan and the anticipated subsequent filing of maps and other development applications in the future. Therefore, the EIR analyzes the total impacts of the Central Area Specific Plan, including these applications yet unfiled, so that future filings will not require separate environmental analysis, as long as development proposed does not substantially deviate from the approved Specific Plan. The specific processes by which the City will review individual applications are set forth on pages ES-1 through pages ES-4 of the Draft EIR and are also described below in section III(D).

These findings, as well as the accompanying statement of overriding considerations in Section XI below, have been prepared in accordance with the California Environmental Quality Act (hereinafter "CEQA") (Pub. Resources Code, § 21000 et seq) and its implementing guidelines (hereinafter "CEQA Guidelines") (Cal. Code Regs., tit. 14, § 15000 et seq).

II. DEFINITIONS AND ACRONYMS

Like the EIR itself, these findings use a number of acronyms. Key acronyms are defined the first time they are introduced in the text of this document.

III. PROJECT DESCRIPTION

A. Location

As described in the DEIR, the City of Salinas is located in northern Monterey County, within the Salinas Valley between the Gabilan and Santa Lucia mountain ranges. Salinas is situated approximately 20 miles northeast of the City of Monterey, 60 miles south of San Jose, 100 miles south of San Francisco and 325 miles north of Los Angeles. Figure 2-1 in the Draft EIR displays the project regional location. Several regional transportation routes are located within or near Salinas, including U.S. Highway 101 (U.S. 101), State Routes 68 (SR 68) and 183 (SR 183), the

Union Pacific Railroad line and the Monterey Regional Airport in Monterey. Salinas Municipal Airport, a general aviation facility, is located in the southeastern portion of the city.

The Specific Plan Area is bounded by Natividad Road on the west, East Boronda Road (also referred to as "Boronda Road") on the south, Old Stage Road and the future extension of Constitutional Boulevard on the east, and the future extension of Russell Road on the north. U.S. 101 and North Main Street are located to the west. Unincorporated land under the jurisdiction of the County of Monterey abuts the Specific Plan Area to the north.

B. Overview

The Central Area Specific Plan (hereinafter also referred to as Specific Plan) will establish the land use planning and regulatory guidance, including the land use and zoning designations and policies, development regulations and design standards, for the approximately 760-acre Specific Plan Area. The Specific Plan will serve as a bridge between the Salinas General Plan and individual development applications in the Specific Plan Area, applying—and adding greater specificity to—the goals, policies and concepts of the General Plan for that area. The Specific Plan provides a complete blueprint for development of the Specific Plan Area, including:

- A description of proposed land uses,
- Policies, regulations and standards to support the Specific Plan,
- Infrastructure needed to support the Specific Plan, and
- Implementation and administrative processes needed for plan development.

The Specific Plan has been crafted to be consistent with overall community goals as expressed in the General Plan, as well as more specific policies and implementation measures contained in other documents. The City of Salinas Zoning Code requirements will apply to development applications and property within the Specific Plan Area unless specifically superseded by the development regulations or design standards contained in the Specific Plan.

The Specific Plan will establish the overall land use concept and development framework for the Central Area. The specific planning process involves analyses of the following: planning, environmental, financial, and engineering. The process also includes public comment and contribution; developing a document that will guide the future development of the Specific Plan Area; and subsequent implementation measures recommended by the Specific Plan. The contents of the Specific Plan reflect the physical characteristics of the Specific Plan Area, as well as the City's goals for land use change in general and for the Specific Plan Area in particular.

The Specific Plan establishes and/or identifies:

- The context for the Specific Plan by describing New Urbanism and other design principles, purpose, relationship to and conformance with the General Plan policies, the preparation process, and the content of the Plan.
- The land use plan, General Plan Land Use and Zoning Designations, development intensities, and organization of land uses used to meet the objectives of the Specific Plan.
- The use classifications and development regulations to implement the land uses contained in the Specific Plan which will create a New Urbanism style community.

- The standards that guide design and planning of residential and mixed-use commercial development, as well as parks and other amenities.
- The location and classification of roadways and the circulation infrastructure needed to link the Specific Plan Area to the vicinity road network.
- Public services and a framework for expansion of infrastructure systems.
- The plans for low impact development features and supplemental stormwater collection system that are being incorporated into the project to comply with the City's National Pollutant Discharge Elimination System (NPDES) Permit, Stormwater Development Standards (SWDS) and Stormwater Standard Plans (SWSP).
- The proposed financing plan, project phasing, public facility cost summaries, and funding sources.
- The project review process, actions, and approvals needed to implement and amend the Specific Plan.

C. Project Objectives

The underlying purpose of the project is the approval and subsequent implementation of the Central Area Specific Plan and related entitlements. The quantifiable objectives of the project include the development of up to 3,911 residential dwelling units, up to 489,700 square feet of commercial uses, approximately 61 net acres of public facilities (including one elementary school, one middle school, one combined elementary and middle school, a fire station, a public library, utility facilities, and a prominent site reserved for public/semipublic use [e.g. religious assembly), and approximately 148 net acres dedicated to parks and open space uses.

The Specific Plan goals are summarized as follows:

- Preserving and minimizing the disruption of agricultural lands and to achieve the other benefits of compact urban design, by requiring new neighborhoods to achieve a minimum average density of nine (9) units per net residential developable acre, exclusive of open space, parks, schools, streets and other non-developable areas, through a mix of low, medium and high densities in accordance with the requirements of the Specific Plan;
- Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents;
- Creating a community that is visually distinguishable from other communities, with a sense of place and identity for its residents reflective of TND design principles;
- Creating a center that brings together commercial, civic, cultural and recreational uses and serves as a focus for community life;
- Providing ample opportunities for outdoor recreation with open spaces, schools and parks being fronted by streets or public spaces and not privatized behind backyards;

- Creating attractive, safe, distinctive residential neighborhoods with as many discrete lot sizes and housing types as possible and a Village Center with a "Main Street" and mixed-use commercial area that promotes Crime Prevention Through Environmental Design (CPTED) design principles and contributes to the overall vitality, image and identity of the City;

It is noted that there are additional project objectives that are not specifically presented in the Specific Plan, but are more overarching and are a response to, and driven by, the policy direction from the State Legislature and the Salinas City Council.

The State Legislature has declared that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Government Code section 65589.5). The Legislature notes that "California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing." The Legislature further found that "[a]mong the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." Legislative intent set forth in Government Code section 65589.5 is to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled." The Legislature established its policy direction in the statute as follows: "It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing."

The City of Salinas has recognized the need for additional housing supply for its citizens for many decades. Dating back to 1986, the City entered into the Boronda Memorandum of Understanding (MOU) with the County of Monterey to preserve the best agricultural land and to provide certain areas for future urban growth. Twenty years later, in 2006, the Greater Salinas Area MOU was adopted to preserve agricultural lands within Monterey County, and to provide future growth areas (FGAs) for Salinas. A year later, in 2007, applications for an amendment to the City's Sphere of Influence (to include the FGAs) and Pre-Zoning and Annexation (for the majority of the North of Boronda FGA consisting of approximately 2,400 acres) were submitted to the Monterey County Local Agency Formation Commission (LAFCO) for consideration. A Supplemental EIR for the Salinas General Plan Final Program EIR (SCH#2007031055) was also submitted in conjunction with the applications. The applications were approved by LAFCO on

May 19, 2008. The North of Boronda FGA (which includes the Central Area Specific Plan, with the exception of the Settrini/Garcia/Igaz properties) was formally annexed to the incorporated City of Salinas on September 8, 2008 and zoned New Urbanism Interim (NI) with a Specific Plan Overlay. The Central Area Specific Plan is a reflection of over twenty years of planning for new development, which is reflected by the City Council's approval of the FGA, including annexation of the land into the City limits.

The following two overarching project objectives are presented here as a response to: 1) the State Legislature's declaration of a housing crisis in California, 2) the State Legislature's policy direction for the provision of more housing, 3) the Salinas City Council's more than twenty years of planning for urban development within the FGAs, which includes the Central Area Specific Plan, and 4) the Salinas City Council's policy direction as provided in the approved FGAs and General Plan:

- Objective 1: Respond to the State Legislature's declaration of a housing crisis in California, and its policy direction that local governmental agencies provide more housing, by including provisions for the construction of new housing supply within the Central Area Specific Plan.
- Objective 2: Respond to the Salinas City Council's long-term vision and policy direction for new urban development to be focused in the Future Growth Areas, by including provisions for the construction of new urban development consistent with the City of Salinas General Plan.

Based on its own review of the EIR and other information and testimony received in connection with the project, as well as the statutory and planning policies described above, the City Council finds all of these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the project, the City thus embraces these objectives and accords them weight in considering the feasibility of alternatives set forth in the EIR, and in invoking overriding considerations in approving the project. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508.)

D. Discretionary Approvals

Project approval requires the City, as lead agency, to take discrete planning and regulatory actions to approve the overall project. In addition, certain "responsible agencies" may ultimately rely in part on the programmatic analysis in the Specific Plan Area in making decisions associated with future site-specific projects consistent with the Specific Plan. Described below are the discretionary actions necessary to carry out the project.

City of Salinas

In addition to certifying the Final EIR and adopting these Findings and the associated Statement of Overriding Considerations and Mitigation Monitoring Plan (CEQA requirements), the City itself must approve the following actions:

- Certification of the Environmental Impact Report (EIR) and adoption of the Mitigation Monitoring and Reporting Program (MMRP);
- Approval of the Central Area Specific Plan;
- Approval of the rezoning of the Specific Plan area from New Urbanism Interim (NI) with a Specific Plan Overlay to Neighborhood Edge (NE) A/Residential Low Density, Neighborhood Edge (NE) B/ Residential Low Density, Neighborhood General (NG) A/Residential Medium Density, Neighborhood General (NG) B/Residential Medium Density, Neighborhood General (NG) C/Residential Medium Density and/or Residential High Density, Village Center (VC) A and B, Public/Semipublic (PS), Parks (P) and Open Space (OS). A Specific Plan Overlay is also applicable to each Zoning District;
- Approval of the Development Agreement;
- Subsequent Approvals: Parcel Maps, tentative maps, Final Maps, Subdivision Improvement Plans, Site Improvement Plans, Grading Permits, Building Permits, Conditional Use Permits, Business Permits, Encroachment Permits, etc.

Other Responsible/Trustee Agencies

The agencies below will also use the EIR, either as responsible agencies or as trustee agencies:

- California Department of Fish and Wildlife – Lake and Streambed Alteration Agreement (1600 permit);
- Regional Water Quality Control Board, Central Coast Region – Clean Water Act Section 401 Water Quality Certification, National Pollution Discharge Elimination System (NPDES) general construction permit, compliance with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures);
- Monterey Bay Air Resources District – Authority to Construct; Demolition permit;
- Monterey Bay Community Power – Approval to Serve the Specific Plan Area;
- Monterey One Water – Approval to serve the Specific Plan Area, and Encroachment Permit;
- Monterey County Health Department - Well demolition permit, Well construction permit;
- Monterey County Water Resources Agency – Approval to serve the Specific Plan Area, Encroachment Permit;
- Monterey-Salinas Transit – Approval to serve the Specific Plan Area, approval of the ultimate bus stop locations and design;
- Pacific Gas and Electric Company (PG&E) – Approval to serve Specific Plan Area, approval of relocation plans, approval of electric and gas utility plans, Encroachment Permit;
- Salinas Valley Solid Waste Authority – Approval to serve the Specific Plan Area;
- Santa Rita Union School District – Approval of a site for the construction of a new elementary school in the event that the school district boundary adjustment between the

Alisal Union School District and the Santa Rita Union School District is not finalized and said school site remains within boundaries of the Santa Rita Union School District;

- Alisal Union School District – The Alisal Union School District has previously acquired one of the two elementary school sites. Approval of the second elementary school site for the construction of a new elementary school would be subject to approval of the Alisal Union School District, as applicable (see above-reference bullet in this regard); and
- Salinas High School District – Approval of the site for construction of a new middle school – the site has been previously acquired by the school district.

The California Department of Fish and Wildlife will also function as a trustee agency with respect to the project. The City is unaware of any other trustee agency, as the project would not affect any state owned "sovereign" lands, any units of the State Park System, or any sites within the University of California's Natural Land and Water Reserves System.

The project has already received input in the form of Water Supply Assessments from the Alisal Water Corporation (ALCO) and California Water Service (Cal Water), which are not governmental entities. The project will also require approvals from both of those private entities to serve the Specific Plan Area.

The project will also require input or approvals from the following entities, which are not governmental agencies:

- Comcast/AT&T/SBC/Other – Approval to serve the Specific Plan Area, approval of telecommunications utility plans, Encroachment Permits; and
- Pacific Gas and Electric Company (PG&E) – Approval to serve Specific Plan Area, approval of relocation plans, approval of electric and gas utility plans, Encroachment Permit.

Federal Agencies

The following federal agencies also have approval authority over some aspects of the project, though these agencies are not subject to CEQA and instead are required to comply with the federal National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.):

- U.S. Army Corps of Engineers;
- U.S. Fish and Wildlife Service; and
- U.S. Federal Emergency Management Agency.

Future Projects

All individual future individual development projects proposed within the Specific Plan Area will be reviewed to determine their individual CEQA compliance requirements. The type of CEQA analysis required would be determined at the time a project is proposed.

It is noted that the Specific Plan provides a very high level of design detail for certain components of the project. To the extent that sufficient detail is available in the Specific Plan, a full project-level analysis is provided in this EIR. Examples of a full project level analysis would include topics that are related to the physical acreage affected (i.e., the project footprint), as opposed to the number of units, land uses/zoning, or other design parameters. Topics such as Biological Resources, Cultural Resources, and Hydrology/Water Quality are analyzed at a project-level analysis in this EIR given that these are physical environmental resources, and the area of impact is fully defined. Additionally, the Specific Plan includes a substantial level of detailed information that allows for a project-level analysis of topics such as Air Quality, Greenhouse Gases and Climate Change, Noise, Population and Housing, Transportation and Circulation, and Utilities. The analysis for these topics is driven by the number of units and square footage of development, which is detailed in the land use design and development projections. In some cases, there may be specific commercial uses that have design details developed at a later date that cannot reasonably be analyzed at a project-level at this time. Additionally, the design of the school facilities and other public facilities are not known at this time, so they are not able to be analyzed at a project-level. Notably, moreover, there are special rules for school districts to follow when they conduct project-level CEQA analysis for either the purchase of land for school site or the construction of new schools. These are set forth in Public Resources Code section 21151.8.

That statute requires that project-level CEQA documents must address very particular issues that are not normally required in typical CEQA documents, such as whether a potential school site includes any of the following:

- The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes have been removed;
- A hazardous substance release site;
- A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools; or
- A site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor

Under section 21151.8, project-specific CEQA analysis for school projects proposed by school districts must also be informed by particular consultation requirements, such as consultation with the "administering agency" in which the proposed schoolsite is located and any air pollution control district or air quality management district having jurisdiction in the area. The purpose of these special consultation requirements is "to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed

schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste."

This program EIR examines the planning, construction and operation of the Central Area Specific Plan. The program-level approach, with some project-level analysis, is appropriate for the project because it allows comprehensive consideration of the reasonably anticipated scope of the development plan; however, as discussed above, not all design aspects of the future development phases are known at this stage in the planning process. Subsequent individual development that requires further discretionary approvals will be examined in light of this EIR to determine whether additional environmental documentation must be prepared.

CEQA Guidelines Section 15168 states that a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1) Geographically,
2) As logical parts in the chain of contemplated actions,
3) In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or
4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

According to CEQA Guidelines section 15168, subdivision (c)(5), "[a] program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible." Later environmental documents (EIRs, mitigated negative declarations, or negative declarations) can incorporate by reference materials from the program EIR regarding regional influences, secondary impacts, cumulative impacts, broad alternatives, and other factors (CEQA Guidelines Section 15168[d][2]). These later documents need only focus on new impacts that have not been considered before (CEQA Guidelines Section 15168[d][3]).

Section 15168(c), entitled "Use with Later Activities," provides, in pertinent part, as follows:

> Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared:
> (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.
> (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activities as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not

limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.

(4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

Here, the City anticipates preparing a written checklist or similar device whenever landowners within the Specific Plan area submit applications for site-specific approvals (i.e. tentative maps, conditional use permits, or other discretionary entitlements). The checklist would serve in part as a consistency checklist to determine if the application for site specific approval is consistent with the General Plan, Specific Plan, Conditions of Approval, and Mitigation Measures. The checklist preparation process would also include a review of the project details relative to what was anticipated and analyzed in the program EIR (i.e., whether there are new environmental effects that were not covered by the program EIR). The City's expectation, at least at present, is that the checklist will conclude that most, or all, components of the Specific Plan (with the exception of schools) can be developed with no new analysis of environmental effects given that there is a high level of resolution with regard to the project details that have been analysis in this program EIR. In some cases, however, a site-specific application (i.e., commercial use) may have specific issues associated with the project, or business, that the program EIR for the Specific Plan did not include given the information that was available at the time the EIR was prepared. In those situations, the detailed site-specific information from that application could have site-specific effects not wholly anticipated in this EIR and would require some additional environmental review. (See also CEQA Guidelines section 15063, subd. (b)(1)(C).)

Future site-specific approvals may also be narrowed pursuant to the rules for tiering set forth in CEQA Guidelines Section 15152. "'[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on 'the big picture,' and can then use streamlined CEQA review for individual projects that are consistent with such…[first tier decisions] and are…consistent with local agencies' governing general plans and zoning.'" (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 36.) Section 15152 provides that, where a first-tier EIR has "adequately addressed" the subject of cumulative impacts, such impacts need not be revisited in second- and third-tier documents. Furthermore, second- and third-tier documents may limit the examination of impacts to those that "were not examined as significant effects" in the prior EIR or "[a]re susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means." In general, significant environmental effects have been "adequately addressed" if the lead agency determines that:

a) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental impact report; or

b) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific

revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

Here, as noted above, the City anticipates preparing a written checklist or similar device whenever landowners within the Specific Plan area submit applications for site-specific approvals (i.e. tentative maps, conditional use permits, or other discretionary entitlements). The checklist would serve in part as a consistency checklist to determine if the application for site specific approval is consistent with the General Plan, Specific Plan, Conditions of Approval, and Mitigation Measures. And the checklist preparation process would also include a review of the project details relative to what was anticipated and analyzed in the program EIR (i.e., whether all significant environmental impacts identified have been "adequately addressed" in the program EIR). Thus, if a new analysis is required for these site-specific actions, it would focus on impacts that cannot be "avoided or mitigated" by mitigation measures that either (i) were adopted in connection with the Specific Plan or (ii) were formulated based on information in this EIR.

In addition, because the EIR addresses the effects of rezoning the land within the proposed Specific Plan area, the City's future environmental review can also be streamlined pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. These provisions, which are similar but not identical to the tiering provisions, generally limit the scope of necessary environmental review for site-specific approvals following the preparation of an EIR for a "zoning action." For such site-specific approvals, CEQA generally applies only to impacts that are "peculiar to the parcel or to the project" and have not been previously disclosed, except where "substantial new information" shows that previously identified impacts would be more significant than previously assumed. Notably, impacts are considered not to be "peculiar to the parcel or to the project" if they can be substantially mitigated pursuant to previously adopted, uniformly applied development policies or standards. As noted above, the City anticipates that, in assessing the extent to which the Specific Plan EIR has previously addressed significant impacts that might occur with individual projects, the City may conclude that in some instances (e.g., with respect to agricultural resources, cultural resources, geology, soils, and paleontological resources), no further analysis beyond that found in the program EIR will be necessary.

Finally, for purely residential projects consistent with the Specific Plan, the City intends to preserve its ability to treat such projects as exempt from CEQA pursuant to Government Code section 65457. Subdivision (a) of that statute provides that "[a]ny residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an [EIR] has been certified after January 1, 1980, is exempt from the requirements of [CEQA]." The statutes go on to say, moreover, that "if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental [EIR] for the specific plan is prepared and certified in accordance with the provisions of [CEQA]. After a supplemental [EIR] is certified, the exemption … applies to projects undertaken pursuant to the specific plan." (See also CEQA Guidelines section 15182.) When purely residential projects are proposed, the City will consider whether they qualify for this exemption or whether the Central Area Specific Plan EIR must be updated through a supplement to this EIR or a subsequent EIR as required by Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163.

IV. ENVIRONMENTAL REVIEW PROCESS

The Notice of Preparation (hereinafter "NOP") of an EIR was circulated for public review and comment from September 8, 2017 to October 9, 2017 in accordance with CEQA Guidelines section 15082. Written responses to the NOP were received from the following interests/agencies:

1. Alisal Water Corporation (October 6, 2017)
2. California Department of Transportation, District 5 (October 13, 2017)
3. Local Area Formation Commission of Monterey County (October 9, 2017)
4. Monterey County Water Resources Agency (October 9, 2017)
5. Monterey-Salinas Transit (September 25, 2017)
6. Ohlone/Costanoan-Esselen Nation (April 22, 2017)
7. Transportation Agency for Monterey County (October 9, 2017)

As part of the early consultation process and pursuant to the CEQA Guidelines section 15083 regarding early public consultation, a scoping meeting was held on September 27, 2017 at 2:00 p.m., at the City of Salinas Rotunda (located at 200 Lincoln Avenue, Salinas, CA 93901). Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

Pursuant to CEQA Guidelines sections 15023, subdivision (c), and 15087, subdivision (f), the State Clearinghouse in the Office of Planning and Research was responsible for distributing environmental documents to State agencies, departments, boards, and commissions for review and comment. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse was obligated to make, and did make, that information available to interested agencies for review and comment. The NOP was received by the State Clearinghouse (SCH # 2017091022) and a 30-day public review period ended on October 9, 2017. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

An Initial Study was also prepared for the project. Included below is a brief summary of findings from the Initial Study on environmental topics that were either found to have no impact or be less than significant, or were found to be sufficiently addressed in the General Plan EIR, and thus are not included within individual sections of the Draft EIR. For full Initial Study Findings and individual topics found to be less than significant through the Initial Study process refer to Appendix A of the Draft EIR.

- **Aesthetics:** The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that General Plan buildout would allow development to occur in both vacant and underdeveloped portions of the community, and that the introduction/expansion of urban uses into these areas has the potential to interrupt views of natural features, open space, the hillsides, and agricultural resources, reducing the aesthetic value of these resources. Additionally, new development in the City was found to increase the amount of light and glare in the community, particularly in areas planned for nonresidential development, such as retail and general commercial. It was found that

future development under the General Plan has the potential to change the visual character of the City.

To minimize and mitigate the impacts on Citywide aesthetics, the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) presented the following five mitigation measures: Mitigation Measure A1 requires the City to implement the City's Gateway Guidelines; Mitigation Measure A2 requires the City to strengthen and require compliance with the City's Design Guidelines; Mitigation Measure A3 requires the City to improve the Lighting Ordinance; Mitigation Measure A4 requires the City to implement landscaping requirements for all proposed projects; and Mitigation Measure A5 requires the City to review all discretionary projects for aesthetics impacts. The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of Mitigation Measures A1 through A5, the potential citywide aesthetics impact would be reduced to a *less than significant* level.

Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that aesthetic impacts associated with the FGAs, which includes the Specific Plan, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). Any future development under the approved General Plan, which includes all development under the project, would be required to comply with the above-referenced regulations, policies, and standards. Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). This topic did not warrant additional analysis and was not addressed further in the EIR.

- **Agriculture and Forest Resources:** The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that General Plan buildout would result in the conversion of 3,525 acres of agriculture lands to urban uses. The *Final Environmental Impact Report* also indicates that General Plan buildout would result in agricultural activity in proximity to residential and other urban uses, which may result in conflicts between the uses. It is noted that agricultural activity can cause nuisances related to air quality and noise that may disturb surrounding development. Urban activities may also negatively affect nearby agricultural uses, as increased vandalism often occurs and the introduction of domestic animals may disturb certain agricultural activities.

  The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of Mitigation Measures AG1 through AG4, the impacts on potential compatibility issues would be reduced to a less than significant level; however, while the impacts on agricultural conversion would be reduced to the extent feasible, a significant and unavoidable impact would remain related to the loss of important farmland. Mitigation AG5 specifically addressed Agricultural Land Conservation Easement Program, which states that the City will work with the County of Monterey and other local jurisdictions to create and implement an agricultural land conservation easement program, including such measures as securing the dedication

of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank. Additionally, in 2006, the City Council adopted Resolution No. 19422, approving the Agricultural Land Preservation Program. The resolution adopted a $750.00 per acre mitigation fee for agricultural lands currently designated by the California Department of Conservation's Farmland Mapping Program as "Prime" or "of Statewide Importance."

The City of Salinas certified the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), adopted a statement of overriding considerations relative to this significant and unavoidable impact, and approved the Salinas General Plan.

Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that agricultural impacts associated with the FGAs, which includes the Specific Plan, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002).

Any future development under the approved General Plan, which includes all development under the project, would be required to comply with the above-referenced regulations, policies, and standards. Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). This topic did not warrant additional analysis and was not addressed further in the EIR.

- **Geology and Soils:** Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007). This topic did not warrant additional analysis and was not addressed further in the EIR.

- **Hazards and Hazardous Materials:** While the Draft EIR analyzes Hazards and Hazardous Materials, several topics were determined to not warrant additional analysis within the Chapter.

  The land uses proposed within the Specific Plan Area would not be expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Additionally, these uses are not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Furthermore, the project is not located in the vicinity of an airport or private airstrip; therefore, it would not result in a safety hazard related to air traffic for people residing or working in the Specific Plan Area. These topics did not warrant additional analysis and were not addressed further in the EIR.

  Separately, the City has adopted a Multi-hazard Emergency Plan, which serves as extensions of the California Emergency Plan and the Emergency Resource Management

Plan. The purpose of the Multi-hazard Emergency Plan is to respond to emergency situations with a coordinated system of emergency service providers and facilities. The Emergency Operations Center (EOC) in City Hall serves as the center of the City's emergency operations. The Plan also addresses evacuation and movement of people in the event of an emergency. The project does not impair implementation of or physically interfere with the Multi-hazard Emergency Plan. Implementation of the project would have a less than significant impact relative to this environmental topic and is not further analyzed or addressed further in the EIR.

Lastly, the project is not located in an area that is considered a high risk for wildfires. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Implementation of the project would have a less than significant impact relative to this environmental topic and is not further analyzed or addressed further in the EIR.

- **Land Use and Planning:** The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the impacts would be reduced to a less than significant level with mitigation.

  Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that impacts associated with the FGAs, which include the Specific Plan Area, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002).

  The City certified the Final Supplemental EIR and approved annexation of the North of Boronda FGA, which includes the Central Area Specific Plan. The project, as proposed, is consistent with the Greater Salinas Area Memorandum of Understanding (GSA MOU). All development under the project would be required to comply with the regulations, policies, and standards identifies in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). Implementation of the project would not result in any new significant adverse impacts beyond those addressed within these supporting documents. This topic did not warrant additional analysis and is not addressed further in the EIR.

- **Mineral Resources:** It was determined in the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) that development of the FGA, including the Specific Plan Area, would not have a significant impact on mineral resources or mining activities. As such, implementation of the project would have no impact on mineral resources and this topic did not warrant additional analysis and is not addressed further in the EIR.

- **Population and Housing:** While the Draft EIR analyzes Population and Housing, several topics were determined to not warrant additional analysis within the Chapter.

  The Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) noted that the General Plan would not result in the displacement of substantial numbers of existing housing units or persons since the majority of the FGA

designated for future development consists of vacant, agricultural, or redevelopment of nonresidential land. Additionally, any individual units that require removal would be offset by the increase in housing by the development of approximately 18,397 additional dwelling units at General Plan buildout.

The project would necessitate the removal of some existing houses within the Specific Plan Area; however, removal of any individual units would be offset by the increase in housing by the development of approximately 3,911 additional dwelling units at Specific Plan buildout. As such, the project would not displace substantial numbers of existing housing or people. Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the in the Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007). This topic did not warrant additional analysis and is not addressed further in the EIR.

- **Recreation:** The future residents and employees of the CASP are expected to increase demand for park and recreational facilities, some of which may increase the use of existing regional parks or other recreational facilities. However, much of the demand for park and recreational facilities will be met by the construction of new parks and recreational facilities within the boundary of the Specific Plan area. The new demand is not anticipated to cause substantial physical deterioration of existing facilities. The impacts from construction of new facilities were analyzed within the context of each environmental topic of the EIR as part of the overall land use plan. This topic did not warrant additional analysis and is not addressed further in the EIR.

- **Transportation and Circulation:** While the Draft EIR analyzes Traffic and Circulation, several topics were determined to not warrant additional analysis within the Chapter.

The project is not located in the vicinity of an airport or airstrip; therefore, it would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. Implementation of the project would have no impact relative to this environmental topic.

The remaining issues areas and checklist questions are analyzed in the EIR. The EIR includes an analysis of the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gases and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Population and Housing
- Public Services
- Transportation and Circulation

- Utilities

The City circulated the DEIR for public and agency review on June 26, 2020. A public review period of 45 days was provided on the DEIR and ended on August 11, 2020. This period satisfied the requirement for a 45-day public review period as set forth in Section 15105 of the CEQA Guidelines.

V. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the City's decision on the project includes the following documents:

- The NOP and all other public notices issued by the City in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project (June 2020) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR and the responses to those comments and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The mitigation monitoring and reporting program for the project;
- All findings and resolutions adopted by the City Council in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- The Draft Central Area Specific Plan;
- All documents submitted to the City by other public agencies or members of the public in connection with the project, up through the close of the Planning Commission public hearing, and the close of the City Council public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project;

- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;

- The City of Salinas General Plan and all environmental documents prepared in connection with the adoption of the General Plan;

- Any and all resolutions approved by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;

- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;

- Any documents expressly cited in these findings, in addition to those cited above; and

- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Salinas Community Development Department, 65 West Alisal Street, Salinas, California 93901. The custodian of these documents is the Community Development Director. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents informed the experts who provided advice to City Staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the approval of the project. (See Pub. Resources Code, § 21167.6(e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

VI. CONSISTENCY WITH APPLICABLE PLANS

This section includes a review of the project's relationship to the General Plan, other land use related documents/agreements, and to regional plans and identifies whether inconsistencies with these plans may exist.

Consistency with the Salinas General Plan

The Salinas General Plan states the City's vision for the community's future and outlines goals, policies and implementation measures to achieve its vision. The General Plan also projects the population, dwelling units, and non-residential building square footage associated with the future buildout of the Land Use Plan, also referred to as General Plan buildout. Typically, General Plan buildout is decades beyond the 20-year General Plan planning cycle.

As described in CEQA Guidelines section 15125, subdivision (d), an EIR must discuss any inconsistencies between a proposed project and applicable general plans, specific plans, and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas (GHG) emissions, habitat conservation plans, and natural community conservation plans.

New Urbanism principles, a component of the General Plan Land Use Element, were used to design a land use plan for the project that is compact and pedestrian-friendly, with a mixture of uses surrounding activity centers/neighborhood focal points in the Specific Plan Area. Higher density residential uses are proposed around retail, recreation, and public uses and all of these core activity centers are proposed to be connected with pedestrian, bicycle, and transit systems.

The quantifiable objectives of the project include the development of up to 3,911 residential dwelling units, up to 489,700 square feet of commercial uses, approximately 61 net acres of public facilities (including one elementary school, one middle school, one combined elementary and middle school, a fire station, a public library, utility facilities, and a prominent site reserved for public/semipublic use [e.g. religious assembly), and approximately 148 net acres dedicated to parks and open space uses. This is consistent with the expected intensity of development within the Specific Plan Area under General Plan buildout conditions as analyzed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002).

The Salinas General Plan requires the approval of Specific Plans prior to development of any land in the North of Boronda Future Growth Area (FGA). The Central Area Specific Plan includes certain development regulations and design standards that are intended to be specific to the Specific Plan Area. Where there is a matter or issue not specifically covered by the Specific Plan development regulations and design standards, the Salinas Zoning Code would apply. Where there is a conflict between the Specific Plan and the Zoning Code, the Specific Plan would prevail.

The Specific Plan is intended to be adopted by the City Council and to serve as a tool for the City of Salinas to implement. The Specific Plan is to be used by designers, developers, builders, and planners, to guide development of the Specific Plan Area. The land use, development standards, and design guidelines are provided to ensure that all proposed developments remain consistent with the vision established by the Specific Plan as the project is built over time. The Specific Plan development concepts, design guidelines, and standards are in accordance with the City's General Plan, Municipal Ordinances, and City Specifications. The Specific Plan shall be used to review, process, and approve development proposals for individual parcels/project sites within the Specific Plan Area, including but not limited to site specific development applications and site improvement plans.

The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that the General Plan may affect the related land use plans and policies that have been adopted to avoid or mitigate an environmental effect. The Salinas Zoning Code, Salinas Redevelopment Plan, Greater Salinas Area Plan, Salinas Municipal Airport Master Plan, Monterey County Airport Land Use Plan, GSA MOU, are specifically mentioned. Of these seven

documents, the project does not affect an existing Specific Plan, the Salinas Municipal Airport Master Plan, or the Monterey County Airport Land Use Plan; and the Salinas Redevelopment Plan is no longer in effect. These topics are not discussed further, but the other three are discussed below.

Salinas Zoning Code

The Specific Plan Area is currently zoned NI with a Specific Plan Overlay. The project includes a rezone to Neighborhood Edge (NE) A, NE B, Neighborhood General (NG) A, NG B, NG C, Village Center (VC-A & VC-B), Open Space (OS), Park (P), and Public/ Semipublic (PS). The purpose of the rezone is to ensure consistency between the proposed General Plan Land Use Designations and Zoning. With the approval of the rezoning application, the Specific Plan would be consistent with the Salinas Zoning Code.

City/County Greater Salinas Area Memorandum of Understanding

In 2006, the City and the County adopted the GSA MOU to allow for annexation and development of specific parcels that are located outside of the Future Growth Areas as illustrated in the General Plan. These areas were not contemplated for annexation and development at the time the General Plan was adopted. These areas include, but are not limited to, the "Unikool", Boronda Road, and Fresh Express sites.

The GSA MOU describes the intent of the City and County to consider annexation of the subject growth areas to the City and identifies framework conditions under which annexations could be considered. The following excerpt from the Preface of the GSA MOU identifies its general intent:

"This Memorandum of Understanding (MOU), by and between the County of Monterey (County) and the City of Salinas (City), is to set forth certain agreements between the parties to express their intent to jointly pursue action to assure orderly and appropriate land use development in the area designated in the General Plan of Monterey County as the Greater Salinas Area Plan area and in the City of Salinas. Specific objectives to be achieved through the implementation of the land use and associated policies included in this MOU are the preservation of certain agriculture land, the provision of future growth areas, and the provision of adequate financing for the services and facilities of benefit to the residents of the Greater Salinas Area Plan area and the City."

With the adoption of the GSA MOU, both the City and the County acknowledged that additional development outside the City's Future Growth Areas would be considered subject to amendment of the City's SOI and annexation of such areas to the City. The GSA MOU also includes a set of points of agreement that govern future annexations and associated development. Among other topics, the points of agreement address the future direction of City growth, agricultural mitigation, traffic impacts, and storm drainage. The GSA MOU states that the direction of future growth of the City shall be to the north and east of the current city limits, except as otherwise provided for in the GSA MOU.

To minimize and mitigate the potential impacts, the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) presented the following two mitigation measures: Mitigation Measure LU5 requires the City to continue to cooperate with the County of Monterey to implement the GSA-MOU, which directs that City growth generally to the north and east away from the most productive farmland; and Mitigation Measure LU6 requires the City to encourage City-centered growth and give priority to redevelopment and infill projects that reduce development pressure on agricultural lands. The City will also establish an incentive program to promote these kinds of projects, such as priority permit processing and density bonuses for such developments. The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of this mitigation measure, the impact would be reduced to a less than significant level.

Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that impacts associated with the FGAs, which include the Central Area Specific Plan planning area, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). The City certified this 2007 Supplemental EIR and approved annexation of the North of Boronda FGA, which includes the Central Area Specific Plan. The Central Area Specific Plan is consistent with the GSA-MOU. All development under the project would be required to comply with the above-referenced regulations, policies, and standards.

Greater Salinas Area Plan

The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that implementation of General Plan will result in development outside the existing City limits, into the Greater Salinas Planning Area. Development occurring outside of the City limits is subject to the Greater Salinas Area Plan. The 2002 Final EIR concluded that the implementation of the General Plan may conflict with the Greater Salinas Area Plan, resulting in a significant impact.

To minimize and mitigate the potential impacts that could result from such a potential conflict, the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) presented Mitigation Measure LU2, which requires the City to be consistent with a portion of Draft Policy LU 3.4 of the Monterey County Draft General Plan, and to cooperate with LAFCO and the County of Monterey to direct growth outside the City limits to the Future Growth Area, on lands that are served, or are planned to be served, with a full range of urban services, such as public water and sewer, an extensive road network, public transit, safety and emergency response services, parks, trails, and open space. The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of this mitigation measure, the impact would be reduced to a less than significant level.

Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that impacts associated with the FGAs, which include the Central Area Specific Plan planning area, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). The City certified this EIR and approved annexation of the North of Boronda Future Growth Area, which includes the Specific Plan. The Central Area Specific Plan is consistent with the

Greater Salinas Area Plan. All development under the project would be required to comply with the above-referenced regulations, policies, and standards.

VII. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by, or can and should be adopted by, such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a).)

As explained elsewhere in these findings, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 (court upholds CEQA findings rejecting alternatives in reliance on project's objectives); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (*CNPS*) (an alternative "'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'") (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka*), § 17.309, p. 825); *Citizens for Open Government v. City of Lodi* (2012) 296 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"] (*Citizens for Open Government*); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) ("[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying

purpose and need not study alternatives that cannot achieve that basic goal).) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *CNPS, supra,* 177 Cal.App.4th at p. 1001 (after weighing "'economic, environmental, social, and technological factors,' ... 'an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible on that ground) (quoting Kostka, *supra,* § 17.29, p. 824); and *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17 (*San Diego*) [same].)

For purposes of these findings (including the table described in Section IX below), the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

As explained above, CEQA requires that the lead agency adopt feasible mitigation measures or, in some instances, feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur. With respect to a proposed project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the agency found that the project's benefits outweigh its unavoidable adverse environmental effects. The City of Salinas' Statement of Overriding Considerations for the project is included herein in Section XI below.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (hereinafter "MMRP") has been prepared for the project, and is being approved by the City Council by Resolution 2020-__(N.C.S.). The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is Exhibit "B" of the aforementioned resolution and is approved in conjunction with these Findings of Fact.

IX. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identified a number of significant and potentially significant environmental effects (or impacts) that the project will cause or contribute to. Most of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. Some of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures. Other significant, unavoidable effects cannot be substantially lessened or avoided. For reasons set forth in Section XI, however, the City Council has determined that overriding economic, social, and other considerations outweigh all of these significant, unavoidable effects of the project.

The City Council's findings with respect to the project's significant effects and mitigation measures are set forth in the Table of Impacts, Mitigation Measures, and CEQA Findings attached to these findings. The findings set forth in the table are hereby incorporated by reference.

This table does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft EIR or Final EIR and adopted by the City Council, and states the City Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft and Final EIRs, and these findings hereby incorporate by reference the discussions and analyses in those documents and their appendices supporting the Final EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analyses and explanations in the Draft EIR and Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

By Resolution 2020-__(N.C.S.), the City Council adopts all of the mitigation measures identified in the table.

X. PROJECT ALTERNATIVES

A. Basis for Analysis of the Feasibility of Alternatives

As noted in Section VII above, Public Resources Code section 21002, a key provision of CEQA, provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the lead agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*CNPS, supra*, 177 Cal.App.4th at pp. 981, 999, 1001; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 ["[a]lthough the City ultimately rejected these alternatives as 'infeasible,' this conclusion does not imply these alternatives were improperly included for discussion"; "[a]lternatives included in an EIR need only be 'potentially feasible'"]; *Citizens for Open Government, supra*, 296 Cal.App.4th at pp. 314-315.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar, supra,* 133 Cal.App.3d at p. 417; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001; and *San Diego, supra*, 219 Cal.App.4th at p. 17.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to "feasibly attain most of the basic objectives of the project[.]" The project objectives are set out above in section III.C. Based on the requirements of CEQA Guidelines section 15126.6 and the Project's Objectives, the following alternatives to the project were identified:

No Project (No Build) Alternative

The CEQA Guidelines (Section 15126.6[e]) require consideration of a no project alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved. For purposes of this analysis, the No Project (No Build) Alternative assumes that development of the Specific Plan Area would not occur, and the Specific Plan Area would remain in its current agricultural condition. It is noted that the No Project (No Build) Alternative would fail to meet the project objectives identified for the Central Area Specific Plan and is inconsistent with the goals of the General Plan for the future growth areas of the City.

Reduced Land Area Project Alternative

Under this alternative, the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the development (i.e., the project footprint) would be reduced by approximately 14 percent. Under this alternative, approximately 110 acres of land in the northwest corner of the Plan Area would be removed. The resultant Plan Area would include approximately 652 acres (see DEIR Figure 5.0-1 for further detail). The proposed land uses within this area identified for removal under this alternative would be incorporated into the remaining 652 acres of the Plan Area, which would increase the residential density of the

Plan Area under this alternative, while retaining the same number of residences, mixed use commercial areas, schools, parks, etc. as the project.

Under this alternative, the average residential density (units per net acre) would increase from approximately 9.0 to 10.3 units/acre. It is assumed that the number of Neighborhood Edge (NE) parcels would be reduced, and the number of Neighborhood General (NG) parcels would increase. The proposed Village Center would remain unchanged under this alternative.

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 760-acre project footprint. This would result in fewer residential lots, but larger lot sizes. This alternative would result in up to approximately 2,933 residential units. This alternative would retain the same square feet of mixed commercial uses as in the project, the three proposed schools, and the same acreage of parks, public facility uses, and detention basins as the project.

Under this alternative, the average residential density (units per net acre) would decrease to less than 9.0 units/acre. This alternative is expected to be inconsistent with the Salinas General Plan's standards for the Plan Area, which require the incorporation of New Urbanism concepts, which mandate that new residential development have a minimum average density of 9.0 dwelling units per net residential acre. This alternative is also expected to be inconsistent with the minimum of 3,275 dwelling units as specified in the Salinas General Plan. These standards would be modified with a General Plan amendment.

Smaller-scale Project Alternative

Under this alternative, the Plan Area would be reduced by approximately 33 percent and the residential and non-residential uses in the project would also be reduced by approximately 33 percent. For the purposes of discussion, this alternative assumes that approximately 253 acres of land along the entire eastern boundary of the Plan Area would be removed and remain as undeveloped agricultural land. The resultant Plan Area under this alternative would be approximately 508 acres in size, and include up to approximately 2,655 residential units. The land area for commercial, public facility, and open space land uses would also be reduced by approximately 33% compared with the project, and include the resizing and relocation of land uses, as needed. The residential densities under this alternative would be similar to those of the project.

1. Significant, Unavoidable Impacts of the Project

The significant and unavoidable impacts of the project are set out in detail below in Section XI.A.

2. Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these findings address whether the various alternatives substantially lessen or avoid any of the significant unavoidable impacts associated with the project and also consider the feasibility of each alternative. Under CEQA, "[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines § 15364). As explained earlier, the concept of feasibility permits agency decision makers to consider the extent to which an alternative is able to meet some or all of a project's objectives. In addition, the definition of feasibility encompasses "desirability" to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence.

In identifying potentially feasible alternatives to the project, the following project objectives were considered:

- Preserving and minimizing the disruption of agricultural lands and to achieve the other benefits of compact urban design, by requiring new neighborhoods to achieve a minimum average density of nine (9) units per net residential developable acre, exclusive of open space, parks, schools, streets and other non-developable areas, through a mix of low, medium and high densities in accordance with the requirements of the Specific Plan;
- Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents;
- Creating a community that is visually distinguishable from other communities, with a sense of place and identity for its residents reflective of TND design principles;
- Creating a center that brings together commercial, civic, cultural and recreational uses and serves as a focus for community life;
- Providing ample opportunities for outdoor recreation with open spaces, schools and parks being fronted by streets or public spaces and not privatized behind backyards;
- Creating attractive, safe, distinctive residential neighborhoods with as many discrete lot sizes and housing types as possible and a Village Center with a "Main Street" and mixed use commercial area that promotes CPTED design principles and contributes to the overall vitality, image and identity of the City;
- Limiting new public infrastructure requiring ongoing maintenance via Maintenance Districts to ensure sustainability; and
- Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan.

As noted near the beginning of these findings, moreover, the City is keenly aware that the State Legislature has declared that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California

home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Government Code section 65589.5.) The Legislature notes that "California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing." The Legislature further found that, "[a]mong the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." The legislative intent set forth in Government Code section 65589.5 is to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled." The Legislature established its policy direction in the statute as follows: "It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing."

The following two overarching project objectives are therefore presented here as a response to: 1) the Legislature's declaration of a housing crisis in California, 2) the Legislature's policy direction for the provision of more housing, 3) the Salinas City Council's more than 30 years of planning for urban development within the FGAs, which includes the Central Area Specific Plan, and 4) the Salinas City Council's policy direction as provided in the approved FGAs and General Plan:

- Objective 1: Respond to the State Legislature's declaration of a housing crisis in California, and the policy direction that local governmental agencies provide more housing, by including provisions for the construction of new housing supply within the Central Area Specific Plan.
- Objective 2: Respond to the Salinas City Council's long-term vision and policy direction for new urban development to be focused in the Future Growth Areas, by including provisions the construction of new urban development consistent with the City of Salinas General Plan.

B. No Project (No Build) Alternative

In general, a CEQA "No Project Alternative" must "discuss the existing conditions …, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (CEQA Guidelines, § 15126.6, subd. (e)(2).) When the proposed project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. In such an instance, the no project alternative consists of evaluating the projected impacts of the proposed plan to the impacts that would occur under the existing plan. "Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan

is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan. (*Id*., subd. (e)(3)(A).)

1. Analysis of No Project (No Build) Alternative's Ability to Reduce Significant Unavoidable Project Impacts

Air Quality

Under the No Project (No Build) Alternative, the Specific Plan Area would not be developed, and there would be no net change in emissions and no potential for a conflict with any adopted plans or policies related to air quality. As such, the project level and cumulative impacts would be greatly reduced when compared to the project.

Biological Resources

Under the No Project (No Build) Alternative, the Central Area Specific Plan would not be constructed, no habitat would be removed, no wetlands disturbed, and no ground disturbing activities would occur. The Plan Area would remain open to migration, foraging, nesting, and other uses by wildlife. Therefore, potential for impacts to biological resources would be eliminated under the No Project (No Build) Alternative. Impacts to biological resources would be reduced as compared to the project.

Cultural Resources

The No Project (No Build) Alternative would continue to result in ground disturbing activities associated with the agricultural operations (i.e., soil tilling); however, because the ground disturbance associated with farming has occurred for an extended period of time with no cultural resources being found, it is anticipated that the continuation of these operations under this alternative would have a significantly reduced potential to disturb or destroy cultural, historic, and archaeological resources, as well as paleontological resources. While the Central Area Specific Plan is not anticipated to result in significant impacts to cultural resources, the No Project (No Build) Alternative would result in slightly less potential for impacts to cultural resources as the entire Plan Area would continue to be used for agriculture production.

Greenhouse Gases and Climate Change

Under the No Project (No Build) Alternative, the Plan Area would not be developed, and there would be no net change in emissions and no potential for a conflict with any adopted plans or policies related to GHG reductions. As such, this impact would be reduced when compared to the project. This does not necessarily mean, however, that the No Project Alternative represents a better long-term policy outcome for climate than the project. California has a large housing need, and new housing will have to be built somewhere, if not on the project site. As the California Supreme Court explained, "[g]iven the reality of growth, some greenhouse gas emissions from new housing and commercial developments are inevitable. The critical CEQA question is the cumulative significance of a project's greenhouse gas emissions, and from a climate change

point of view it does not matter where in the state those emissions are produced." (*Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 220-221.)

Hazards and Hazardous Materials

Under the No Project (No Build) Alternative, no new land uses would be introduced to the Plan Area, and the potential for hazardous material release in the Plan Area would be reduced. Ongoing pesticide use would occur within the area to remain in agriculture, and this has the potential to generate negative health effects on existing residents located in the areas south and west of the Plan Area. However, there would not be long-term potential for hazards associated with use and generation of household and commercial hazardous wastes, because development would not occur. While the Central Area Specific Plan is not anticipated to result in significant impacts associated with hazards and hazardous materials, the No Project (No Build) Alternative would result in less potential for impacts.

Hydrology and Water Quality

Under the No Project (No Build) Alternative, potential new water quality impacts from construction and operation of the Central Area Specific Plan would be eliminated. Under this alternative, the land would be kept in its present state with the majority of the Plan Area either fallow land or being used for agricultural purposes. The No Project (No Build) Alternative would have a greater chance of groundwater recharge because it does not introduce large areas of impervious surfaces as would the Central Area Specific Plan. However, the beneficial impact of reducing consumptive use of water by the project in comparison the existing scenario would not exist. This is a significant contribution in reducing overdraft in the Salinas Valley Ground Water basin.

The potential to result in the violation of water quality standards would be reduced under this alternative as compared with the project. However, there are some instances where the No Project (No Build) Alternative would have greater discharges of certain pollutants (such as erosion, sedimentation, pesticides release, etc.) when compared to the project. Nevertheless, overall, potential impacts related to hydrology and water quality would be reduced under this alternative.

Noise

Existing agricultural activities within the Plan Area sometimes involve on-going noise sources such as agricultural equipment (i.e., tractors, harvesters, planters, etc.). Such noise sources are part of the existing ambient noise levels in the Plan Area. Under the No Project (No Build) Alternative, the Plan Area would not be developed and there would be no potential for new noise sources; however, existing noise from agricultural operations would continue. As such, this alternative would have less impact relative to the project.

Population and Housing

Under the No Project (No Build) Alternative, the Plan Area would not be developed and the Plan Area would not accommodate the City's anticipated growth. Growth would still be anticipated to

occur within the region, but it would not be accommodated in the FGA, which has undergone extensive planning efforts by the City and community for over a decade. This would not be consistent with the FGA and General Plan. The City would need to look to other undeveloped areas of the region to develop for new housing, which would be expected to have environmental impacts that have not yet been assessed, but could well be worse than those of the Central Area Specific Plan, particularly with respect to prime agricultural land, which is abundant in the region. Overall, this alternative would have a greater impact when compared to the project.

Public Services

Under the No Project (No Build) Alternative, there would be no increased demand for police, fire, schools, parks, or other public services. Alternatively, this alternative would result in no new school or park facilities, which are designed to accommodate more than the demand that is generated by the Central Area Specific Plan. Overall, this alternative would have a reduced impact to public services when compared to the project.

Transportation and Circulation

Under the No Project (No Build) Alternative, there would be no new traffic generated within the Plan Area. This alternative would also not result in new traffic improvements on the City's roadway system and it would not result in payments of traffic impact fees into the City's CIP program that would be used for the roadway system. Existing deficiencies in the traffic system would not receive the benefit of improvements to improve existing deficiencies; however, this would be more than offset by the fact that there would be no new contribution to degrading traffic levels of service at a project and cumulative level. Still, the growth for which there is market demand would still be anticipated to occur somewhere else within the region, possibly in areas that could result in LOS-related transportation effects worse than those of the Central Area Specific Plan (though LOS is no longer an issue under CEQA [see DEIR, pp. 3.10-7 – 3.10-9]). Overall, this alternative would have less of an overall traffic impact than the project.

Utilities

Under the No Project (No Build) Alternative, the Plan Area would not have an increased demand for wastewater, storm drainage, or solid waste disposal. There would be no new impacts on these utilities and there would be no need to construct new infrastructure. Therefore, overall, the impact on wastewater, solid waste, and storm drainage would be reduced under this alternative.

In conclusion, the No Project (No Build) Alternative would not result in a beneficial impact to groundwater recharge. However, this alternative would decrease the amount of solid waste and wastewater generated at the site, and would not require construction of new utilities infrastructure. Overall, the No Project (No Build) Alternative would not add new impacts to wastewater, storm drainage, or solid waste disposal systems, but would not result in the beneficial impacts to the groundwater system.

2. Feasibility of No Project (No Build) Alternative

The No Project (No Build) Alternative is the environmentally superior alternative because it results in the least adverse environmental impacts when compared to the project. However, the No Project (No Build) Alternative would fail to meet the project objectives identified for the Central Area Specific Plan and is inconsistent with the goals of the General Plan for the future growth areas of the City.

The City Council finds the No Project (No Build) Alternative to be infeasible for the above stated reasons, and rejects it as a feasible and viable alternative to the Project.

C. Reduced Land Area Project Alternative

1. Analysis of Reduced Land Area Project Alternative's Ability to Reduce Significant Unavoidable Project Impacts

Air Quality

Under the Reduced Land Area Project Alternative, the Plan Area would be developed with an approximately fourteen percent smaller development area, with an overall increase in residential density. Although the project footprint would be reduced, criteria pollutant emissions as modeled by CalEEMod would be extremely similar to (though potentially slightly less than) the project under this scenario.

The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the Monterey Bay Air Resources Board's (MBARD) 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to that of the project.

Biological Resources

Under the Reduced Land Area Project Alternative, less habitat would be removed, and fewer ground disturbing activities would occur. A portion of the Plan Area (approximately fourteen percent) would remain open to migration, foraging, nesting, and other uses by wildlife. The balance of the Plan Area (approximately eight-six percent of site) would be developed and no longer available for migration, foraging, nesting, and other uses by wildlife. This would still be a significant and unavoidable impact, and would be cumulatively considerable.

When compared to the project, potential for impacts to biological resources would be reduced under the Reduced Land Area Project Alternative proportionate to the reduction in developed area estimated at fourteen percent.

Cultural Resources

The Reduced Land Area Project Alternative would result in fewer ground disturbing activities and would have a slightly reduced potential to disturb or destroy cultural, historic, and archaeological resources, as well as paleontological resources. While the project is not anticipated to result in significant impacts to cultural resources with mitigation, the Reduced Land Area Project Alternative would result in slightly less potential for impacts to cultural resources, as a portion of the Plan Area would remain undeveloped.

Greenhouse Gases and Climate Change

The Reduced Land Area Project Alternative would not develop approximately 110 acres that is proposed to be developed under the project. Estimated mitigated operational GHG emissions at Specific Plan Area buildout are shown in Table 5.0-3 of the Draft EIR. As shown, total operational emissions would be reduced slightly reduced under this scenario, as compared to the project (as modeled). However, Specific Plan Area operational activities under this alternative would be expected to generate a significant and unavoidable impact on operational greenhouse gases.

With a total projected service population of 15,087 (same as the project), this alternative would generate approximately 2.66 MT CO_2e/service population/year in the mitigated scenario (in Year 2040). This value is above the derived per capita GHG threshold of 1.44 MT CO_2e/service population/year for Year 2040. However, this value is the same as the mitigated per service population estimate for the project of 2.66 MT CO_2e/service population/year (in Year 2040). It should also be noted, however, that construction emissions under this alternative would be reduced compared to those of the project, given the reduced residential intensity/density of this alternative compared to that of the project. Therefore, the emissions per capita under this alternative would be slightly reduced as compared with those of the project. Overall, this impact would be slightly reduced when compared to that of the project.

Hazards and Hazardous Materials

Under the Reduced Land Area Project Alternative, the land area to be developed would be reduced by approximately fourteen percent and the potential for exposure to hazardous materials, or a release of hazardous materials would be reduced proportionately. Ongoing pesticide use would occur within the area to remain in agriculture, and this would have the potential to generate negative health effects on new residents in the development. Similar to the project, new development would introduce new sensitive receptors into an area that contains land that has historically utilized chemicals for agricultural production. Any negative health effects associated with the residuals of these chemicals would be alleviated through compliance with state and federal regulations that require remediation when above certain thresholds. There would be a long-term potential for hazards associated with use and generation of household and commercial hazardous wastes, although compliance with state and federal regulations would be required. While the project is not anticipated to result in significant impacts associated with hazards and

hazardous materials, the Reduced Land Area Project Alternative would result in slightly less potential for impacts.

Hydrology and Water Quality

Implementation of the Central Area Specific Plan has the potential to result in the violation of water quality standards and waste discharge of pollutants into surface waters during both construction and long-term operations. Construction operations could result in temporary increases in runoff, erosion, sedimentation, soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas. The long-term operation of the Central Area Specific Plan could result in long-term impacts to surface water quality from urban stormwater runoff and could enter groundwater or surface water systems. Additionally, the project would result in new impervious surfaces that could reduce rainwater infiltration and groundwater recharge. Mitigation measures incorporated into the project would reduce potential water quality impacts to a less than significant level. The Central Area Specific Plan would not place persons or structures in a flood hazard zone.

Under the Reduced Land Area Project Alternative, potential water quality impacts from operation of the project would be increased. Under this alternative, the developed area would be reduced by approximately fourteen percent when compared with the project. The Reduced Land Area Project Alternative would have a greater chance of groundwater recharge because it would reduce the amount of impervious surfaces by approximately fourteen percent as compared to the Central Area Specific Plan. The areas that would not be developed (i.e., the 110 acres of land in the northwest corner of the Specific Plan Area) would remain under agricultural production. However, while the 110-acre agricultural area would provide opportunities for groundwater recharge, the agricultural uses would continue to require intensive groundwater pumping for the agricultural production, which would exceed any benefit related to groundwater recharge. The higher amount of groundwater pumping required for the 110-acres of agricultural use under this alternative (as compared with developed uses) would result in a greater impact on the Salinas Valley Ground Water basin, when compared to that of the project. Alternatively stated, the overall amount of consumptive water usage reduced by this alternative would not be equal to or greater than the reduction under the project. This would increase risks to the groundwater basin associated with seawater intrusion, when compared to the project.

Furthermore, under this alternative, there are some instances where the undeveloped portions of the Specific Plan Area would have greater discharges of certain pollutants (such as erosion, sedimentation, pesticides release, etc.) when compared to the project.

For these reasons, potential impacts related to hydrology and water quality would be increased under this alternative when compared to those of the project.

Noise

Under the Reduced Land Area Project Alternative, development would be reduced by fourteen percent when compared with the project. As a result of less development, noise levels associated with traffic, stationary sources, and construction would be expected to be reduced under this alternative. Receptors would be subject to ongoing agricultural noise under this alternative. It is

noted that, despite this reduction in the size of development under this alternative, it is expected that some noise levels associated with traffic, stationary sources, and construction would still generate a significant and unavoidable impact. As such, this alternative would have a reduced impact relative to the project.

Population and Housing

Under the Reduced Land Area Project Alternative, the project footprint development would be reduced by approximately fourteen percent when compared with the project. However, although the residential density would increase from approximately 9.0 to 10.3 residential units per acre under this alternative, the number of residences developed under this alternative would be the same as for the project. Therefore, this alternative would have an equal impact when compared to the project.

Public Services

Under the Reduced Land Area Project Alternative, the development area would be reduced by approximately fourteen percent. Residential and non-residential development would not be reduced under the Reduced Land Area Project Alternative; therefore, the demand for police, fire and other public services would be equal. This alternative would still result in development of public facilities (i.e. schools and parks) and would be required to pay the appropriate public safety impact fees. Overall, this alternative would have equal impacts to public services when compared to the project.

Transportation

Under the Reduced Land Area Project Alternative, the development area would be reduced by approximately fourteen percent. Residential and non-residential development would be equal under the Reduced Land Area Project Alternative; therefore, traffic generated in the Specific Plan Area would be equal. This alternative would still result in new traffic improvements on the City's roadway system to accommodate the new traffic generated. It would also still result in payments of traffic impact fees into the City's CIP program that would be used for the roadway system. Existing deficiencies in the traffic system would receive some benefit of improvements to improve existing deficiencies.

The Reduced Land Area Project Alternative would have "slightly greater" impact with respect to Transportation and Circulation Impact 3.10-7, which is identified as "impacts related to emergency access." The basis for this determination is that the increased density of the project would increase congestion on existing and planned roadways as compared to the project, given that fewer roadways would be developed under this alternative. Congestion is also expected to be slightly higher under this alternative compared to the project, given the increased density of traffic (based on fewer roadway miles being developed under this alternative compared with the project), and the increased density of the project (to 10.3 residential units per acre under this alternative, compared to 9.0 residential units per acre under the project). This represents a slightly greater impact with respect to emergency access within the Specific Plan Area. It is noted that the significance determination under Transportation and Circulation Impact 3.10-7 would likely still be less than significant for the Reduced Land Area Alternative, similar to the

project; however, the roadway network will not have the same capacity as under the project so the determination remains "slightly greater."

Additionally, the Reduced Land Area Project Alternative would have a "slightly greater" impact with respect to Transportation and Circulation 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."

Therefore, connectivity with the remainder of the City and County, including other areas within the City's FGA, would be more limited under the Reduced Land Area Project Alternative as compared to the project. Nevertheless, overall, this alternative would have slightly greater traffic impacts than the project.

Utilities

Under the Reduced Land Area Project Alternative, the development area would be reduced by fourteen percent. The total quantity of infrastructure installed would be reduced, but the demand for wastewater and solid waste services would be approximately the same as for the project, given that the number of residential and non-residential users of such utilities would remain the same under this alternative as in the project. That is, it is expected that this alternative would generate approximately 1.18 MGD of wastewater and approximately 44,171 lbs/day of solid waste, similar to the project, since this alternative would generate approximately the same number of residents and workers as the project would.

Separately, the total storm drainage runoff under this alternative would be reduced compared to the project, due to the reduction in impervious surfaces.

Implementation of the project could result in potentially significant impacts to the utility systems, including wastewater, water, storm water drainage, and solid waste providers. Mitigation measures have been incorporated into the project to ensure that capacity is available and any impacts from increased demand are reduced.

Although this alternative would save less groundwater than the project, generate a similar amount of solid waste, and demand a similar amount of water, this alternative would reduce impacts to stormwater compared to the project. Overall, the demand for utilities would be reduced under this alternative when compared to the project.

2. Feasibility of Reduced Land Area Project Alternative

The Reduced Land Area Project Alternative would reduce impacts to air quality, biological resources, cultural resources, GHG and climate change, hazards, hydrology, noise, public services, and transportation compared to the project. However, this alternative would potentially worsen impacts related to groundwater supplies and recharge (cumulative and project-level), emergency vehicle access, and conflicts with adopted multi-modal circulation policies, plans, or programs. Further, this alternative does not meet the following project objectives:

- Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents;
- Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan.

The Reduced Land Area Project Alternative would not meet the objective to "Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents" since it would reduce geographic pathways between the Specific Plan Area and the West Area Specific Plan, which were designed in tandem in a specific manner to allow for a community within the FGA in which housing, businesses, parks, schools and other community facilities are within walking distance of each other.

The Reduced Land Area Project Alternative does not fully meet the project objective of "Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan" because the Reduced Land Area Project Alternative is not consistent with development as outlined in the General Plan.

Under this alternative, approximately 110 acres of land in the northwest corner of the Plan Area would be removed (APNs 211-013-007, 211-013-010, 211-013-011, and 211-013-012). The resultant Plan Area would include approximately 652 acres (see Figure 5.0-1 of the Draft EIR for further detail). The effect of this area not developing in accordance with the General Plan would be that the following roadways and infrastructure improvements would not be developed:

- Natividad Road (Major Arterial) expansion frontage improvements;
- Russell Road (Major Arterial) expansion;
- Various park and school uses.

Therefore, based on the above list of roadways and infrastructure improvements that would not be developed under this alternative, the ability of the City to provide public services and infrastructure improvements in accordance with the adopted General Plan would be hampered under the Reduced Land Area Project Alternative.

Ultimately, the significant and unavoidable environmental effects anticipated with the project would still occur under this Reduced Land Area Project Alternative due to the location, size and scope of the alternative. The significant and unavoidable impacts may occur to a lesser extent than under the project under this alternative, but the impacts would still be significant and unavoidable. For example, a significant and unavoidable impact related to increased traffic noise levels at existing receptors would occur under the project and the Reduced Land Area Project Alternative, as there is a possibility of not being able to feasibly install sounds walls in some locations that would be warranted. It is noted that, due to decreased noise levels associated with this alternative, the noise at existing receptors would likely decrease. However, the cumulative

traffic noise level increases would exceed the Federal Interagency Committee on Noise (FICON) CEQA substantial increase criteria of 1.5 to 5 dB.

The City Council finds the Reduced Land Area Project Alternative to be infeasible for the above stated reasons, and rejects it as a feasible and viable alternative to the project.

D. Reduced Residential Intensity/Density Project Alternative

1. Analysis of Reduced Residential Intensity/Density Project Alternative's Ability to Reduce Significant Unavoidable Project Impacts

Air Quality

Under the Reduced Residential Intensity/Density Project Alternative, there would be a 25 percent reduction in the intensity/density of the residential portions of the Plan Area, with an overall decrease in residential density.

Overall criteria pollutant emissions under this alternative would be reduced by approximately 23.9% when compared to the project. However, as shown in Table 5.0-4 of the Draft EIR, project operational activities under this alternative would still exceed the threshold of significance and generate a significant and unavoidable impact for ROG, NOx, and PM_{10} at buildout.

Although less compact development generally increases overall per capita vehicle miles travelled (VMT), the smaller number of residential units under this alternative as compared with the project would reduce overall air quality emissions, including under area sources, mobile sources, and energy sources. As such, this impact would be reduced when compared to the project.

Biological Resources

Under the Reduced Residential Intensity/Density Project Alternative, an equivalent amount of habitat would be removed as under the project, and a similar level of ground disturbing activities would occur as compared with the project. Therefore, there would be an approximately equal potential for impacts to biological resources under this alternative as compared with the project.

Cultural Resources

The Reduced Residential Intensity/Density Project Alternative would result in a similar level of ground disturbing activities and would have a similar potential to disturb or destroy cultural, historic, and archaeological resources, as well as paleontological resources. While the project is not anticipated to result in significant impacts to cultural resources with mitigation, the Reduced Residential Intensity/Density Project Alternative would result in an equal potential for impacts to cultural resources.

Greenhouse Gases and Climate Change

Under the Reduced Residential Intensity/Density Project Alternative, there would be an approximately 25 percent reduction in the intensity/density of the residential portions of the Plan Area. Estimated mitigated operational GHG emissions at Plan Area buildout are shown in Table 5.0-5 of the Draft EIR (as modeled in CalEEMod). As shown, total operational emissions would be reduced by approximately 22.5% under this scenario, as compared to the project. However, Plan Area operational activities under this alternative would be expected to generate a significant and unavoidable impact associated with operational greenhouse gases.

With a total projected service population of 11,499 under this alternative (this is equivalent to a 25% smaller residential population but the same number of workers, when compared to the project), this alternative would generate approximately 2.71 MT CO_2e/service population/year in the mitigated scenario (in Year 2040). This value is above the derived per capita GHG threshold of 1.44 MT CO_2e/service population/year for Year 2040 and above the per service population estimate for the project of 2.66 MT CO_2e/service population/year (in Year 2040). It should also be noted, however, that construction emissions under this alternative would be reduced compared to the project, given the reduced residential intensity/density of this alternative compared to the project. Therefore, this impact would be reduced when compared to the project.

It is worth noting that California has a large housing need, and new housing will have to be built somewhere, if not on the project site. As the California Supreme Court explained, "[g]iven the reality of growth, some greenhouse gas emissions from new housing and commercial developments are inevitable. The critical CEQA question is the cumulative significance of a project's greenhouse gas emissions, and from a climate change point of view it does not matter where in the state those emissions are produced." (*Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 220-221.)

Hazards and Hazardous Materials

Under the Reduced Residential Intensity/Density Project Alternative, the land area to be developed would not change in comparison to the project, and therefore the potential for exposure to hazardous materials, or a release of hazardous materials would not be reduced. Similar to the project, new development would introduce new sensitive receptors into an area that contains land that has historically utilized chemicals for agricultural production. Any negative health effects associated with the residuals of these chemicals would be alleviated through compliance with state and federal regulations that require remediation when above certain thresholds. There would be a long-term potential for hazards associated with use and generation of household and commercial hazardous wastes, although compliance with state and federal regulations would be required. The Reduced Residential Intensity/Density Project Alternative would result in equal potential for such impacts.

Hydrology and Water Quality

Under the Reduced Residential Intensity/Density Project Alternative, potential water quality impacts from construction and operation would be slightly reduced. Under this alternative, the intensity/density of the residential uses would be reduced by 25 percent when compared with the project, although the footprint would remain the same. This would result in fewer residential lots,

but larger lot sizes. Since the residential lot sizes under this alternative would be larger than those of the project, there would be less impervious surface, and therefore there would be a greater chance of groundwater recharge under this alternative. As such, potential impacts related to hydrology and water quality would be reduced under the Reduced Intensity/Density Alternative when compared to the project.

Noise

Under the Reduced Residential Intensity/Density Project Alternative, the intensity/density of the residential uses would be reduced by 25 percent when compared with that of the project. As a result of less development, noise levels associated with traffic, stationary sources, and construction would be expected to be reduced under this alternative. Despite this reduction in the size of intensity of development under this alternative, it is expected that some noise levels associated with traffic, stationary sources, and construction would still generate a significant and unavoidable impact. As such, this alternative would have less impact relative to the project.

Population and Housing

Under the Reduced Residential Intensity/Density Project Alternative, the intensity/density of the residential uses would be reduced by 25 percent when compared with the project. Development of housing would still occur under this alternative, but fewer units would be built. The City has undergone extensive planning efforts for over a decade to establish areas that are appropriate for new housing stock to meet the anticipated growth and demand for housing. Currently, the City, and the State as a whole, are having a housing crisis due to the lack of housing stock coupled with a significant increase in homelessness. The State of California has even gone as far as to pass legislation with incentives for municipalities and developers to build more housing. A reduction of 25 percent of the housing under this alternative would be inconsistent with the desire of the State and City to accommodate the quantity of housing they have anticipated in the FGA to serve the community's demand for housing. In response to a reduction in housing stock under this alternative, it would be anticipated that City may need to look to other undeveloped areas of the region to supply housing stock to meet the regional demand and the State's directive. This assumption is based entirely on the fact that California, and specifically the City of Salinas, is having a housing shortage and an appropriate response to a shortage is to provide additional housing supply. The lower density of this alternative would also not meet the minimum number of residential units required for New Urbanism principles that are established in the General Plan for the Plan Area. Overall, this alternative would have a greater impact when compared to the project.

Public Services

Under the Reduced Residential Intensity/Density Project Alternative, the intensity/density of the residential uses would be reduced by 25 percent; therefore, the demand for police, fire and other public services would be reduced. This alternative would still result in development of public facilities (i.e., schools and parks) and would be required to pay the appropriate public safety

impact fees. Overall, this alternative would have a reduced impact to public services when compared to the project.

Transportation and Circulation

Under the Reduced Residential Intensity/Density Project Alternative, the intensity/density of the residential uses would be reduced by 25 percent; therefore, traffic generated in the Plan Area would be reduced. This alternative would still result in new traffic improvements on the City's roadway system to accommodate the new traffic generated. It would also still result in payments of traffic impact fees into the City's CIP program that would be used for the roadway system. Existing deficiencies in the traffic system would receive some benefit of improvements to improve existing deficiencies; however, there would still be significant and unavoidable cumulative impacts under this alternative (though traffic level of service is no longer an issue under CEQA [see DEIR, pp. 3.10-7 – 3.10-9]). Overall, this alternative would have less of an overall traffic impact than the project.

Utilities

Under the Reduced Intensity/Density Alternative, the Plan Area would be developed with a reduction in the overall residential intensity/density while maintaining the approximate overall project footprint as in the project. 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 760-acre project footprint. This would result in fewer residential lots, but larger lot sizes. This alternative would result in up to 2,933 residential units. This alternative would retain the same non-residential uses as in the project.

The total quantity of infrastructure installed would not be reduced, but the demand for wastewater and solid waste services would be less than would be required for the project. For example, it is expected that this alternative would generate approximately 0.89 MGD of wastewater (a 25% reduction in wastewater compared with the 1.18 MGD for the project) and approximately 33,128 lbs/day of solid waste (a 25% reduction in solid waste compared with the 44,171 lbs/day of solid waste for the project), a smaller amount than would be generated by the project, since this alternative would generate fewer residents when compared to the project.

Separately, the total storm drainage runoff under this alternative would be approximately the same when compared to the project, due to the project footprint remaining the same for this alternative when compared to the project. Additionally, this alternative would save approximately the same amount of groundwater when compared to the project, since the project footprint would remain the same for this alternative as compared to the project.

Overall, the demand for wastewater and solid waste services would be less than would be required for the project, and the amount of storm drainage runoff would be approximately the same. Therefore, demand for utilities would be slightly reduced under this alternative when compared to the project.

2. Feasibility of Reduced Residential Intensity/Density Project Alternative

The Reduced Residential Intensity/Density Project Alternative would reduce impacts to air quality, GHG and climate change, hazards and hazardous resources, hydrology, noise, public services, transportation, and utilities compared to the project. However, this alternative would potentially worsen impacts related to conflicts with applicable air quality plans and population and housing. Further, this alternative does not meet the following project objectives:

- Preserving and minimizing the disruption of agricultural lands and to achieve the other benefits of compact urban design, by requiring new neighborhoods to achieve a minimum average density of nine (9) units per net residential developable acre, exclusive of open space, parks, schools, streets and other non-developable areas, through a mix of low, medium and high densities in accordance with the requirements of the Specific Plan;
- Providing ample opportunities for outdoor recreation with open spaces, schools and parks being fronted by streets or public spaces and not privatized behind backyards;
- Creating attractive, safe, distinctive residential neighborhoods with as many discrete lot sizes and housing types as possible and a Village Center with a "Main Street" and mixed use commercial area that promotes CPTED design principles and contributes to the overall vitality, image and identity of the City;
- Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan.

The Reduced Residential Intensity/Density Project Alternative does not fully meet the project objective to "Preserving and minimizing the disruption of agricultural lands and to achieve the other benefits of compact urban design, by requiring new neighborhoods to achieve a minimum average density of nine (9) units per net residential developable acre, exclusive of open space, parks, schools, streets and other non-developable areas, through a mix of low, medium and high densities in accordance with the requirements of the Specific Plan" because this alternative would not achieve a minimum average density of nine (9) units per net residential developable acre, exclusive of open space, parks, schools, streets and other non-developable areas. Therefore, this alternative would not meet this objective.

This alternative would not achieve the project objective of "Providing ample opportunities for outdoor recreation with open spaces, schools and parks being fronted by streets or public spaces and not privatized behind backyards" because this alternative would limit the number of opportunities for outdoor recreation, since it would result in larger private yards and fewer areas for public outdoor recreation than the project.

This alternative would not achieve the project objective of "Creating attractive, safe, distinctive residential neighborhoods with as many discrete lot sizes and housing types as possible and a Village Center with a 'Main Street' and mixed use commercial area that promotes CPTED design principles and contributes to the overall vitality, image and identity of the City" because this alternative would make the resulting Specific Plan less compact, thereby reducing the diversity of lot sizes and housing types as compared with those of the project. This alternative does not meet this objective because it would not create "as many discrete lot sizes and housing types as possible."

Furthermore, the reduction in housing units under the Reduced Residential Intensity/Density Project Alternative would be less consistent than the project in meeting statewide legislative goals of building housing units in order to address the statewide housing crisis. Given the enormous unmet demand for housing in California, the City believes that it has an obligation to facilitate the construction of more, rather than fewer, housing units when opportunities for residential development arise. The Reduced Residential Intensity/Density Project Alternative, then, represents a policy outcome that the City Council considers undesirable.

Lastly, this alternative would not achieve the project objective of "Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan" because this alternative would not be consistent with the development as outlined as the General Plan.

Ultimately, the significant and unavoidable environmental effects that are anticipated with the project would still occur under this Reduced Residential Intensity/Density Project Alternative due to the location, size and scope of the alternative. The significant and unavoidable impacts may occur to a lesser extent under this alternative than under the project, but the impacts would still be significant and unavoidable. For example, a significant and unavoidable impact related to violation of an air quality standard would occur under both the project and the Reduced Residential Intensity/Density Project Alternative. As shown in Table 5.0-4 of Chapter 5.0 of the Draft EIR, the Reduced Residential Intensity/Density Project Alternative would exceed the threshold of significance for ROG, NOx, and PM_{10} at buildout. Although the emissions would be less than with the project, this alternative would also cause a violation of an air quality standard. This is considered a significant and unavoidable impact.

The City Council finds the Reduced Residential Intensity/Density Project Alternative to be infeasible for the above stated reasons, and rejects it as a feasible and viable alternative to the project.

E. Smaller Scale Project Alternative

1. Analysis of Smaller Scale Project's Ability to Reduce Significant Unavoidable Project Impacts

Air Quality

Under the Smaller-scale Project Alternative, the overall size of the project would be scaled down by approximately 33 percent as compared with the project. This would reduce Plan Area operational emissions by an approximately equivalent amount (33%) as compared to those of the project. However, as shown in Table 5.0-6 of the Draft EIR, project operational activities under this alternative would still exceed the threshold of significance and generate a significant and unavoidable impact for NOx and PM_{10} at buildout.

Nevertheless, overall air quality emissions under this alternative would be reduced compared to the project, due to the smaller size of this alternative, including for area sources, mobile sources, and energy sources. As such, this impact would be reduced when compared to the project.

Biological Resources

Under the Smaller-scale Project Alternative, an area of about 253 acres would not be developed, and fewer ground disturbing activities would occur. It is still anticipated that the drainage ditches along Boronda would be eliminated (i.e., fill activity). The 253 acres would remain open to migration, foraging, nesting, and other uses by wildlife. The balance of the Plan Area would be developed and no longer available for migration, foraging, nesting, and other uses by wildlife. This would still be a significant and unavoidable impact, and would be cumulatively considerable.

When compared to the Specific Plan, potential for impacts to biological resources would be reduced under the Smaller-scale Alternative proportionate to the reduction in developed area.

Cultural Resources

The Smaller-scale Project Alternative would result in a reduced level of ground disturbing activities and would therefore have slightly less potential to disturb or destroy cultural, historic, and archaeological resources, as well as paleontological resources. While the project is not anticipated to result in significant impacts to cultural resources with mitigation, this alternative would result in slightly less potential for impacts to cultural resources.

Greenhouse Gases and Climate Change

The Smaller-scale Project Alternative would reduce the level of development by approximately 33 percent as compared with the project. This would reduce Plan Area operational GHG emissions by an approximately equivalent amount (33%) when compared to those of the project. Estimated mitigation operational GHG emissions at Plan Area buildout for this alternative are shown in Table 5.0-7 of the Draft EIR. As shown, total operational emissions would be reduced by approximately 33% under this scenario, as compared to those of the project. However, Plan Area operational activities under this alternative would be expected to generate a significant and unavoidable impact on operational greenhouse gases.

Hazards and Hazardous Materials

Under the Smaller-scale Project Alternative, the land area and to be developed would be reduced by approximately 33 percent and the potential for exposure to hazardous materials, or a release of hazardous materials would be reduced proportionately. Ongoing pesticide use would occur within the area to remain in agriculture, and this would have the potential to generate negative health effects on new residents in the development. Similar to the project, new development would introduce new sensitive receptors into an area that contains land that has historically utilized chemicals for agricultural production. Any negative health effects associated with the residuals of these chemicals would be alleviated through compliance with state and federal regulations that require remediation when contaminants above certain thresholds are found. There would be a long-term potential for hazards associated with use and generation of household and commercial hazardous wastes, although compliance with state and federal regulations would be required. While the project is not anticipated to result in significant impacts associated with hazards and hazardous materials, the Smaller-scale Project Alternative would result in slightly less potential for impacts.

Hydrology and Water Quality

Under the Smaller-scale Project Alternative, potential water quality impacts from construction and operation would be reduced. Under this alternative, the overall level of development (including the size of the site and the overall development area per use) would be reduced by approximately 33 percent. An area of approximately 253 acres that would be developed as part of the project would not be developed as part of this alternative. The areas that would not be developed would remain under agricultural production, and while they would have better recharge in those areas, they would continue to require intensive groundwater pumping for the agricultural production. The higher amount of groundwater pumping under this alternative would result in a greater impact on the Salinas Valley Ground Water basin, when compared to that of the project. There would still be some benefit on the Salinas Valley Ground Water basin under this alternative because 66 percent of the land area would be converted into a use that would not require intensive groundwater pumping.

There are some instances where the 253 acres of Plan Area that remain undeveloped would have greater discharges of certain pollutants (such as erosion, sedimentation, pesticides release, etc.) when compared to those of the project. Additionally, overall, while the potential to result in the violation of water quality standards would be reduced under this alternative when compared with that of the project, overdraft conditions would worsen in the Salinas Valley Ground Water basin under this alternative when compared to the project. As such, potential impacts related to hydrology and water quality would be increased under the Smaller-scale Project Alternative when compared to the project.

Noise

Under the Smaller-scale Project Alternative, the overall level of development would be reduced by 33 percent as compared with the project. As a result of less development, noise levels associated with traffic, stationary sources, and construction would be expected to be reduced under this alternative. Despite this reduction in the size of intensity of development under this alternative, it is expected that some noise levels associated with traffic, stationary sources, and construction would still generate a significant and unavoidable impact. As such, this alternative would have less impact relative to the project.

Population and Housing

Under the Smaller-scale Project Alternative, the overall level of development would be reduced by 33 percent as compared with the project. Development of housing would still occur under this alternative, but fewer units would be built. Growth would still be anticipated to occur within the region, but it would not be fully accommodated in the FGA, which has undergone extensive planning efforts by the City and community for over a decade. This would not be consistent with the FGA and General Plan. The City would need to look to other undeveloped areas of the region to develop for new housing, which would be expected to have environmental impacts that have not yet been assessed but could well be worse than those of the project, particularly with respect

to prime agricultural land, which is abundant in the region. Overall, this alternative would have a greater impact when compared to the project.

Public Services

Under the Smaller-scale Project Alternative, the overall level of development and the number of residential/non-residential uses would be reduced by 33 percent; therefore, the demand for police, fire and other public services would be reduced. This alternative would still result in development of public facilities (i.e., schools and parks) and would be required to pay the appropriate public safety impact fees. Overall, this alternative would have a reduced impact to public services when compared to the project.

Transportation and Circulation

Under the Smaller-scale Project Alternative, the overall level of development and the number of residential/non-residential uses would be reduced by 33 percent; therefore, traffic generated in the Plan Area would be reduced. This alternative would still result in new traffic improvements on the City's roadway system to accommodate the new traffic generated. It would also still result in payments of traffic impact fees into the City's CIP program that would be used for the roadway system. Existing deficiencies in the traffic system would receive some benefit of improvements to improve existing deficiencies; however, there would still be significant and unavoidable cumulative impacts (though traffic level of service is no longer an issue under CEQA [see DEIR, pp. 3.10-7 – 3.10-9]). Overall, this alternative would have less of an overall traffic impact than the project.

Utilities

Under the Smaller-scale Project 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. For the purposes of discussion, this alternative assumes that approximately 253 acres of land along the entire eastern boundary of the Plan Area would be removed and remain as undeveloped agricultural land. The resultant Plan Area under this alternative would be approximately 508 acres in size, and include up to 2,655 residential units. Additionally, the land area for commercial, public facility, and open space land uses would also be reduced by approximately 33% compared with the project, and include the resizing and relocation of land uses, as needed. The residential densities under this alternative would be similar to the project.

The total quantity of infrastructure installed would be reduced, and the demand for wastewater, stormwater, and solid waste services would be less than would be required for the project. For example, is expected that this alternative would generate approximately 0.79 MGD of wastewater (an approximately 33% reduction in wastewater compared with the 1.18 MGD for the project), and approximately 29,447 lbs/day of solid waste (an approximately 33% reduction in wastewater compared with the 1.18 MGD for the project), less than what would be generated by the project, since this alternative would generate fewer residents when compared to the project.

Separately, the total storm drainage runoff under this alternative would be reduced by approximately 33% when compared to the project, due to the project footprint being reduced by 33% when compared to the project.

However, this alternative would not save as much groundwater when compared to the project. The project would replace agricultural water uses with urban water uses. An estimated 80% of the land in the Specific Plan Area or 608 acres is presently used to grow irrigated crops – lettuce and various vegetables (strawberries, broccoli, cauliflower, and alfalfa). Estimated groundwater pumping for existing irrigated agricultural use in the Specific Plan Area is 3,648 AFY. Therefore, conversion of the Plan Area from agricultural to urban land use could result in an estimated reduction of consumptive groundwater use (or increase in groundwater storage) of 1,464 AFY. After taking into account the groundwater recharge of existing agricultural uses, of approximately 1,094 AFY, there is still a net reduction of 370 AFY (2,554 – 2,184 AFY), due to development of the project. This is a significant contribution in reducing overdraft in the Salinas Valley Ground Water basin. This beneficial impact would be lessened under the Smaller-Scale Project Alternative. This would increase risks to the groundwater basin associated with seawater intrusion, when compared to the project. However, in general, the demand for utilities would be reduced under this alternative when compared to that of the project.

2. Feasibility of Smaller-scale Project Alternative

The Smaller-scale Project Alternative would reduce impacts to air quality, biological resources, cultural resources, GHG and climate change, hazards, hydrology, noise, public services, transportation, and utilities compared to the project. However, this alternative would potentially worsen impacts related to conflicts with applicable air quality plans, groundwater supplies and recharge (cumulative and project-level), and population and housing. Further, this alternative does not meet the following project objectives:

- Creating a plan that is consistent with and substantially advances these and other goals, policies and implementation measures of the General Plan;

The Smaller-scale Project Alternative does not fully meet this project objective because, similar to the other alternatives, this alternative would not be consistent with development as outlined in the General Plan.

Furthermore, the reduction in housing units under the Smaller Scale Alternative from 3,911 units to 2,655 would be less consistent than the project in meeting statewide legislative goals of building housing units in order to address the statewide housing crisis. Given the enormous unmet demand for housing in California, the City believes that it has an obligation to facilitate the construction of more, rather than fewer, housing units when opportunities for residential development arise. The Smaller Scale Alternative, then, represents a policy outcome that the City Council considers undesirable.

Ultimately, the significant and unavoidable environmental effects anticipated with the project would still occur under this Smaller-scale Project Alternative due to the location, size and scope of the alternative. The significant and unavoidable impacts may occur to a lesser extent under this alternative than under the project, but the impacts would still be significant and unavoidable.

For example, a significant and unavoidable impact related to violation of an air quality standard would occur under both the project and the Smaller-scale Project Alternative. As shown in Table 5.0-6 of Chapter 5.0 of the Draft EIR, the Smaller-scale Project Alternative would exceed the threshold of significance for NOx, and PM_{10} at buildout. Although the emissions would be less than the project, this alternative would also cause a violation of an air quality standard. This is considered a significant and unavoidable impact.

The City Council finds the Smaller- scale Project Alternative to be infeasible for the above stated reasons, and rejects it as a feasible and viable alternative to the project.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City of Salinas's approval of the Central Area Specific Plan will result in a significant adverse environmental effect that cannot be avoided even with the adoption of all feasible mitigation measures; and there are no feasible project alternatives that would mitigate or substantially lessen all of these impacts. Despite the occurrence of these effects, however, the City Council, in accordance with CEQA Guidelines section 15093, chooses to approve the project because, in the Council's view, the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

A. Significant and Unavoidable Impacts

The project will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation measures:

- **Air Quality Operation.** The Specific Plan would exceed the Monterey Bay Air Resources District (MBARD) thresholds of significance for operations for ROG, NO_x, and PM_{10}, even after mitigation. (DEIR, pp. 3.1-28 through 3.1-32)
- **Cumulative Air Quality.** As is currently proposed, the Specific Plan is expected to be built out under a staged approach, and all mitigation would be applicable to each stage. However, even with the application of mitigation measures, operational emissions levels would remain above the defined thresholds of significance. Exceedance of the threshold within an area designated as nonattainment would be a cumulatively considerable impact. (DEIR, pp. 3.1-44 through 3.1-46)
- **Reptiles and Amphibians.** Development of the project would impact habitat for California Tiger Salamander (CTS). The project will also indirectly affect this species through habitat modifications or reductions, which will eliminate a breeding site which may reduce the number of, or restrict the range this special status species. Regardless of the avoidance, minimization, and mitigation provided in the following mitigation measures, this impact will remain significant and unavoidable. (DEIR, pp. 3.2-37 through 3.2-46)
- **Wildlife Movement and Corridors.** Development of the project would eliminate any movement habitat through the Specific Plan Area, along with any upland habitat adjacent to the movement corridors. There are no mitigation measures that can fully mitigate this impact and, given the fact that once the land is converted, it will no longer be a viable migration corridor for any species. (DEIR, pp. 3.2-57 through 3.2-59)

- **Cumulative Biological Resources.** Development of the project would eliminate any movement habitat through the Specific Plan Area, along with any upland habitat adjacent to the movement corridors. Given the rareness of CTS and CRLF in the Bioregion, the incremental loss of movement habitat from the project, when considered alongside all past, present, and probable future projects (inclusive of all communities within the Bioregion), is a significant and unavoidable cumulative impact, and the Specific Plan's incremental contribution to this impact is itself cumulatively considerable. (DEIR, pp. 3.2-65 through 3.2-68)
- **Greenhouse Gas Emissions.** The project would generate GHG emissions, directly and indirectly, that may have a significant impact on the environment. While mitigation measures would result in reduced GHGs, it is possible that individual projects within the Specific Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant. (DEIR, pp. 3.4-34 through 3.4-41)
- **Cumulative Greenhouse Gas Emissions.** Implementation of the project will still generate GHG emissions that would not otherwise exist without the project. Given the length of construction activities for a project of this size, the construction emissions would be a maximum annual release of approximately 12,148.7 MT CO2e. The operational emissions would be a long-term release totaling approximately 45,347.1 MT CO2e without any mitigation incorporated and 40,134.3 MT CO2e with mitigation incorporated into the project (as provided by CalEEMod). Because it is possible that individual projects within the Specific Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant, implementation of the Specific Plan would have a cumulatively considerable contribution and significant and unavoidable impact to GHGs. (DEIR, pp. 3.4-51 through 3.4-52)
- **Traffic Noise at Existing Receptors.** The project would cause increased noise levels exceeding the City of Salinas 60 dB L_{dn} exterior noise level standard at existing residential receptors. Additionally, traffic noise level increases would exceed the FICON CEQA substantial increase criteria of 1.5 to 5 dB. (DEIR, pp. 3.7-13 through 3.7-22)
- **Cumulative Noise.** The project would cause increased noise levels exceeding the City of Salinas 60 dB L_{dn} exterior noise level standard at existing residential receptors. Therefore, there would be a cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development. (DEIR, pp. 3.7-33 through 3.7-34)
- **Fire Facilities.** The project would require the construction of fire department facilities, which may cause substantial adverse physical environmental impacts. (DEIR, pp. 3.9-20 through 3.9-22)
- **School Facilities.** Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts. Development of a school within the Specific Plan Area would contribute to significant and unavoidable impacts related to air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). (DEIR, pp. 3.9-23 through 3.9-31)
- **Park Facilities.** Project implementation may result in effects on parks, or require the construction of park facilities which may cause substantial adverse physical environmental impact. Development of park land within the Specific Plan Area would contribute to significant and unavoidable impacts related to air quality (Impacts 3.1-2,

and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). (DEIR, pp. 3.9-31 through 3.9-32)

- **Other Public Facilitates.** Project implementation may result in effects on other public facilities. The Central Area Specific Plan would result in new demand for public facilities, including library facilities and recreational facilities. The Specific Plan does propose a library and potentially would include other public facilities such as a community building within the Specific Plan Area; therefore, development of these facilities would have a direct physical impact on the environment. Development of public facilities within the Specific Plan Area would contribute to significant and unavoidable cumulative impacts that have been identified within this EIR related to air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4) through the development of currently undeveloped sites. (DEIR, pp. 3.9-32 through 3.9-33)
- **Cumulative Public Facilitates.** The construction and operation of future public facilities required to serve cumulative development (including the Central Area Specific Plan Area) could potentially cause significant impacts. Cumulative development, including additional parks, schools, library, and other public facilities within the city and service area, would contribute to significant and unavoidable cumulative impacts that have been identified within this EIR related to air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). (DEIR, pp. 3.9-33 through 3.9-35)

B. Overriding Considerations

In the City Council's judgment, the project and its benefits outweigh its unavoidable significant effects. The following statement identifies the specific reasons why, in the City Council's judgment, the benefits of the project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section (XI), and in the documents found in the Record of Proceedings, as defined in section V.

1. The project will substantially expand employment opportunities for local residents.

It is anticipated that local employment would be increased to provide administrative, management, and retail services. The project is expected to require both full-time and part-time employees. It is anticipated that the employment growth would be met both by existing residents and through the attraction of new residents. Data from U.S. Bureau of Labor Statistics (2018) indicates that the City has an unemployment rate of approximately 4.9%, as of November 2018, which is higher than the State and national averages at 4.2% and 3.7%, respectively (U.S. Bureau of Labor Statistics, 2018). Many of the newly created jobs are expected to be in the

retail/commercial sector and would be opportunities well-suited for second wage earners in households, the younger workforce, and others, which generally depend on the local workforce. Due to the fact there is currently a surplus of unemployed workforce within the City, it is likely that current residents would fill the majority of new positions. Additional population growth induced by the creation of new businesses could be supported by the available housing within Salinas as well as new housing planned as part of the Central Area Specific Plan.

The construction of new developments within the Specific Plan Area would increase temporary construction jobs in the area. New employment opportunities are critical to the residents of the City as a basis to reduce the City's higher than average unemployment rate and to improve the balance between jobs and housing.

The creation of new jobs has a variety of other co-benefits that lead to improved quality of life. These benefits include enhancing overall economic activity in the City, which leads to increased revenue to fund and maintain city services and facilities such as public safety, parks, recreation centers and libraries and related programs that support a high quality of life. Benefits also include improving community health through crime reduction, improving economic productivity, decreasing traffic congestion and greenhouse gas emissions by reducing the number of residents that must travel out of the city to find employment.

1. The project will provide much-needed housing.

One of the core goals of the Specific Plan is to provide a variety of low-density, medium-density, and high-density housing and a variety of housing options for residents at various life stages. As emphasized earlier, the State Legislature has declared that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Government Code section 65589.5.) The Legislature notes that "California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing." The Legislature further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." The legislative intent expressed in Government Code section 65589.5 is to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled." The State Legislature established its policy direction in the statute as follows: "It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing."

The City of Salinas has recognized the need for additional housing supply for its citizens for many decades. The project will provide much-needed housing in an area of the City that has been recognized and planned for future growth.

2. The project will help attract economic investment.

Currently, Salinas lags behind the region in private economic investment. This lack of investment can be quantified in terms of the number of building permits pulled and the associated building valuation. For example, from June 1, 2018 to June 21, 2019, 1,765 permits with a building valuation of approximately $5,116,481.85 were pulled in Salinas.[1] This is a fraction, 10.0 percent, of the private investment in the City of Monterey totaling a valuation of $51,289,904 (422 permits).[2] This is especially significant considering Salinas (162,797) has more than five times the population of the City of Monterey (28,448).

The project streamlines opportunities for economic investment in the City by positioning the Specific Plan Area for development. The project creates the land use and zoning entitlements and provides specific guidance about how development is to proceed needed to catalyze economic development in the form of individual development projects.

3. The project will generate sales and property taxes for the City.

According to the Fiscal Impact Analysis prepared for the project (Economic & Planning Systems, Inc. 2018), the project will generate substantial sales tax revenue from the planned commercial and retail uses and property tax revenue from the planned residential uses. The City can use this revenue to fund City programs that benefit the City's residents. The project has been designated with land uses that are intended to generate jobs and tax revenue for the City, while providing recreational facilities, retail opportunities, and housing opportunities.

4. The project will help improve the quality of life for City residents.

The City is experiencing significant retail leakage to surrounding communities and the region resulting in the loss of sales tax revenue. The 2008 Buxton Retail Leakage and Surplus Analysis, estimated that as much as $250 million in annual retail sales could be recaptured by the City through targeted retail development which offers goods and services now sought from businesses located outside the City. The City's total revenue per capita figures demonstrate the impacts of this leakage. In 2016, Salinas' total revenue per capita was $752 dollars compared to Monterey at $2,224 dollars per capita. (California Controller, 2016)

The project would include a central core area with retail and professional services. The retail and professional service uses would help increase annual retail sales and reduce retail leakage. Residents of the Specific Plan Area and the surrounding City and unincorporated areas could shop at the planned core area retail and professional service facilities located within the central core area.

[1] CRW Systems. City of Salinas Permits Issued for the Period 6/1/2018 thru 6/1/2019. Provided by Kristy Parker, City of Salinas Permit Center Coordinator, on June 24, 2019.
[2] City of Monterey Permits Issued for the Period 6/1/2018 thru 6/1/2019. Provided by Lisa Feliciano, City of Monterey Permit Inspection Services Division, on June 14, 2018.

The Specific Plan focuses on individual neighborhoods, parks, schools, and other civic gathering spaces; the tree-lined streets with pedestrian amenities; a Main Street and Town Square surrounded by shops and restaurants; and mixing of land uses that encourages residents to frequently walk and bicycle in their community. The Specific Plan also contains goals and policies which require and/or encourage the necessary services to enhance residents' quality of life. The Specific Plan includes design and management strategies that aim to specifically increase the quality of life for the future residents and employees of the Specific Plan Area. For example, the Specific Plan includes sections regarding traffic calming and landscaping in order to create safe and attractive streets, parks, and landscaped areas.

Quality of life is also an important factor in the ability of the City to attract and retain businesses. The Specific Plan addresses improving safety, improving access to open space and recreational opportunities, and the adequate provision of public services. If currently unemployed residents become employed and increase their earnings through new businesses resulting from development of the Specific Plan, it is expected that their income level and standard of living will improve.

5. The project will revitalize the local infrastructure.

The proposed Specific Plan circulation and infrastructure policies promote investment in infrastructure systems including water supply, wastewater and storm drainage conveyance and disposal facilities that are critical to support the proposed uses. Section 8.5 of the Specific Plan outlines the Public Facilities Impact Fee program. Section 8.6 of the Specific Plan includes funding policies that will govern the funding of infrastructure and public facilities for the Specific Plan Area.

6. The project will implement the Salinas General Plan.

The Specific Plan will serve as a bridge between the Salinas General Plan and individual development applications in the Specific Plan Area, applying—and adding greater specificity to—the goals, policies and concepts of the General Plan for that area. The Specific Plan provides a complete blueprint for development of the Specific Plan Area, including:

- A description of proposed land uses,
- Policies, regulations and standards to support the Specific Plan,
- Infrastructure needed to support the Specific Plan, and
- Implementation and administrative processes needed for plan development.

The Specific Plan has been crafted to be consistent with overall community goals as expressed in the General Plan, as well as more specific policies and implementation measures contained in other documents.

The 2002 General Plan identifies areas for growth within the FGAs (which includes the Specific Plan Area). The Salinas General Plan Land Use Table LU-3 identifies the development capacity of the FGAs. This includes 15,873 residential units, resulting in an additional population of 58,253 within the City's FGAs. The proposed Central Area Specific Plan development proposes

up to 3,911 units with the potential to increase the population of the city by an estimated 14,353 persons, which is within the projections identified in the Salinas General Plan.

Additionally, the General Plan identified FGAs as areas of the City where future urban development will be directed. FGAs are established as a part of the General Plan maps, and include the Specific Plan Area, as well as other nearby areas. The General Plan provides development guidance within the FGAs so that they are developed as urban neighborhoods using the principles of New Urbanism. The principles of new urbanist design are further detailed in Chapter 37 (Zoning) of the City's Municipal Code. The Specific Plan Area is currently designated New Urbanism Interim (NI) by the City's zoning map**.** The purpose of the NI zoning district is to provide a transitional zone for the FGAs of the City located north of East Boronda Road (including the Specific Plan Area) that are within the City limits and are subject to the preparation of specific plans and subsequent subdivision maps.

The New Urbanism Districts promote the principles of New Urbanism and the creation of distinct identifiable neighborhoods that have Traditional Neighborhood Development (TND) characteristics as expressed in the Salinas General Plan and that are intended to guide the development of the North of Boronda FGA. The FGA is also subject to a Specific Plan Overlay. The Overlay requires that a Specific Plan be approved by the City prior to the development of any land located in the FGA. As such, an approved Specific Plan will ultimately regulate the development in the FGA. The New Urbanism districts identified in the City's zoning code and the Central Area Specific Plan are as follows: Neighborhood Edge (NE) A/Residential Low Density, Neighborhood Edge (NE) B/ Residential Low Density, Neighborhood General (NG) A/Residential Medium Density, Neighborhood General (NG) B/Residential Medium Density, Neighborhood General (NG) C/Residential Medium Density and/or Residential High Density, Village Center (VC) A and B, Public/Semipublic (PS), Parks (P) and Open Space (OS).

The development allowed by the project will be consistent with the development types and intensities identified in the General Plan and its associated Final Program EIR. The project does not change limits, amount, type, or intensity of development allowed in the Plan Area beyond what was analyzed in the certified Final Program EIR for the General Plan and Supplemental EIR for the Salinas General Plan Final Program EIR (SCH#2007031055).

C. Conclusion

As explained above, the City Council has balanced these benefits and considerations against the significant unavoidable environmental effects of the project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental costs against project benefits, the City Council has concluded that the benefits the City of Salinas community and economy will derive from the project outweigh the risks. The City Council believes the project benefits outlined above override the significant and unavoidable environmental costs associated with the project.

Attachment

Impacts, Mitigation Measures and CEQA Findings Summary Table

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ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AIR QUALITY			
Impact 3.1-1: The project has the potential to conflict with or obstruct implementation of the applicable air quality plan (Less than Significant) AMBAG, in consultation with the City of Salinas, included the North of Boronda Future Growth Area (inclusive of the Central Area Specific Plan within the AMBAG 2018 Regional Growth Forecast. The 2018 Regional Growth Forecast provides the region's population, housing, and employment forecasts for inclusion for AMBAG's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as well as for the future version of the AQMP. The City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The population estimates for the Central Area Specific Plan are included in these growth forecasts. Additionally, as the project has been planned for over twenty years, the project has been incorporated into earlier versions of the Regional Growth Forecast, including AMBAG's 2014 Regional Growth Forecast, which feeds into the current AQMP (i.e. MBARD's 2012 – 2015 AQMP). As such, the City has met the action recommended by MBARD in the *CEQA Air Quality Guidelines* (MBARD, 2008a) to ensure consistency with the applicable air quality plan (i.e. "*Ensure that the jurisdiction's population forecasts are updated in the next AQMP by working with AMBAG or the appropriate local agency.*"). The project would not conflict with or obstruct the latest air quality plan. (DEIR, pp. 3.1-26 through 3.1-32)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air	**Mitigation Measure 3.1-1:** Prior to approval of tentative maps, conditional use permits or site plan review, the project applicant(s) shall incorporate the following features into project plans and specifications, as directed by the City of Salinas: • Provide traffic calming measures (such as speed bumps, traffic circles, and/or	SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment.

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
quality violation (Potentially Significant) Buildout of the Plan Area is expected to exceed some of the MBARD operational criteria pollutant emissions thresholds, as modelled. Mitigation measures are provided below to reduce emissions to the maximum extent feasible. Upon full buildout, the Specific Plan would exceed the MBARD thresholds of significance for operations for ROG, NO_x, and PM_{10}, even after mitigation. (DEIR, pp. 3.1-28 through 3.1-32)	other standard measures) on at least 50% of streets and intersections within the Plan Area; • Require the parking lots or parking structures for new commercial, office, retail, and multifamily development to provide enough parking spaces for carpools and vanpools to accommodate reasonably foreseeable consumer demand at the time of the approval of such development, consistent with State of California laws and policies intended to encourage the use of carpools and vanpools; • Require the use of low-VOC paint for all new building architectural coatings within the Plan Area, consistent with or better than, what is required by the City's Municipal Code. **Mitigation Measure 3.1-2:** Prior to approval of development review permit(s), the project applicant(s) shall incorporate effective methods to facilitate the use of cleaner alternative fuel (e.g., electric vehicles, carpooling, etc.) within the Plan Area. Effective methods may include the installation of alternative fuel (e.g. electric) charging stations at locations spaced throughout the Plan Area including but not limited to those specified in this Draft EIR, as applicable, consistent with or better than what is required by the City's Municipal Code and Specific Plan. Additionally, this can be achieved by providing preferential parking for alternatively-powered vehicles, including electric cars, and/or by providing carpool/vanpool parking spaces. **Mitigation Measure 3.1-3:** Prior to approval of development review permit(s), the project applicant(s) shall incorporate the use of alternative energy for the residential and mixed use/commercial developments, including by implementing alternative energy (e.g. PV solar) building requirements, consistent with or better than, what is required by the City's Municipal Code and State requirements (e.g. the 2019 California Solar Mandate). Project applicant(s) shall also ensure that pre-installed electrical hookups and/or charging stations, as applicable, are incorporated into all project plans and specifications. **Mitigation Measure 3.1-4:** Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that low-flow (high-efficiency) indoor water fixtures will be installed throughout the Plan Area, including for bathroom and kitchen faucets, toilet fixtures, and showers, in both residential and non-residential buildings, in compliance with or better than the standards required within the most recent version of the California Green Building Standards Code. **Mitigation Measure 3.1-5:** Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that water-efficient irrigation systems will be installed throughout the Plan Area, consistent with or better than the requirements contained within the State's Model Water Efficient Landscape Ordinance, the City's Water Conservation Ordinance and the Salinas Zoning Code Landscaping and Irrigation requirements. **Mitigation Measure 3.1-6:** Prior to approval of improvement plans or development review permits, as applicable, the project applicant(s) shall ensure that pedestrian/bicycle facilities (e.g. pedestrian paths, outdoor bike racks, etc.) are provided within the Specific		Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects. Even with implementation of Mitigation Measures 3.1-1 through 3.1-8, the Specific Plan would exceed the MBARD thresholds of significance for operations for ROG, NO_x, and PM_{10}. Therefore, the impact is significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Plan Area, in coordination with and subject to approval by the City of Salinas. The project proponent shall also provide bicycling parking near the entrance to commercial establishments within the Specific Plan Area, consistent with or better than the requirements contained within the City's Municipal Code. **Mitigation Measure 3.1-7:** Prior to the issuance of development review permit(s), the project applicant(s) shall incorporate the following additional Plan Area requirements, as applicable: • Install secured bicycle storage facilities (bike lockers, cages, interior space, or similar as approved by the City Engineer) at all commercial and public facilities with 50 employees or more; • Incorporate park-and-ride lots. • Install Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development); and • Install publicly-available dual post Level 2 charge stations within the VC or NG zones, and/or other zones as deemed acceptable by the City of Salinas. (Note: The 'level' of the charging station refers to the voltage that the electric vehicle charger uses. Level 1 charging is your typical traditional home outlet, while level 2 is a 240 Volt Portable Cordset or Wall-mounted Charging Station (2-10 hours charging). **Mitigation Measure 3.1-8**: Prior to the approval of individual phases (i.e. tentative maps, site plan review, etc.), the project applicant(s) shall develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of the Air District and the City of Salinas on a project-by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Example projects that could be included in the offsite mitigation program may include, but are not limited to, the following: • Replace existing agricultural combustion-based generators/pumps with electric agricultural water pumps (in place of generators/pumps; • Replace combustion school buses with electric school buses within the local community; • Install adaptive traffic control systems; • Install solar photovoltaic (PV) systems		
Impact 3.1-3: Project construction has the potential to expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an	**Mitigation Measure 3.1-9**: Prior to the issuance of grading permits, the project applicant shall prepare a grading plan subject to review and approval by the City. In the event that ground-disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (e.g., grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth-moving (e.g., finish grading), the	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment.

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
applicable federal or state ambient air quality standard (Potentially Significant) The Specific Plan maximum daily unmitigated emissions during construction of the Plan Area buildout in a single year is not expected to exceed the MBARD threshold of significance (82 pounds per day) for construction-generated PM_{10}. Nevertheless, since it is possible that future development proposed within the Plan Area could involve grading that exceeds 2.2 acres per day, MBARD recommends the implementation Mitigation Measure 3.1-9. (DEIR, pp. 3.1-32 through 3.1-35)	required grading plans shall include the following measures to be implemented as needed to prevent visible dust emissions: • Water all active construction sites to prevent visible dust emissions. Frequency should be based on the type of operation, soil, and wind exposure; • Prohibit grading and earthmoving activities, and cover stock piles, during periods of high wind (over 15 mph); • Limit vehicle speed on construction sites to 15 mph. • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days); • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area; • Maintain at least 1-foot of freeboard in each haul truck; • Provide windbreaks on the windward perimeter of construction projects where adjacent to open land; • Cover inactive storage piles; • Sweep streets if visible soil material is carried out from the construction site; and/or • Post a publicly visible sign written in English and Spanish which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District (MBARD) shall be visible to ensure compliance with Rule 402 (Nuisance). The sign shall be in accordance with MBARD and/or City requirements, as applicable • Use cleaner construction equipment that conforms to EPA's second or first-most stringent Tier emission standards (e.g. Tier 3 or Tier 4 emission standards in 2019), or better; and/or • Further, where reasonably feasible, construction equipment should include the use of alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.		The City Council hereby directs that Mitigation Measure 3.1-9 be adopted. Mitigation Measure 3.1-9 requires preparation of a grading plan with measures to prevent visible dust emissions. Implementation of Mitigation Measure 3.1-9 would reduce this impact to a less-than-significant level.
Impact 3.1-4: The project has the potential to result in other emissions (such as those leading to odors) affecting a substantial number of people (Potentially Significant) The Specific Plan does not propose sensitive receptors that could be exposed to odors in the vicinity; nor does it propose uses that would create odors that could expose receptors in the area. Therefore, operation of the project would not result in significant objectionable odors. This project is located in an area that is designated attainment-unclassified for carbon monoxide. Therefore, no project-level conformity analysis is necessary for CO. Substantial concentrations of	**Mitigation Measure 3.1-10**: Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations), the project applicant shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in accordance with the California Air Pollution Control Officers Association Air Toxic "Hot Spots" Program guidance. The prioritization screening shall also be conducted consistent with the guidance provided by the Monterey Bay Air Resources District, which will be responsible for determining which facilities, based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the Monterey Bay Air Resources District considers the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.1-10 be adopted. Mitigation Measure 3.1-10 requires performance of a prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. Implementation of Mitigation

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
carbon monoxide are not expected at or along any streets or intersections affected by the development of the Plan Area. Implementation of Mitigation Measure 3.1-10 would ensure that each future business is assessed for TACs in accordance with the requirements of the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990). (DEIR, pp. 3.1-35 and 3.1-40)	If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the applicable thresholds (utilizing an air dispersion modelling program such as AERMOD). As of the time of this writing, the commonly accepted threshold for cancer risk is 10 in a million for carcinogens, and the reference exposure level for non-carcinogens (HI = 1). Facilities that exceed the applicable threshold(s) have the potential to expose the public to toxic air contaminants levels that would be considered significant. Facilities that exceed the applicable threshold(s) must incorporate mitigation to reduce the risks from emission of toxic air contaminants to an acceptable level (i.e., to a level that does not exceed the applicable threshold[s]). Potential mitigation includes: reducing the size of the facility area; rearranging the site to reduce the potential for impacts on the nearest sensitive receptors; and utilizing products that reduce the level of toxic air contaminants, or removal of such products from the operational phase of the project.		Measure 3.1-10 would reduce this impact to a less-than-significant level.
Impact 3.1-5: The project has the potential cause substantial adverse effects on human beings, either directly or indirectly (Potentially Significant) The increases in criteria pollutants generated by the project when combined with the existing criteria pollutants emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Specific Plan Area. Construction emissions would be temporary in nature, while the operational activities of a project would be most likely to cause substantial adverse effects on human beings, since ongoing, chronic, and lifetime exposure to criteria pollutants are key in the level of health impact. However, the increases of these pollutants generated by the project are not on their own likely to generate an increase in the number of days exceeding the health-based NAAQS or CAAQS standards, based on the size of the project in comparison the Monterey County as a whole. (DEIR, pp. 3.1-40 and 3.1-44)	Implement Mitigation Measure 3.1-10.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.1-10 be adopted. Mitigation Measure 3.1-10 requires performance of a prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. Implementation of Mitigation Measure 3.1-10 would reduce this impact to a less-than-significant level.
Impact 3.1-6: Cumulative impact on the region's air quality (Potentially Significant) As discussed under Impact 3.1-2, implementation of the Specific Plan would result in increased emissions primarily from vehicle miles travelled associated with project implementation and area sources. The MBARD has established operations-related emissions thresholds of significance and it was determined that the Specific Plan annual emissions of ROG, NOx, and PM_{10} at full buildout would exceed the MBARD's thresholds of significance for these pollutants, even with mitigation.	Implement Mitigation Measures 3.1-1 through 3.1-10.	CS and SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects. The City Council has directed that Mitigation Measures 3.1-1 through 3.1-10 be adopted. Implementation of Mitigation Measures 3.1-1 through 3.1-10, which have been required or

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
As is currently proposed, the Specific Plan is expected to be built out under a staged approach, and all mitigation would be applicable to each stage. However, even with the application of mitigation measures, operational emissions levels would remain above the defined thresholds of significance. Exceedance of the threshold within an area designated as nonattainment would be a cumulatively considerable impact. (DEIR, pp. 3.1-44 and 3.1-46)			incorporated into the Project, will substantially lessen the severity of the significant effect, but will not reduce this impact to a less-than-significant level. No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
BIOLOGICAL RESOURCES			
Impact 3.2-1: The project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) - Invertebrates (Less Than Significant) There are numerous special-status invertebrates that are documented within region. None are documented within the Specific Plan Area or vicinity. Based on field surveys, habitat conditions, and records searches, there are no special status invertebrate species that have the potential to be present within the Specific Plan Area. The project would not, directly or indirectly, have a substantial adverse effect on invertebrate species through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS. (DEIR, pp. 3.2-37)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.2-2: The project has the potential to, directly or indirectly, have a substantial adverse effect	**Mitigation Measure 3.2-1**: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and	CS and SU	Changes or alterations have been required in, or incorporated into the

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian (Potentially Significant) The entire Specific Plan Area is within the 1.3 miles migration distance for California tiger salamander (CTS). There are also small microhabitats within the Specific Plan Area, some of which can provide habitat for CTS. The microhabitats include: farmland fringe (or edge), irrigation ditches, creek corridors, and areas farmland residence/structures. Higher quality upland habitat is found to the northeast and east in the foothill areas; however, the Specific Plan Area cannot be completely discounted as having potential refuge sites especially considering that there is a breeding site present. The paved roads, dirt roads, and tilled farmland provide limited habitat because of the frequency of disturbance in these areas. The paved roads, dirt roads, tilled farmland, farmland fringe, and farmland residences provide very limited to no habitat. As previously noted, there are numerous documented occurrences of California red-legged frog (CRLF) within the Natividad Creek corridor, which is within the Specific Plan Area. Gabilan Creek corridor provides habitat for CRLF, although none have been observed in this area. The project includes a restoration and habitat creation effort that would result in a riparian corridor along both Natividad and Gabilan Creeks. Approximately 74 acres of riparian habitat would be created along Natividad Creek and 30 acres along Gabilan Creek. It is anticipated that the restoration and alteration of these creek corridors will require regulatory approval, which would involve the temporary impact to the creeks during the restoration and habitat creation process. The temporary impact to the creek corridors would have the potential to impact CRLF if present during the construction period. Additionally, CRLF could be impacted during the construction of the crossings/bridges over the creek corridor. Restoration and alteration	CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. The regulatory approvals are anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CTS habitat. It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding). CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW. **Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting		project, which will substantially lessen the severity of the significant effects on the environment, but will not reduce this impact to a less-than-significant level. No additional feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations. The City Council hereby directs that Mitigation Measures 3.2-1 through 3.2-5 be adopted. Mitigation Measure 3.2-1 would ensure a final concurrence is obtained from the regulatory agencies to ensure that there is no illegal take for CTS even though they are well documented as a hybrid population. Mitigation Measure 3.2-2 would require activities to avoid and minimize impacts to CTS to the extent feasible. Mitigation Measure 3.2-3 would ensure a final concurrence is obtained from the regulatory agencies to ensure that there is no illegal take for CRLF. Mitigation Measure 3.2-4 would require activities to avoid and minimize impacts to CRLF to the extent feasible. Mitigation Measure 3.2-5 would require minimization and avoidance measures for the WPT, as applicable.

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of these creek corridors will ultimately result in improved habitat quality of these creek corridors, which would be a benefit to the CRLF population in the region. The foothill yellow-legged frog (FYLF) is known to occur in aquatic habitats, such as creeks or rivers in woodland, forest, mixed chaparral, and wet meadow habitats with rock and gravel substrate and low overhanging vegetation along the edge. They are usually found near riffles with rocks and sunny banks nearby. The FYLF is not documented in the immediate vicinity of the Specific Plan Area. The creek corridors within the Specific Plan Area provide some limited habitat for FYLF; however, there are no documented occurrences and the existing conditions of the creek corridors is not ideal for this species. The balance of the Specific Plan Area has limited habitat qualities for western pond turtle (WPT) given that there is regular disturbance from agricultural activities. The irrigation ditches along the margins of fields provide some limited habitat value; however, vegetation removal activities, such as burning, mowing, and herbicide spraying, makes it very unlikely that pond turtles would occupy these areas. (DEIR, pp. 3.2-37 through 3.2-46; Final EIR [FEIR], pp. 2.0-73 – 2.0-74; 3.0-6 – 3.0-7)	drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season. In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW. **Mitigation Measure 3.2-3**: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CRLF. This is anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CRLF habitat. The Gabilan and Natividad Creek are CRLF habitat and both are anticipated to be expanded through habitat creation/restoration. The restoration and habitat creation include up to 30 acres along Gabilan Creek and 74 acres (net of any recreational amenities and public facilities required to facilitate the project) along Natividad Creek. Given that the creation/restoration is an expansion of habitat beyond what exists presently, it is anticipated that there would be a net increase in CRLF habitat. There is, however, the potential for temporary impacts to CRLF during the creation/restoration effort. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW. **Mitigation Measure 3.2-4**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to CRLF to the extent feasible, the project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with a scientific collecting permit for CRLF to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with a scientific collecting permit every 72 hours during the migration/breeding		

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	season 5) installation of pit traps to capture CRLF migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CRLF found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. **Mitigation Measure 3.2-5**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to WPT to the extent feasible, the project activities shall be compliant with the following Avoidance and Minimization Measures: 1) conduct environmental education training for all construction personnel, 2) conduct western pond turtle surveys within creek corridors, ponded/basin areas, and irrigation ditches by a qualified biologist, 3) survey upland areas within 0.5 miles of the aquatic features for evidence of nests as well as individual turtles, 4) make a reasonable effort to capture and relocate as many western pond turtles as possible to minimize take, 5) if a nest is observed, move eggs to a suitable location or facility for incubation, and release hatchlings into the creek corridor the following autumn, 6) design habitat elements within the creek corridor to benefit western pond turtle (i.e. include logs or rafts for emergent basking sites, and upland areas adjacent to ponds in a relatively open condition), and 7) post construction report. All survey and/or handling of WPT shall be performed by a qualified biologist in consultation with the CDFW.		
Impact 3.2-3: The project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Birds (Potentially Significant) There are numerous special-status birds that are documented within the region. The Specific Plan Area was assessed for habitat to support special-status birds. Field surveys revealed the presence of two special-status birds: yellow warbler (*Setophaga petechial*), and California horned lark (*Eremophila alpestris actia*). While other special-status birds were not observed on-site during field surveys, it is highly likely that they could regularly use or pass through the Specific Plan Area given their high mobility. (DEIR, pp. 3.2-46 through 3.2-48)	**Mitigation Measure 3.2-6:** Building and grading permits and plans issued for development in the project area shall note the following: If construction activities occur during the avian breeding season (February 1 – September 15) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Specific Plan Area, and shall be submitted to the City. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The biologist will conduct a survey in the Specific Plan Area for all special-status birds protected by the federal and state ESA, MBTA and CFGC. The biologist shall map all nests that are within, and visible from, the Specific Plan Area. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Nests shall be monitored at least twice per week during the nesting season and a report submitted to the City and CDFW monthly.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.2-6. Mitigation Measure 3.2-6 requires a survey in the Specific Plan Area, as applicable, for all special-status birds protected by the federal and state Endangered Species Acts, the Migratory Bird Treaty Act, and the California Fish and Game Code. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Nests shall be monitored at least twice per week during the nesting season and a report submitted to the City and CDFW monthly.
Impact 3.2-4: The project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Fish (Less Than Significant) Based on field surveys, habitat conditions, and records searches, there are no special status fish species that have the potential to be present within the Specific Plan Area. The project would not, directly or indirectly, have a substantial adverse effect on fish species through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS. (DEIR, pp. 3.2-40 and 3.2-50)			
Impact 3.2-5: The project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Mammals (Potentially Significant) The Specific Plan Area provides potential habitat for several special-status bats, including: Mexican free-tailed bat (*Tadarida brasiliensis),* California mastiff bat (*Eumops perotis californicus*), big brown bat (*Eptesicus fuscus),* Hoary bat (*Lasiurus cinereus),* spotted bat (*Euderma maculatum),* Townsend's big-eared bat (*Corynorhinus townsendii),* pallid bat (*Antrozous pallidus*), western pipistrelle (*Pipistrellus Hesperus),* small-footed myotis/bat (*Myotis ciliolabrum*), long-eared myotis/bat (*Myotis evotis*), California myotis (*Myotis californicus),* long-legged myotis/bat (*Myotis volans*), Yuma myotis/bat (*Myotis yumanensis*), and little brown bat *(Myotis lucifugus).* These species are not federal or State listed; however, most of them are considered California Species of Special Concern and/or are tracked by the CNDDB. Bats are found in a variety of habitats in the region, including	**Mitigation Measure 3.2-7:** Grading and/or building permits and plans issued for development in the project area shall note the following: • <u>Monterey Dusky-Footed Woodrat</u>**:** Any vegetation/ground disturbance to the Gabilan Creek associated with the crossings or restoration should be conducted when woodrats are least likely to breed in October through November. No more than 30 days prior to construction located within 50-feet of Gabilan Creek, a qualified biologist shall conduct a preconstruction survey for Monterey dusky-footed woodrat middens. At the discretion of a qualified biologist, an exclusion buffer shall be established around any woodrat middens that can be avoided, and these exclusion zones shall be fenced as Environmentally Sensitive Areas to protect the nest. If a woodrat midden cannot be avoided, potential dismantling and relocation strategies shall be developed and presented to the City of Salinas Community Development Department by a qualified biologist for review and/or approval. Potential dismantling and relocation strategies may include hiring a qualified biologist to dismantle the middens by hand for relocation within the restored/created habitat along Gabilan and Natividad Creeks, or outside of the project site as appropriate. If approved by the City, a qualified wildlife biologist may dismantle only middens within the project site that would be disturbed by construction activities. If young are encountered during dismantling of the midden, any removed material may be replaced and a 50-foot no-disturbance buffer would be established around the active midden. The buffer would remain until young are weaned and are able to disperse on their own accord (typically for a period of 14 days). All removed midden substrate would be collected and relocated to suitable woodland habitat outside of the project footprint. Appropriate personal protective equipment (e.g., respirator, gloves,	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.2-7 be adopted. Mitigation Measure 3.2-7 requires avoidance and minimization measures to avoid impacts to bat species. Therefore, this impact is less than significant with mitigation incorporated.

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buildings, bridges, mines, caves, tree cavities, under bark or rocks, etc. There is the potential for bats to roost in the three farm residences complexes located between Natividad Road and Gabilan Creek, as well as among the numerous outbuildings scattered throughout the Specific Plan Area. In addition, the Gabilan Creek provides habitat for a variety of bat species for both roosting and foraging. There is no evidence that there are bat roosts present in these locations at this time; however, they can become occupied at some future date. (DEIR, pp. 3.2-50 through 3.2-53)	and Tyvek suit) shall be used while dismantling and relocating woodrat nest material to protect against disease carried by rodents (e.g. hantavirus). • Bats: Fifteen days prior to construction activities within 200 feet of potential bat roosting habitat, the project applicant shall retain a qualified biologist familiar with bat biology to perform a preconstruction survey for roosting special-status bats, which shall be submitted to the City. The areas with potential bat roosting habitat include: 1) the three residential complexes located between Natividad Road and Gabilan Creek, 2) the outbuildings/structures located throughout the Specific Plan Area, and 3) Gabilan Creek. The survey shall include a minimum of one daytime and one evening survey. The survey shall cover the trees, structures, and debris located within these complexes. If active roosting is observed, removal of the tree or building shall be avoided until the bats can be excluded. All active non-maternity roosting sites shall be fitted with passive exclusion devices, such as one-way flaps or doors, and all bats shall be allowed to leave voluntarily. Once it is confirmed that all bats have left the roost (minimum of five days), crews shall be allowed to continue work in the area. If a maternity roosting site is discovered, a minimum 50-foot buffer shall be established around the roost. The project applicant shall consult with the qualified biologist in order to determine if a greater buffer is warranted based on the bat species, roost location, and specific construction activities to be performed in the vicinity. The buffer shall stay in effect until all young are determined to be volant (i.e., able to fly and feed independently) by a qualified biologist. Once it is determined that all young are volant (generally by August 1st), passive exclusion devices shall be installed and all bats shall be allowed to leave voluntarily. Once it is determined by the qualified biologist that all bats have left the roost (minimum of five days), crews shall be allowed to work within the buffer zone. Project Improvement Plans will include this measure as a note in the plans.		
Impact 3.2-6: The project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS – Plants (Less Than Significant) The records search identified numerous special-status plants located within the region. Field surveys and habitat evaluations were performed in 2004 by Biotic Resources Group: March (26th and 31st), April (14th and 30th), May (17th), June (17th), July (26th). Additional field surveys were performed by De Novo Planning Group in 2015 September (11th) and in 2016 (April 18th). The collection of field surveys included surveys that	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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coincided with the blooming period for special many status plants known to occur within the region. The conditions of the Specific Plan Area are highly disturbed due to the active agricultural operations. No special-status plants were observed within the Specific Plan Area during field surveys. The project would not, directly or indirectly, have a substantial adverse effect on plant species through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS.. (DEIR, pp. 3.2-53)			
Impact 3.2-7: The project has the potential to have substantial adverse effect on federally - or state-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Potentially Significant) The Specific Plan Area contains an internal network of agricultural ditches along the margins of the farm fields. These areas were mostly void of vegetation during the field surveys of September 2015 and April 2016. Farmworkers indicated that the ditches are regularly maintained to control/collect irrigation runoff from the fields. These features are manmade and are fed only by local irrigation water during the irrigation season or rainfall during the winter/spring season. The United States Army Corps of Engineers (USACE) has regulatory responsibility for navigable waters as well as "all other waters such as...streams ...wetlands...and natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce" (33 CFR 323.2) under Section 404 of the CWA. A formal jurisdictional determination must be made by the USACE relative to the protected wetlands and jurisdictional waters within the Specific Plan Area. The agricultural irrigation ditches are manmade and believed to solely function to drain upland agricultural runoff. As such, they are expected to be exempted from the USACE jurisdiction under the Irrigation Ditch Exemption	**Mitigation Measure 3.2-8**: Prior to grading/building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek (and its tributaries), the project applicant shall obtain jurisdictional determinations from the USACE, the Regional Water Quality Control Board (RWQCB), and CDFW for the creeks and ditches that are proposed to be disturbed. The creeks are confirmed jurisdictional and authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, CDFW-1600 Streambed Alteration Agreement) will be necessary. The irrigation ditches are anticipated to be exempt. If these regulatory agencies concur that these irrigation ditches are exempt, then no further mitigation is necessary for the irrigation ditches. If it is determined that these ditches are not exempt, authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, 1600 Streambed Alteration Agreement) will be necessary. At a minimum, the project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations, although a higher mitigation measure may be required by the USACE, RWQCB, and CDFW through their permitting processes. It is anticipated that the restoration of Gabilan and Natividad Creeks will result in up to 104 acres of wetland and riparian habitat creation (net of any recreational amenities and public facilities required to facilitate the project), which will serve as onsite mitigation; however, a mitigation plan must be submitted and approved by the USACE, RWQCB, and CDFW through the permitting processes conducted pursuant to Clean Water Act Sections 401 and 404, Fish and Game Code Section 1600, and State Water Board Procedures for the Discharge of Dredged or Fill Material to Waters of the State.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.2-78 be adopted. Mitigation Measure 3.2-7 requires a 1:1 replacement of acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations. Therefore, this impact is less than significant with mitigation incorporated.

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pursuant to Federal Regulations (33 CFR 323.4(a)(3)). However, a final determination must be made by the USACE prior to any filling of these ditches for urban use. The agricultural irrigation ditches would not be subject to state jurisdiction either under the Procedures for the Discharge of Dredged or Fill Material to Waters of the State. (DEIR, pp. 3.2-54 through 3.2-56)			
Impact 3.2-8: The project has the potential to have substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less Than Significant) The records search and field surveys did not reveal the presence of any riparian habitat or sensitive natural communities within the Specific Plan Area. The conditions of the Specific Plan Area are highly disturbed due to the active agricultural operations. The project would not result in a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or UFWSF. (DEIR, pp. 3.2-45 and 3.2-46)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.2-9: The project has the potential to interfere substantially with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites (Potentially Significant) The project has the potential to interfere substantially with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites. Development of the project would eliminate any movement habitat through the Specific Plan Area that is currently used for farmland, along with any upland habitat adjacent to the movement corridors. (DEIR, pp. 3.2-58 through 3.2-59)	No mitigation measures are feasible.	CS and SU	The EIR identified no mitigation measures to address this particular significant effect on the environment. Thus, the effect remains significant and unavoidable, and no mitigation is available to substantially lessen or avoid the effect. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
Impact 3.2-10: The project has the potential to conflict with an adopted Habitat Conservation Plan or Natural Community Conservation Plan (Less Than Significant) The project is not subject to a Habitat Conservation Plan or Natural Community	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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Conservation Plan. (DEIR, pp. 3.2-59)			
Impact 3.2-11: The project has the potential to conflict with local policies or ordinances protecting biological resources (Less Than Significant) The project would not conflict with local policies or ordinances protecting biological resources. The project proponent is required to comply with the provisions of the City's General Plan and Municipal Code. As demonstrated above, the project is generally consistent with the above relevant open space and conservation policies of the General Plan, as well as the City's Municipal Code. (DEIR, pp. 3.2-59 through 3.2-65)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.2-12: Cumulative loss of biological resources including habitats and special status species (Potentially Significant) The project would result in impacts to biological resources including habitats and special status species. Development of the project would eliminate any movement habitat through the Specific Plan Area, along with any upland habitat adjacent to the movement corridors. This permanent loss of movement habitat was determined to be a significant and unavoidable impact. While the City has evaluated urban development in the Specific Plan Area extensively through the General Plan and North of Boronda FGA process, and subsequently determined that urban development in this location is appropriate, the physical change is not reversible and there are no mitigation measures that can fully mitigate this loss of movement/migration habitat. Given the presence of CTS and CRLF in the Specific Plan Area, the cumulative loss of movement habitat from the project, when considered alongside all past, present, and probable future projects (inclusive of all communities within the Bioregion), is a significant and unavoidable cumulative impact, and the Specific Plan's incremental contribution to this cumulative impact is itself cumulatively considerable. (DEIR, pp. 3.2-65 and 3.2-68)	No additional mitigation measures beyond those identified above are feasible.	CS and SU	The EIR identified no mitigation measures other than those required by the above-referenced project-specific biological resource impacts (i.e., Mitigation Measures 3.2-1 through 3.2-8) to address the project's cumulatively considerable effects on biological resources. Thus, the effect remains significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
CULTURAL AND TRIBAL RESOURCES			
Impact 3.3-1: Project implementation may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines	**Mitigation Measure 3.3-1**: Grading and/or building permits and plans for development in the project area shall note the following: In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant

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§15064.5 (Potentially Significant) No historical resources were found during field surveys for the project. Additionally, there are no historical resources that have been identified in the Specific Plan Area on maps and files maintained by the Northwest Information Center (NWIC). There have been three previous cultural resource studies that examined approximately three-quarters of the Specific Plan Area and no historical resources were documented. The Monterey County Historic Property Data File Directory and National Register of Historic Resources do not list any historical resources in the Specific Plan Area. It is not anticipated that ground disturbing activities would result in impacts to historical resources given that none are believed to be present. However, as with most projects in California that involve ground disturbing activities, there is the potential for discovery of a previously unknown historical resource. Project implementation may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. (DEIR, pp. 3.3-12 and 3.3-13)	uncovered (discovered) during excavation and/or grading, all work shall stop in the area of the find until an appropriate avoidance or data recovery program can be developed and implemented by a qualified archaeologist. This archaeologist shall determine whether the uncovered deposits or features qualify as either "historical resources" within the meaning of CEQA Guidelines section 15064.5, subdivision (a), "unique archaeological resources" as defined in Public Resources Code section 21083.2, subdivision (g), or "tribal cultural resources," as defined in Public Resources Code section 21074. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approved and imposed by the City. In assessing whether avoidance is feasible, the City Planner shall consider project design, logistics, and cost considerations. All costs associated with the City's Planner's determination of project design, logistics and cost considerations shall be borne by the developer/applicant. Avoidance is infeasible where it would preclude the construction of important structures or infrastructure or require exorbitant expenditures. Recommended mitigation measures shall be reviewed by the City Planner and shall be approved if feasible in light of project design, logistics, and cost considerations and, if approved, shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City Planner. Data recovery, including photo documentation, excavation and recovery, laboratory analysis, etc., shall be an option if preservation in place is infeasible. Where resources have been determined to be "unique archaeological resources" but not "historical resources" or "tribal cultural resources," the project proponent's obligations shall be limited as set forth in Public Resources Code section 21083.2, subdivisions (d), (e), and (f). Grading/building permits and plans shall note this measure.		effects on the environment. The City Council hereby directs that Mitigation Measure 3.3-1 be adopted. Implementation of Mitigation Measure 3.3-1 requires work to stop if an archaeological or historical feature or deposit is found during construction, as well as steps to follow once construction has stopped. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approved and imposed by the City. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.3-2: Project implementation may cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5 (Potentially Significant) No archaeological resources were found during field surveys for the project. Additionally, no archaeological resources have been identified in the Plan Area on maps and files maintained by the Northwest Information Center (NWIC). There have been four previous cultural resource studies that examined approximately three-quarters of the Specific Plan Area and no archaeological resources were documented. The Monterey County Historic Property Data File Directory and National Register of Historic Resources do not list any archaeological resources in the Specific Plan Area. It is not anticipated that ground disturbing activities would result in impacts to archaeological resources given that none are believed to be present. However, as with most projects in California that involve ground	Implement Mitigation Measure 3.3-1	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.3-1 be adopted. Implementation of Mitigation Measure 3.3-1 requires work to stop if an archaeological or historical feature or deposit is found during construction, as well as steps to follow once construction has stopped. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approved and imposed by the City. Therefore, this impact is less than significant with

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disturbing activities, there is the potential for discovery of a previously unknown archaeological resource. Project implementation may cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5. (DEIR, pp. 3.3-13 and 3.3-14)			mitigation incorporated.
Impact 3.3-3: Project implementation may directly or indirectly destroy a unique paleontological resource (Potentially Significant) A search of the University of California Museum of Paleontology (UCMP) collections database identified many previously recorded paleontological resources in Monterey County. These resources primarily consist of microfossils and invertebrates, but also include a small number of vertebrates and plants. The Monterey County General Plan Draft EIR (2007) included a review of known fossil localities conducted by paleontologists in 2001. Twelve fossil sites were identified as having outstanding scientific value. For the most part, the fossils at these 12 sites reflect the type of assemblages found throughout the county (microorganisms or invertebrates); however, each has special characteristics that make it unique or rare, or in some way provide important stratigraphic or historic information. None of the 12 identified high value sites are located on or near the Specific Plan Area. Additionally, the Salinas General Plan Final EIR (2002) does not identify any high value sites in the Specific Plan Area or in the City as a whole. However, unknown important paleontological resources have the potential to occur within the planning area including the undeveloped future growth areas, which include the Specific Plan Area. The construction of new development would involve grading and other earthwork that can disturb important fossils. Therefore, project implementation may directly or indirectly destroy a unique paleontological resource. (DEIR, pp. 3.3-14)	**Mitigation Measure 3.3-2**: Grading and/or building permits and plans for development in the project area shall note the following: If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Salinas shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where the resource could be curated and displayed for public education purposes.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.3-2 be adopted. Implementation of Mitigation Measure 3.3-2 requires work to stop if a paleontological resource is found during construction, as well as steps to follow once construction has stopped. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.3-4: Project implementation may disturb human remains, including those interred outside of formal cemeteries (Potentially Significant)	**Mitigation Measure 3.3-3:** Grading and/or building permits and plans for development in the project area shall note the following: If human remains are found during construction within the Specific Plan Area, or at off-site infrastructure improvement locations, there shall be no further excavation or disturbance of the area of the find or any	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment.

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No human remains or known burial sites were found during field surveys for the project. Additionally, there are no human remains or known burial sites that have been identified in the Specific Plan Area on maps and files maintained by the Northwest Information Center (NWIC). There have been four previous cultural resource studies that examined approximately three-quarters of the Specific Plan Area and no human remains or known burial sites were documented. The Monterey County Historic Property Data File Directory and National Register of Historic Resources do not list any human remains or known burial sites in the Specific Plan Area. It is not anticipated that ground disturbing activities would result in impacts to human remains or known burial sites given that none are believed to be present. However, as with most projects in California that involve ground disturbing activities, there is the potential for discovery of previously unknown human remains or known burial sites. Project implementation may disturb human remains, including those interred outside of formal cemeteries (DEIR, pp. 3.3-15)	nearby area reasonably suspected to overlie adjacent human remains until a qualified archeological monitor and the coroner of Monterey County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.		The City Council hereby directs that Mitigation Measure 3.3-3 be adopted. Implementation of Mitigation Measure 3.3-3 requires work to stop if human remains are found during construction, as well as steps to follow once construction has stopped. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.3-5: The project may contribute to cumulative impacts on known and undiscovered cultural resources (Potentially Significant) Early consultation with the culturally and traditionally affiliated Native American Tribes was initiated in early 2017. The Ohlone/Coastanoan-Esselen Nation (a historically documented previously recognized tribe in the Plan Area) provided a comment letter on April 22, 2017, objecting to any disturbance of human remains and/or cultural items that may be discovered during the development of the Plan Area. No tribal cultural resources have been identified within or adjacent to the Specific Plan Area. Additionally, as described under Impacts 3.3-1 through 3.3-3 (above), with incorporation of Mitigation Measures 3.3-1 through 3.3-3, the project would not generate a significant adverse impact to historical, archaeological, or paleontological resources, or cause a significant disturbance to any human remains. (DEIR, pp. 3.3-16)	Implement Mitigation Measures 3.3-1 through 3.3-3.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.3-1 through 3.3-3 to be adopted (see above for further detail).

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GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY			
Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Potentially Significant) Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the Specific Plan. Even after incorporation of the mitigation measures provided in Section 3.1: Air Quality, overall GHGs generated by the project are expected to be greater than the applicable thresholds of 1,150 MT of CO_2e per year for construction emissions, 1.94 MT CO_2e/service population/year for operational emissions during Year 2035, and 0.80 MT CO_2e/service population/year for operational emissions during Year 2050. The project would generate GHG emissions, directly and indirectly, that may have a significant impact on the environment. (DEIR, pp. 3.4-34 through 3.4-41; FEIR, pp. 2.0-34 – 2.0-40; 3.0-7 – 3.0-9)	**Mitigation Measure 3.4-1**: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5, Plans for the Reduction of Greenhouse Gas Emissions, and shall include the following: 1) The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO_2e/service population/year by year 2040, and 0.80 MT CO_2e/service population/year by year 2050. 2) Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod. GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to: • Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time. • Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City. If the project applicant concludes that sufficient feasible GHG reduction measures are	SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional mitigation is available to fully avoid the effects. Even with implementation of Mitigation Measure 3.4-1, 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. Therefore, the impact is significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.

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	unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.		
Impact 3.4-2: Potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Potentially Significant) The Specific Plan would generate GHG emissions that could conflict with the State's long-term GHG Reduction targets, even with implementation of Mitigation Measures 3.1-1 through 3.1-9 contained within Section 3.1: Air	Implement Mitigation Measure 3.4-1.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.4-1 be adopted. Implementation of Mitigation Measure 3.4-1 would ensure that GHG reduction measures required

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Quality. The Specific Plan would not interfere with the *2008 Monterey Bay Regional Energy Plan* objectives. (DEIR, pp. 3.4-41 through 3.4-46)			pursuant to it are consistent with the intent of current and future statewide GHG reduction legislation and regulations, and with current and future expectations of local, regional, and State stakeholders regarding the City's effort to reduce GHG emissions from new development, including Executive Order B-30-15 and S-03-05. Therefore, with implementation of Mitigation Measure 3.4-1, new development of the Plan Area would consistent with Executive Orders B-30-15 (and SB 32) and S-03-05. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.4-3: Project implementation may result in the inefficient, wasteful, or unnecessary use of energy resources (Less Than Significant) The project would use energy resources for the operation of project buildings (electricity and natural gas), for on-road vehicle trips (e.g. gasoline and diesel fuel) generated by the project, and from off-road construction activities associated with the project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The project would be in compliance with all applicable federal, State, and local regulations regulating energy usage. Overall, the incorporation of mitigation measures would ensure that the project would avoid and reduce inefficient, wasteful, and unnecessary consumption of energy. The project would comply with all existing energy standards, including those established by the City of Salinas, the local air district (MBARD), and the State of California, and would not be expected to result in significant adverse impacts on energy resources. (DEIR, pp. 3.4-46 through 3.4-51)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.4-4: Cumulative impact on climate change from increased project-related greenhouse gas emission (Potentially Significant) Implementation of the project will generate GHG emissions that would not otherwise exist without the project. Given the length of construction activities for a project of this size, the construction emissions would be a maximum annual release of	Implement Mitigation Measure 3.4-1.	CS and SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects.

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approximately 12,148.7 MT CO2e. The operational emissions would be a long-term release totaling approximately 45,347.1 MT CO2e per year without mitigation, and 40,134.3 MT CO2e per year with mitigation. The City of Salinas's planning efforts included targeted growth that accommodates the economic and social needs of the community, while recognizing and seeking to mitigate environmental impacts when growth occurs. The State of California continues to implement measures that are intended to reduce emissions on a State-wide scale (i.e. vehicle fuel efficiency standards in fleets, low carbon fuels, etc.) that are consistent with AB 32 and SB 32. These types of statewide measures will benefit the project (and city as a whole) in the long-term as they come into effect; however, the City does not have the jurisdiction to create far-reaching (i.e. statewide) measures to reduce GHG emissions. (DEIR, pp. 3.4-51 through 3.4-52)			The City Council hereby directs that Mitigation Measure 3.4-1 be adopted. Implementation of Mitigation Measure 3.4-1 would ensure that GHG reduction measures required pursuant to it are consistent with the intent of current and future statewide GHG reduction legislation and regulations, and with current and future expectations of local, regional, and State stakeholders regarding the City's effort to reduce GHG emissions from new development, including Executive Order B-30-15 and S-03-05. Therefore, with implementation of Mitigation Measure 3.4-1, new development of the Plan Area would consistent with Executive Orders B-30-15 (and SB 32) and S-03-05. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
HAZARDS AND HAZARDOUS MATERIALS			
Impact 3.5-1: Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (Potentially Significant) The hazards assessments included site reconnaissance, interviews, historical land use research, database research, and soils testing. The project has the potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. The following mitigation measures will reduce the potential risk of hazards as identified in the hazard's assessment. (DEIR, pp. 3.5-18 through 3.5-21; FEIR, pp. 2.0-185 – 2.0-187; 3.0-9 – 3.0-10)	**Mitigation Measure 3.5-1:** Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to: 1) Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies. 2) Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measures 3.5-1 through 3.5-3 be adopted. Implementation of the Mitigation Measures 3.5-1 requires a final evaluation of the soils around the agricultural operations support buildings and investigation of structures for asbestos-containing materials and lead. Implementation of the Mitigation Measures 3.5-2 requires destruction of existing water wells. Implementation of the Mitigation Measures 3.5-2 requires that water wells serving the proposed building be constructed and tested for water quality under permit from the Monterey County Health Department Therefore, this impact is less than

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	(Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility. Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work. Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work. 3) The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies. 4) Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies. 5) Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010, and -011 prior to		significant with mitigation incorporated.

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	any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies. **Mitigation Measure 3.5-2:** Prior to the issuance of grading permits, existing water wells within the grading area shall be destroyed under permit from the City of Salinas and/or the Monterey County Health Department, as applicable. Any destruction of these facilities shall be in accordance with the Monterey County Well Standards for Abandonment/Destruction. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate destruction of these facilities. **Mitigation Measure 3.5-3**: Prior to the issuance of building permits, the water well or wells that will be providing water for the applicable portion of the Specific Plan Area, shall be constructed and tested for water quality under permit from the Monterey County Health Department. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate construction and operation of these facilities.		
Impact 3.5-2: Create a significant hazard to school sites due to siting or the placement of infrastructure (Potentially Significant) The project does not pose significant hazards from existing natural gas transmission piping, and mitigation measures identified under Impact 3.5-1 would ensure water well construction and abandonment impacts would be less than significant. However, implementation of the project may create a significant hazard to school sites due to siting or the placement of infrastructure (i.e., the due to the citing of school sites near power lines). (DEIR, pp. 3.5-21 through 3.5-24)	**Mitigation Measure 3.5-4:** The property line of all school sites (even if it is a joint use agreement as described in subsection (o) of § 14010) shall be at least the following distance from the edge of respective power line easements as identified in the California Code of Regulations Title 5, Article 2. School Sites § 14010, Standards for School Site Selection (c): • 100 feet for power lines that are between 50 and 133 kV.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.5-4 be adopted. Implementation of Mitigation Measure 3.5-4 ensures all future electrical transmission alignments are required to comply with California Code of Regulations Title 5, Article 2 (School Sites) § 14010 (Standards for School Site Selection) setback requirements. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.5-3: Cumulative impact related to hazards and hazardous materials (Less Than Significant) The project includes the approval and subsequent implementation of an approximately 760-acre Specific Plan area that includes residential, mixed use commercial, neighborhood parks, small parks, schools, public/semipublic uses such as religious assembly and open space (with supplemental storm water detention/retention basins). These	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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uses are not expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Additionally, these uses are not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The proposed Specific Plan land uses are not expected to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Mitigation measures have been included to minimize the risk of on-site hazards. (DEIR, pp. 3.5-24 through 3.5-25)			
HYDROLOGY AND WATER QUALITY			
Impact 3.6-1: The project has the potential to violate water quality standards or waste discharge requirements during construction (Potentially Significant) Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities also could result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas. (DEIR, pp. 3.6-27 through 3.5-30)	**Mitigation Measure 3.6-1:** Prior to issuance of grading permits, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the City of Salinas prior to submitting to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed to be effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and shall not preclude the use of equally or more effective new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Salinas. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB or the City of Salinas. **Mitigation Measure 3.6-2:** Prior to issuance of grading permits, the project proponent shall submit to the Salinas Public Works Department the project Improvement Plans. The Improvement Plans shall be consistent with the City's Development Standards, Standard Plans, and current NPDES permit requirements at the time of permitting. The NPDES permit granted to the City of Salinas by the Central Coast RWQCB (RWQCB – Central Coast Region, 2019) requires the following: I. Erosion and Sediment Control BMPs – Erosion control and sediment control BMPs shall be designed, installed, and maintained to reduce the discharge of pollutants from construction sites to the maximum extent practical (MEP) and protect water quality; II. Erosion and sediment from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other sediment control BMPs; and III. Soil Stabilization – Stabilization of disturbed areas shall, at a minimum, be	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.6-1 and Mitigation Measure 3.6-2 be adopted. Mitigation Measure 3.6-1 requires the use of BMPs during construction activities in order to reduce erosion, control sediment, and manage runoff from the Plan Area. Mitigation 3.6-2 requires the project proponent to ensure project Improvement Plans are consistent with the applicable City's Development Standards, Standard Plans, and current NPDES permit requirements at the time of permitting, as well as the City's Stormwater Development Standards for New and Redevelopment Projects. Therefore, this impact is less than significant with mitigation incorporated.

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	initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased. Additionally, the Improvement Plans shall be consistent with the requirements of the City's most current Stormwater Development Standards for New and Redevelopment Projects. The City of Salinas Stormwater Standards for New and Redevelopment Projects (City of Salinas, 2013) require the following practices: I. Limit disturbance of creeks and natural drainage features and provide setbacks according to the City's latest NPDES permit; II. Minimize compaction of highly permeable soils; and III. Limit clearing and grading of native vegetation to the minimum needed to build the project and provide fire protection.		
Impact 3.6-2: The project has the potential to violate water quality standards or waste discharge requirements during operation (Potentially Significant) The long-term operations of the project (all phases) could result in long-term impacts to surface water quality from urban stormwater runoff. The project would result in new impervious areas associated with roadways, driveways, parking lots, buildings, and landscape areas. The project has the potential to violate water quality standards or waste discharge requirements during operation. (DEIR, pp. 3.6-30 through 3.6-33)	**Mitigation Measure 3.6-3**: Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for water quality best management practices (BMPs) and water quality detention/retention basins designed to meet the applicable regulatory requirements and to reduce contaminant loadings to receiving waters to the maximum extent practicable. The approved Stormwater Control Plans shall be submitted to Central Coast RWQCB through SMARTS as part of the project's SWPPP permit documents. **Mitigation Measure 3.6-4**: Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for operational water quality best management practices (BMPs) and water quality detention basins designed to prevent to the maximum extent practicable the creation of new sources of polluted runoff. Operational water quality BMPs may include extended detention basins, wet ponds/detention basins, porous pavement, inlet filters, vegetative BMPs, underground infiltration systems, vegetative swales, or storm drain stenciling and posting of signage. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department. **Mitigation Measure 3.6-5**: Prior to the approval of site improvement plans, the project applicant shall submit a Hydrologic study as part of the Stormwater Control Plan to the Salinas Public Works Department with detailed plans and calculations for supplemental retention and peak flow control. BMPs will be designed to meet regulatory requirements and to reduce peak flows during storm events below peak flows under pre-project conditions. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measures 3.6-3 through 3.6-5 be adopted. Mitigation Measure 3.6-3 requires submittal of a Stormwater Control Plan that includes calculations, BMPs and plan of sufficient detail to confirm that contaminant loadings to receiving waters will be reduced to the maximum extent practicable. Mitigation Measures 3.6-4 and 3.6-5 require submittal of detailed plans and calculations for the water quality BMPs, water quality detention basins, and supplemental retention and peak flow control. The BMPs will be designed to meet regulatory requirements and to reduce peak flows during storm events below peak flows under pre-project conditions. The various RWQCBs have evaluated the effectiveness of the types of BMPs required by Mitigation Measures 3.6-3 through 3.6-5 and have determined that BMPs are known to be effective in protecting receiving waters. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.6-3: The project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge	**Mitigation Measure 3.6-6:** Prior to the approval of site improvement plans, the project applicant shall site, and design and include an Operation and Maintenance Plan for, stormwater retention/infiltration basins and infiltration promoting BMPs sufficient to	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant

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such that the project may impede sustainable groundwater management of the basin (Potentially Significant) The project, without mitigating features, would reduce infiltration of rainwater and runoff into the local groundwater system due to the increase in impermeable area. This may deplete groundwater supplies or interfere substantially with groundwater recharge. The total annual rainfall depth in an average year is approximately 16 inches and the project surface area is approximately 760 acres, producing an annual rainfall volume of approximately 1,013 AF. Nearly all of this area is currently in agriculture, while the project could convert as much as 60 percent of the area to impervious surfaces, resulting in a reduction in groundwater recharge in the range of 400 to 600 AF. (DEIR, pp. 3.6-33 through 3.6-38)	assure that there is no reduction in groundwater recharge. In order to assure there is no reduction in recharge, the plan shall result in circumstances which maintain infiltration to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater. The site, design, and installation shall be consistent with the requirements of the City's Stormwater Development Standards for New and Redevelopment Projects. The contents of the site, landscaping (ground cover, bushes and trees, etc.) and irrigation (as applicable), design, and installation shall be included in a Stormwater Control Plan. The Stormwater Control Plan shall be reflected on the Improvement Plans and subject to review and approval by the Salinas Public Works Department and the City Planner. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for the review and approval of the Public Works Department and the City Planner. **Mitigation Measure 3.6-7:** Prior to the approval of site improvement plans, the project applicant shall site, design, and include an Operation and Maintenance Plan for, post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Maintenance procedures (including frequency of procedure, cleaning schedules, applicant responsibility for each procedure, performance standards, or other means) and funding mechanisms shall be established for those facilities to assure adequate long-term performance and success in treating the water and controlling infiltration into the groundwater. The Improvement Plans and Operation and Maintenance Plan shall be subject to review and approval by the Salinas Public Works Department.		effects on the environment. The City Council hereby directs that Mitigation Measures 3.6-6 and 3.6-7 be adopted. Implementation of Mitigation Measure 3.6-6 requires an Operation and Maintenance Plan for stormwater retention/infiltration basins and infiltration promoting BMPs sufficient to assure that there is no reduction in groundwater recharge. Implementation of Mitigation Measure 3.6-7 requires an Operation and Maintenance Plan for post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.6-4: The project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site (Less than Significant) The proposed development, including water quality BMPs, detention basins, and retention basins, is designed to minimize or eliminate increases in runoff entering existing surface water courses and storm drains. The calculations completed as part of the Hydrology and Water Quality Technical Study indicate that peak runoff and total volume of runoff will be minimized by the proposed development storm drainage design which retains water to the maximum extent possible. (DEIR, pp. 3.6-38 through 3.6-39)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.6-5: The project has the potential to otherwise substantially degrade surface or ground	Implement **Mitigation Measure 3.6-1**.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant

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water quality (Potentially Significant) The project would not otherwise substantially degrade water quality. The use of BMPs are intended to treat runoff close to the source during the construction and long term operational phase of the project to reduce stormwater quality impacts. (DEIR, pp. 3.6-39 through 3.6-40)			effects on the environment. The City Council hereby directs that Mitigation Measure 3.6-1 be adopted. Mitigation Measure 3.6-1 requires the use of BMPs during construction activities in order to reduce erosion, control sediment, and manage runoff from the Plan Area. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.6-6: The project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or impede or redirect flood flows (Potentially Significant) The proposed development, including water quality BMPs, detention basins, and retention basins, is designed to minimize or eliminate increases in runoff entering existing surface water courses and storm drains. The calculations completed as part of the Hydrology and Water Quality Technical Study indicate that peak runoff and total volume of runoff will be minimized by the proposed development storm drainage design, which retains water to the maximum extent possible. The project will not alter drainage patterns in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or impede or redirect flood flows. (DEIR, pp. 3.6-40 and 3.6-44)	**Mitigation Measure 3.6-8**: Prior to the approval of site improvement plans, the project applicant shall submit an application for a letter of map revision based on fill (LOMR-F) to the City of Salinas floodplain administrator and the Federal Emergency Management Agency (FEMA) with pertinent information and studies for approval that indicates no building construction would take place within remapped FEMA flood zones AE and A and that no changes to the regulated floodway will result in an increase in the base flood elevation or impact to the downstream waterways. **Mitigation Measure 3.6-9**: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department detailed grading plans and calculations designed to place enough fill onto the shaded Zone X area as to raise the land surface elevation above the base flood elevation so that flooding hazards are minimized to a FEMA flood standard. The project applicant shall submit an application for a LOMR-F to the City of Salinas floodplain administrator and FEMA with pertinent information for approval. **Mitigation Measure 3.6-10**: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department and the City Planner, detailed plans, calculations, landscaping (and irrigation as applicable) plans, and design basis reports for creek corridor restoration, including detention/retention/water quality basins, within the flood hazard extents identified as Zones A and AE that provide assurances that during large storm events, creek flows and sediment transport from upstream sources are not impeded at the same time as when the adjacent basins are at or near capacity. The design basis reports for creek corridor restoration shall also be submitted to the USACE, USFWS, and RWQCB and any required permitting processed prior to City approval. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner. **Mitigation Measure 3.6-11**: Prior to the approval of site improvement plans, the project applicant shall submit a Stormwater Control Plan that provides sufficient supporting documentation and calculations to the Salinas Public Works Department to address sediment transport issues of fine-grained materials from upstream and local sources that could clog infiltration capacities and could fill required storage space within the stormwater basins at the downstream boundaries of the project area to the extent practicable.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measures 3.6-8 through 3.6-15 be adopted. These mitigation measures implement measures to result the potential for flooding on- or offsite, or to redirect flood flows. Therefore, this impact is less than significant with mitigation incorporated.

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	The calculations to address these sediment transport issues may include: • A streamflow and sediment transport (bedload and suspended sediment) data collection monitoring program that begins one- to two-years pre-construction and continues through a mandated post-project timeframe and would provide volumetric information for calculations related to the potential for sediment deposition. • Pre-project measurements could be used to estimate sediment loading, which could inform the design of mitigation measures and enable estimates of maintenance frequencies needed ensure ongoing efficacy of the measures. During project execution and after project completion, measurements of bedload and suspended sediment in the channel at the downstream boundary of the project could be used to verify performance of sediment management measures and avoidance of associated sediment transport impacts. • The United States Geological Survey gage record on Gabilan Creek (#11152600) contains limited suspended sediment data that was collected in March and April of 2017. These data could be used to compare to and/or validate measurements obtained via field data collection. Strategies and measures to address these sediment transport issues may include: • <u>Bioretention Basins</u>: Bioretention basin features provide multiple water quality functions for stormwater systems, including performing as depositional areas for sediments that settle and get trapped in the bioretention media. An operations and maintenance plan shall be used to address specific maintenance requirements related to sediment accumulation, such that basin media remediation would take place when a threshold condition (such as a certain amount of sediment accumulation on the basin floor) is reached. For instance, if sediment deposition exceeds a depth of 2-inches, even a small patch, the sediment would require removal to keep the basin functioning properly. Furthermore, the functional lifespan of bioretention media (mulch, soils, drain rock, underdrain) is generally about 15 years. Annual monitoring reports could be used to track basin performance under varying wet season conditions and used to guide media replacement timing. • <u>Treatment Wetlands</u>: Treatment wetlands are designed to mimic the natural infiltration, nutrient cycling, habitat, and a myriad of other important ecological functions provided by natural wetlands. Treatment wetlands could be constructed at storm drain outfall locations or adjacent to or off-channel from a creek channel. Wetlands could vary between those that are highly designed and may need relatively high levels of maintenance to more naturally based designs that may need more limited maintenance, each with varying levels of treatment potential. Treatment performance is a function of wetland to watershed ratio, wetland treatment design, area hydrology, hydraulic residence time, and source pollutants. The preferred residence time through wetlands varies based on vegetation type and quantity, water depth, temperature, and design flow rates. Having a lower design flow rate can result in longer hydraulic residence time, which is preferred particularly at the start of a rainy		

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	season, since the "first flush" volume of stormwater runoff will generally contain the highest concentrations of pollutants. Treatment wetland design generally considers dry season irrigation return flows and first flush principles. • Vegetated Banks/Riparian Corridor: Trees and other riparian corridor vegetation appropriate to the environment, such as willows, could grow rapidly on channel banks and trap sediments, removing sediment from streamflows as well as from local surface runoff. • Floodplains: Floodplains provide one of the most important storage spaces for sediment as it moves discontinuously through a watershed. Naturally functioning floodplains generally extend laterally past the immediate riparian buffer zone into relatively flat areas. Floodplain access could be provided by bank and channel grading at specified design storm flows. The rate of sediment deposition on floodplains is largely dependent on the frequency of inundating flows, the suspended sediment loads in the river, available floodplain area, and presence of vegetation. **Mitigation Measure 3.6-12**: Prior to the approval of site improvement plans, the project applicant shall provide an Operation and Maintenance Plan as part of the Stormwater Control Plan with sufficient supporting documentation and calculations for review and approval by the Salinas Public Works Department demonstrating that risks associated with reduction of infiltration capacity in the detention/retention/water quality basins shall be minimized to the maximum extent practicable. **Mitigation Measure 3.6-13**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with sufficient supporting documentation and calculations that the risks associated with basin embankment side slope failure because of the non-cohesive nature of Gabilan and Natividad Creek corridor sediments will be minimized to the extent practicable. **Mitigation Measure 3.6-14**: Prior to the approval of site improvement plans, the project applicant shall provide operations, maintenance, and SWPPP procedures for review and approval by the Salinas Public Works Department such that any detention/retention/water quality basin issues associated with sedimentation or loss of infiltration capacities are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that sedimentation or loss of infiltration capacities are addressed and subsequently approve the operations, maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project. **Mitigation Measure 3.6-15**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with operations, maintenance, and SWPPP procedures such that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed and subsequently approve the operations, maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.)		

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	and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.		
Impact 3.6-7: The project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows (Less than Significant) The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. (DEIR, pp. 3.6-45)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.6-8: The project has the potential to risk release of pollutants due to project inundation as a result of flooding, tsunami, or seiche zones (Less than Significant) The project is not located in an area that is subject to tsunamis, seiches, or significant flooding (with mitigation measures outlined in Impact 3.6-6. Mitigation Measures 3.6-7 through 3.6-14 require a LOMR-F, detailed grading plans and calculations which show how the project would raise the land surface elevation above the base flood elevation, design basis reports for creek corridor restoration, calculations to address sediment transport issues, calculations to address basin embankment side slope failure, procedures that address basin issues associated with sedimentation, and procedures that address basin issues associated with embankment side slope failures. (DEIR, pp. 3.6-45 to 3.6-46)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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Impact 3.6-9: Cumulative increases in peak stormwater runoff from the plan area (Less than Significant) With the design and construction of flood control improvements, and with implementation of the mitigation measures included in this section, the Central Area Specific Plan would not increase peak stormwater runoff. The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures would control peak stormwater runoff. (DEIR, pp. 3.6-46 through 3.6-47)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.6-10: Cumulative impacts related to degradation of water quality (Less than Significant) Compliance with City and County water quality protection regulations, approval from the RWQCB, and implementation of Mitigation Measure 3.6-1 would ensure that the Central Area Specific Plan minimizes impacts to surface water quality. The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures would control storm water quality. (DEIR, pp. 3.6-47 through 3.6-49)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.6-11: Cumulative impacts related to degradation of groundwater supply or recharge (Potentially Significant) The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures require maintaining water quality standards and preserving the infiltration of rainwater within the aquifer. The project would not have cumulatively considerable impacts associated with groundwater supply/recharge. (DEIR, pp. 3.6-49 through 3.6-50)	Implement Mitigation Measure 3.6-7.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.6-7 be adopted. Mitigation Measure 3.6-7 requires an Operation and Maintenance Plan for post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Implementation of Mitigation Measure 3.6-7 would reduce this impact to a less-than-significant level.

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Impact 3.6-12: Cumulative impacts related to flooding (Less than Significant) Future development in the area must be sited and designed in accordance with the aforementioned City flood damage regulations (i.e., Article VI, Flood Damage Prevention, of the City's Code). The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures require designs that ensure structures are outside the base flood elevation and that storm water flows are maintained to prevent downstream flooding. The project would not have cumulatively considerable impacts associated with flooding. (DEIR, pp. 3.6-51 through 3.6-52)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
NOISE			
Impact 3.7-1: The project has the potential to increase traffic noise levels at existing receptors (Potentially Significant) As shown in Tables 3.7-8 through 3.7-11, some noise-sensitive receptors located along the Specific Plan Area roadways are currently exposed to exterior traffic noise levels exceeding the City of Salinas 60 dB L_{dn} exterior noise level standard for residential uses. These receptors would continue to experience elevated exterior noise levels with implementation of the project. As shown in Table 3.7-8, the segment of Natividad Road south of E. Boronda Road would experience unacceptable noise levels under Existing Plus Project conditions. The project would cause noise levels along this segment to increase by 1.6 dB. As shown in Table 3.7-8, E. Boronda Road from Constitution to N. Sanborn would experience unacceptable noise levels under the Existing Plus Project conditions. As shown in Table 3.7-9, the following roadway segments would experience unacceptable noise levels under the Existing Plus Project Plus WASP conditions:	Implement Mitigation Measures 3.7-1 and 3.7-8.	SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects. Mitigation Measure 3.7-1 requires adherence to the requirements of the City of Salinas Municipal Code with respect to hours of operation during project construction. Mitigation Measure 3.7-2 requires all equipment to be fitted with factory equipped mufflers and in good working order. Mitigation Measure 3.7-3 requires sound walls for residents located along the primary Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. Mitigation Measure 3.7-4 requires 3-coat stucco and windows having a Sound Transmission Class (STC) 35, or higher, rating to be installed in second floor facades and rooms that have windows or doors that abut E.

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• E. Boronda Road from San Juan Grade to McKinnon (results in a 1.9 dB increase); • E. Boronda Road from El Dorado to Natividad (results in a 3.2 dB increase); • E. Boronda Road from Natividad to Independence (results in a 2.1 dB increase); • E. Boronda Road from Constitution to N. Sanborn (results in an exceedance of 60 dB L_{dn}); • E. Boronda Road from N. Sanborn to Williams (results in an exceedance of 60 dB L_{dn}); • Independence Blvd, south of Boronda (results in a 3 dB increase); • Natividad Road, south of Boronda (results in a 3.6 dB increase); • Natividad Road from E. Boronda to Future Russell Rd (results in a 4.2 dB increase); • Russell Road, west of San Juan Grade (results in a 3.1 dB increase). (DEIR p. 3.7-13 through 3.7-22)			Boronda Road and/or Natividad Road. Mitigation Measure 3.7-5 requires mechanical ventilation for the first row of all residential dwellings that abut E. Boronda Road and/or Natividad Road. Mitigation Measure 3.7-6 requires the center of active play areas, such as football fields, soccer fields or other athletic fields, to be located at a minimum distance of 90-feet from the nearest residential property lines. Mitigation Measure 3.7-7 includes various project design requirements where commercial, business professional, office, or similar uses abut residential uses or where loading docks or truck circulation routes abut residential areas. Mitigation Measure 3.7-8 includes various project design requirements fort the well and treatment plant facilities. Even with implementation of Mitigation Measures 3.7-1 through 3.7-8, there is the potential for noise levels to exceed the acceptable levels in some cases if encroachment into private property proves for the construction of sounds walls proves to be infeasible. Therefore, the impact is significant and unavoidable. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
Impact 3.7-2: The project has the potential to increase noise levels associated with construction activities (Potentially Significant) Noise would also be generated during the construction phase by increased truck traffic on area roadways. The project has the potential to increase noise levels associated with construction activities. (DEIR, pp. 3.7-23 and 3.7-24)	**Mitigation Measure 3.7-1**: Prior to the approval of site improvement plans and respective permits, plans shall note that construction activities shall adhere to the requirements of the City of Salinas Municipal Code with respect to hours of operation. **Mitigation Measure 3.7-2**: Prior to the approval of site improvement plans and respective permits, plans shall note that all equipment shall be fitted with factory equipped mufflers and in good working order. All stationary noise generating equipment (i.e. generators) shall be located at least 200 feet from a sensitive receptor. All construction staging areas shall be located at least 200 feet from a sensitive receptor.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measures 3.7-1 and 3.7-2 be adopted. Mitigation Measure 3.7-1 requires adherence to the requirements of the City of Salinas Municipal Code with respect to hours of operation during project construction. Mitigation Measure 3.7-2 requires all equipment

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			to be fitted with factory equipped mufflers and in good working order. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.7-3: The project has the potential to increase noise vibration association with construction activities (Less Than Significant) The project would not increase noise vibration associated with construction activities. Therefore, construction vibrations are not predicted to cause damage to existing buildings or cause annoyance to sensitive receptors. (DEIR, pp. 3.7-24 and 3.7-25)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.7-4: The project has the potential to expose new sensitive receptors to excessive transportation noise (Potentially Significant) Table 3.7-14 data indicate that noise barriers 6- to 8-feet in height would generally be sufficient to achieve compliance with the City of Salinas 60 dB L_{dn} exterior noise level standard for the proposed residential uses. However, for the residential uses located along E. Boronda Road, sound walls of 6- to 8-feet in height would only reduce exterior noise levels to 63 dB L_{dn}. While these noise level do not meet the City's preferred 60 dB L_{dn} noise standards, they would comply with the City's conditionally acceptable standard of 60 to 70 dB L_{dn}. Based upon a 25-dB exterior-to-interior noise level reduction, interior noise levels are predicted to range between 38 dB to 46 dB L_{dn} at first floor residences, and between 40 dB and 48 dB L_{dn}, at second floor residences. Predicted interior noise levels would exceed the City's 45 dB L_{dn} interior noise level standard at the first row of residential uses located closest to Boronda Road and Constitution Boulevard. (DEIR, pp. 3.7-25 through 3.7-26)	**Mitigation Measure 3.7-3**: Prior to the approval of site improvement plans and respective permits, the plans shall note the location, design, and construction details of the eight-foot to nine-foot tall sound walls and/or landscaped berm/wall combinations, as applicable, that will be constructed along the primary Specific Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. At the City's discretion, wall heights which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. See the Draft EIR Table 3.7-14 for specific noise barrier/wall heights along each roadway. Additionally, at the City's discretion, alternative noise reduction measures which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. Alternative noise reduction measures, such as building orientation and use of noise-attenuating features, can be utilized provided that a site-specific acoustical analysis is conducted that demonstrates that the alternative methods would ensure that noise levels do not exceed the City's conditionally acceptable 60-70 dB L_{dn} noise standard. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the City of Salinas based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable. The design/appearance of the wall is subject to the design approval by the City of Salinas to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti. These graffiti prevention best management practices may include, without limitation: (1) The use or the installation and maintenance of ant-graffiti materials and surface treatments approved by the City on likely graffiti-attracting surfaces. (2) Installation and maintenance of landscaping to discourage defacement of	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.7-3 through 3.7-5 be adopted. Mitigation Measure 3.7-3 requires sound walls for residents located along the primary Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. Mitigation Measure 3.7-4 requires 3-coat stucco and windows having a Sound Transmission Class (STC) 35, or higher, rating to be installed in second floor facades and rooms that have windows or doors that abut E. Boronda Road and/or Natividad Road. Mitigation Measure 3.7-5 requires mechanical ventilation for the first row of all residential dwellings that abut E. Boronda Road and Constitution Boulevard, as desired for acoustical isolation, to keep their doors and windows closed and still maintain acceptable interior temperature and noise levels. Therefore, this impact is less than significant with mitigation incorporated.

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	and/or protect likely graffiti-attracting surfaces. (3) Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. (4) Immediate removal of graffiti by appropriate means within seventy-two hours. (5) Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). (6) Authorizing right of access by city employees or contract agents to remove graffiti if not removed within specified time periods. (7) Supplying the city at its request with paint (of the appropriate color and type), cleaning agents, and/or other materials acceptable to the city to abate or to deter graffiti. (8) Other requirements, as deemed reasonably feasible by the city planner, to deter, to protect or to reduce the potential for graffiti defacement. **Mitigation Measure 3.7-4**: Prior to the approval of building permits, the first row of residential dwellings located along E. Boronda Road and Constitution Boulevard shall include windows having a Sound Transmission Class (STC) 35, or higher, rating installed in second floor facades and rooms that have windows or doors that abut or face E. Boronda Road and/or Constitution Boulevard. Exterior walls shall also require 3-coat stucco and RC-channels, sheathing, or another acceptable construction application that effectively attenuates noise intrusion to the interior of the house. The exterior wall specifications would specifically apply to the first row of homes that abut or face E. Boronda Road and/or Constitution Boulevard and only apply to the facades facing these roadways. The specifications do not apply to single story homes, or the first floor of a two-story home, both of which are attenuated by the sound wall. These requirements shall be included in the building plans for the specific dwelling units and noted on the building permits. A detailed analysis of any additional interior mitigation measures shall be conducted when building plans are available and prior to building permit issuance to verify these requirements. These requirements shall also be noted in the site improvement plans prior to approval by the City. **Mitigation Measure 3.7-5**: Prior to the approval of building permits, mechanical ventilation shall be required in the first row of all residential dwellings that abut E. Boronda Road and Constitution Boulevard, as desired for acoustical isolation, to keep their doors and windows closed and still maintain acceptable interior temperature and noise levels. This requirement shall be included in the building plans for the specific dwelling units and noted on the building permits. This requirement shall also be noted in the site improvement plans prior to approval by the City.		
Impact 3.7-5: The project has the potential to expose sensitive receptors to substantial noise from proposed park and school uses (Potentially Significant) Children playing at neighborhood parks or outdoor recreational fields (softball, soccer, basketball, tennis) are often considered potentially significant noise sources which could adversely affect adjacent noise-sensitive land uses. Typical	**Mitigation Measure 3.7-6**: Prior to the approval of site improvement plans, as applicable, when parks or play areas are located near residential uses, the center of active play areas, such as football fields, soccer fields or other athletic fields, shall be located at a minimum distance of 90-feet from the nearest residential property lines. Large active play areas shall comply with the 60 dB L_{eq} and 70 dB L_{max} standards, and shall include these further noise level evaluations during the design phases of future park areas. Parks shall be designed such that residences front, or side in limited locations, where approved by the City Planner, to the park. Minimum 6-foot tall sound walls and/or	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.7-6 be adopted. Mitigation Measure 3.7-6 requires the center of active play areas, such as

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noise levels associated with groups of approximately 50 children playing at 50 feet generally range from 55 to 60 dB L_{eq} and 70 to 75 dB L_{max}. It is expected that park activities would occur primarily during daytime hours. Therefore, noise levels from the playgrounds would need to comply with the City of Salinas exterior noise level standards of 60 dB L_{eq} and 70 dB L_{max} at the nearest residential uses. (DEIR, pp. 3.7-29 and 3.7-30)	landscaped berms shall be constructed where school site directly abuts a residential property line in instances where site design (i.e., minimum distances, siting of activity areas, etc.) cannot achieve the 60 dB L_{eq} and 70 dB L_{max} noise standards. No wall shall be required where residential uses are fronted towards a park or school site and separated by a roadway or a walkway. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the Salinas Public Works Department and the City Planner. The design/appearance of the walls is subject to the design approval by the Salinas Public Works Department and the City Planner based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti (see Mitigation Measure 3.7-3 for further discussion of best management practices).		football fields, soccer fields or other athletic fields, to be located at a minimum distance of 90-feet from the nearest residential property lines. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.7-6: The project has the potential to expose sensitive receptors to substantial noise from proposed commercial mixed-uses (Potentially Significant) Mixed-use commercial land use activities can produce noise levels which affect adjacent sensitive land uses. The primary noise sources generally include truck deliveries, trash pickup, parking lot use, and heating, ventilation, and air conditioning (HVAC) equipment operation. These sources may result in noise levels exceeding the City's standards at nearby receptors. (DEIR, pp. 3.7-30 through 3.7-31)	**Mitigation Measure 3.7-7:** Prior to the approval of development review permits, the plans shall demonstrate: where mixed use, commercial, business professional, office, or similar uses face residential uses or where loading docks or truck circulation routes face residential areas, the following measures shall be included in the project design: • All HVAC equipment shall be located within mechanical rooms where possible or shielded from view with solid or grated barriers; • Emergency generators shall comply with the City's noise criteria at the nearest noise-sensitive receivers; • Delivery/loading activities shall comply with the Salinas Zoning Code standards and regulations; and • The applicant shall submit a noise study to verify that the appropriate noise control measures have been incorporated into the project design and will achieve compliance with the City's noise level standards.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.7-7 be adopted. Mitigation Measure 3.7-7 includes various project design requirements where commercial, business professional, office, or similar uses abut residential uses or where loading docks or truck circulation routes abut residential areas. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.7-7: The project has the potential to expose sensitive receptors to substantial noise from proposed well sites (Potentially Significant) Typical noise levels for well sites at 50 feet are expected to be 60 dB L_{eq}. If a backup generator is present and running, a noise level of 70 dB L_{eq} at 50 feet would be expected. It is expected that wells could operate during daytime or nighttime hours. Long-term operation of the backup generator would only occur under emergency conditions	**Mitigation Measure 3.7-8**: The potential well sites are shown in the Specific Plan. The actual wells are subject to the approval of a Conditional Use Permit (CUP) by the City pursuant to the requirements of the Salinas Zoning Code and the Central Area Specific Plan. The potential well sites and the CUP requirement for said facilities shall be clearly noted on the site improvement plans. Prior to approval of the CUP and subsequent issuance of the building permits for the wells, the plans shall demonstrate that the following measures shall be included in the project design: • The wells have been designed and will be built to not exceed a noise level of 55 dB Leq at the nearest residential or school property line during normal	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.7-8 be adopted. Mitigation Measure 3.7-8 includes various project design requirements fort the well and treatment plant facilities. Therefore, this impact is less

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and would therefore not be subject to the City of Salinas exterior noise level standards for Class A noise. However, weekly exercising of the generator may be subject to the City's 60 dB L_{eq} daytime exterior noise level standard at the nearest noise-sensitive residential receptors. (DEIR, pp. 3.7-32)	operation of the facilities; • The generators shall not be permitted to exceed the City's daytime noise standard of 60 dB Leq; • The generators shall be tested only during daytime hours; and • Additionally, that the wells have been designed (in accordance with the Central Area Specific Plan) to incorporate decorative screen walls, landscaping and other features to ensure compatibility with surrounding land uses.		than significant with mitigation incorporated.
Impact 3.7-8: Cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development (Potentially Significant) Significant traffic noise increases under the Cumulative Plus Project Plus CASP traffic condition include the following segments: • E. Boronda Road San Juan Grade to McKinnon – noise levels are predicted to increase by 1.7 dB from 65.4 dB to 67.1 dB L_{dn}. This would exceed the FICON criteria of +1.5 dB where no project noise levels are greater than 65 dB, as outlined in Table 3.7-7. • E. Boronda Road, Natividad to Independence – noise levels are predicted to increase by 2.0 dB from 66.8 dB to 68.8 dB L_{dn}. This would exceed the FICON criteria of +1.5 dB where no project noise levels are greater than 65 dB, as outlined in Table 3.7-7. • E. Boronda Road, Independence to Hemmingway – noise levels are predicted to increase by 2.1 dB from 65.5 dB to 67.6 dB L_{dn}. This would exceed the FICON criteria of +1.5 dB where no project noise levels are greater than 65 dB, as outlined in Table 3.7-7. • E. Boronda Road, Hemmingway to Constitution – noise levels are predicted to increase from 57.8 dB to 60.7 dB L_{dn}. This would result in an exceedance of the City of Salinas exterior noise level standard of 60 dB L_{dn}.	No mitigation measures are feasible.	CS and SU	The EIR identified no mitigation measures to address this particular significant effect on the environment. Thus, the effect remains significant and unavoidable, and no mitigation is available to substantially lessen or avoid the effect. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.

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• N. Sanborn Road, south of E. Boronda – noise levels are predicted to increase from 59.1 dB to 60.7 dB L_{dn}. This would result in an exceedance of the City of Salinas exterior noise level standard of 60 dB L_{dn}. • Natividad Road, E. Boronda to Future Russell Road – noise levels are predicted to increase by 3.4 dB from 64.4 dB to 67.8 dB L_{dn}. This would exceed the FICON criteria of +3 dB where no project noise levels are between 60 to 65 dB, as outlined in Table 3.7-7. • Old Stage Road, north of Future Constitution Road – noise levels are predicted to increase from 59.1 dB to 61.4 dB L_{dn}. This would exceed the City of Salinas exterior noise level standard of 60 dB L_{dn}. This is part of the WASP area where future noise-sensitive uses would be located. • Old Stage Road, Future Constitution Road to Williams – noise levels are predicted to increase from 58.7 dB to 60.2 dB L_{dn}. This would exceed the City of Salinas exterior noise level standard of 60 dB L_{dn}. • Russell Road, West of San Juan Grade – noise levels are predicted to increase by 2.3 dB from 65.5 dB to 67.8 dB L_{dn}. This would exceed the FICON criteria of +1.5 dB where no project noise levels are greater than 65 dB, as outlined in Table 3.7-7. (DEIR, pp. 3.7-33 through 3.7-34)			
POPULATION AND HOUSING			
Impact 3.8-1: The project has the potential to induce substantial population growth in an area (Less Than Significant) The project development is within the development types and intensities identified in the General Plan and its associated Final Program EIR. The project does not change limits, amount, type, or intensity of development allowed in the Specific Plan Area beyond what was analyzed in the certified Final Environmental Impact Report for the General Plan and Supplemental EIR for the Salinas General Plan Final Program EIR	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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(SCH#2007031055). While there will be new growth, no new or increased significant population and housing impacts beyond those identified and analyzed in the General Plan Final Program EIR would occur. Implementation of the Central Area Specific Plan would provide job growth to the area and include a maximum of 489,700 square feet of total commercial space. The Salinas General Plan designates land uses to ensure a balance between new residential development and jobs-creating uses. The Sphere of Influence Amendment Area (inclusive of the Specific Plan Area) is planned for up to 9.023 million square feet of commercial/retail/mixed use, general industrial uses, and public/semi-public uses (Final Supplement for the Salinas General Plan Final Program EIR, 2007). The proposed maximum 489,700 square feet of total commercial space developable by the project is within the development capacities stated in the Salinas General Plan. (DEIR, pp. 3.8-15 through 3.8-20)			

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Impact 3.8-2: Cumulative impact on the potential to induce substantial population growth in an area (Less Than Significant) Development of the North of Boronda FGA is a component of the City's planned long-term growth as identified in the City's General Plan. Infrastructure needed to support development of the Specific Plan Area and the FGAs, and the subsequent population, housing and employment increases expected through implementation of the Central Area Specific Plan, have already been planned and evaluated. Additionally, all lands within the General Plan jurisdiction have been planned to accommodate growth within the City have been evaluated in the General Plan FEIR. The project does not change the intent, intensities, or densities of land uses identified within the General Plan; therefore, development of the Specific Plan Area will not induce growth in the Specific Plan Area, adjacent undeveloped parcels, or within the City that has not already been accounted for in the General Plan, and evaluated for environmental impacts by the City in the Final General Plan EIR. The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts. (DEIR, pp. 3.8-20 through 3.8-21)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
PUBLIC SERVICES			
Impact 3.9-1: The project may require the construction of fire department facilities which may cause substantial adverse physical environmental impacts (Potentially Significant) The project would require the construction of fire department facilities, which may cause substantial adverse physical environmental impacts. (DEIR, pp. 3.9-20 through 3.9-22)	**Mitigation Measure 3.9-1**: Prior to the issuance of a Certificate of Occupancy for each dwelling unit (and prior to issuance of building permits for non-residential uses), the applicant shall pay all applicable project impact fees per the impact fee schedule.	LTS	Changes or alterations have been required in, or incorporated into the project, which avoid the significant effects on the environment. The City Council hereby directs that Mitigation Measure 3.9-1 be adopted. Mitigation Measure 3.9-1 requires payment of the project impact fees for each dwelling unit. Therefore, this impact is less than significant with mitigation incorporated.
Impact 3.9-2: The project may result in, or have the potential to require the construction of police department facilities which may cause substantial adverse physical environmental impacts (Less Than	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§

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Significant) The project would not result in, or have the potential to require the construction of police department facilities which may cause substantial adverse physical environmental impacts. Development of the Specific Plan Area did not directly trigger the need for a new facility; however, additional staffing and patrols are required to serve the proposed Specific Pan Area. The City collects impact fees from new development based upon projected impacts from the development. The City also reviews the adequacy of impact fees on an annual basis to ensure that the fee is commensurate with anticipated future facilities demands, assessed on a fair share basis for new development. (DEIR, pp. 3.9-22 through 3.9-23)			15126.4, subd. (a)(3), 15091.)
Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts (Potentially Significant) Physical impacts from construction of the school sites within the Specific Plan Area would be related to relevant environmental topics included in this EIR, such as: air quality (Section 3.1), biological resources (Section 3.2), cultural resources (Section 3.3), greenhouse gas emissions and climate change (Section 3.4), hazards and hazardous materials (Section 3.5), hydrology and water quality (Section 3.6), noise (Section 3.7) population (Section 3.8), public services (Section 3.9), transportation (Section 3.10), and utilities (Section 3.11). A detailed discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Furthermore, site-specific environmental review would be required for each school by the responsible school district prior to approval of a design for the facility and would consider any site-specific impacts unknown at this time. Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts. Potential environmental impacts associated with the future construction of each school within the Plan Area are addressed throughout this EIR. This EIR analyzes the physical environmental effects that may occur as a	**Mitigation Measure 3.9-2**: Prior to the issuance of building permits for each dwelling unit, the applicant shall pay applicable school fees mandated by SB 50 to the Salinas Union High School District (SUHSD), Alisal Union School District (AUSD), and/or Santa Rita Union School District (SRUSD) (only required for the SRUSD if the school district boundary adjustment between the SRUSD and the AUSD is not completed as anticipated) and provide documentation of said payment to the City. Implement Mitigation Measures 3.1-1 through 3.1-10, 3.2-1 through 3.2-8, 3.3-1 through 3.3-3, 3.4-1, 3.5-1 through 3.5-4, 3.6-1 through 3.6-15, 3.7-1 through 3.7-8, 3.9-1 through 3.9-2, and Recommended Conditions of Approval 3.10-1 through 3.10-52.	SU	Mitigation Measure 3.9-2 requires that dwelling units pay the applicable school fees mandated by SB 50 to the relevant school districts. By law, this mitigation is deemed sufficient to mitigate the project's impacts on school facilities. Changes or alterations have been required in, or incorporated into the project, which mitigate the significant effects on the environment associated with school construction and operation. Even so, the effects remain significant and unavoidable, and no additional mitigation is available to fully avoid the effects. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.

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result of development and introduction of new urban land uses within the Plan Area. Each future school, if constructed, would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR. Special legal principles apply to impacts to school facilities. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) are deemed to be "full and complete school facilities mitigation" for impact caused by new development. The legislation also recognized the need for the fee to be adjusted periodically to keep pace with inflation. The legislation indicated that in January 2000, and every two years thereafter, the State Allocation Board would increase the maximum fees according to the adjustment for inflation in the statewide index for school construction. Section 65996 also prohibits public agencies from using CEQA or "any other provision of state or local law" to deny approval of "a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization" on the basis of the project's impacts on school facilities. As noted above, however, that development of a school within the proposed Plan Area would contribute to significant and unavoidable impacts related to air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). (DEIR, pp. 3.9-20, 3.9-23 through 3.9-31; see also FEIR, pp. 2.0-109 – 2.0-136, 2.0-146 – 2.0-164, 2.0-170 – 2.0-180)			
Impact 3.9-4: Project implementation may result in effects on parks, or has the potential to require the construction of park facilities which may cause substantial adverse physical environmental impacts (Potentially Significant) Physical impacts from construction of the park sites within the Specific Plan Area would be related to relevant environmental topics included in this EIR, such as air quality (Impacts 3.1-2, and	Implement Mitigation Measures 3.1-1 through 3.1-10, 3.2-1 through 3.2-8, 3.3-1 through 3.3-3, 3.4-1, 3.5-1 through 3.5-4, 3.6-1 through 3.6-15, 3.7-1 through 3.7-8, 3.9-1 through 3.9-2, and Recommended Conditions of Approval 3.10-1 through 3.10-52.	SU	Changes or alterations have been required in, or incorporated into the project, which mitigate the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects. The City Council concludes, however,

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). A detailed discussion of relevant operational and construction impacts can be found in each respective section of this EIR. (DEIR, pp. 3.9-31 through 3.9-32)			that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
Impact 3.9-5: Project implementation may result in effects on other public facilities (Potentially Significant) Project implementation may result in effects on other public facilities. The Central Area Specific Plan would result in new demand for public facilities, including library facilities and recreational facilities. The Specific Plan does propose a library and potentially would include other public facility such as a community building within the Specific Plan Area; therefore, development of these facilities would have a direct physical impact on the environment. The Central Area Specific Plan would be responsible for paying the applicable impact fees, and ongoing revenues from the Specific Plan would be generated from property taxes, sales taxes, and other appropriate fees/payments. Such fees/payments would be the financial contribution for any new demand created by the Central Area Specific Plan as required by Mitigation Measure 3.9-1. However, development of public facilities within the Specific Plan Area would contribute to significant and unavoidable impacts related to air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4) through the development of currently undeveloped sites. (DEIR, pp. 3.9-32 through 3.9-33)	Implement Mitigation Measures 3.1-1 through 3.1-10, 3.2-1 through 3.2-8, 3.3-1 through 3.3-3, 3.4-1, 3.5-1 through 3.5-4, 3.6-1 through 3.6-15, 3.7-1 through 3.7-8, 3.9-1 through 3.9-2, and Recommended Conditions of Approval 3.10-1 through 3.10-52.	SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations
Impact 3.9-6: Under cumulative conditions the project may result in effects on public facilities (Potentially Significant) The construction and operation of future public facilities required to serve cumulative development (including the Central Area Specific Plan Area) could potentially cause significant impacts. Cumulative development including	Implement Mitigation Measures 3.1-1 through 3.1-10, 3.2-1 through 3.2-8, 3.3-1 through 3.3-3, 3.4-1, 3.5-1 through 3.5-4, 3.6-1 through 3.6-15, 3.7-1 through 3.7-8, 3.9-1 through 3.9-2, and Recommended Conditions of Approval 3.10-1 through 3.10-52.	CS and SU	Changes or alterations have been required in, or incorporated into the project, which substantially lessen the significant effects on the environment. Even so, the effects remain significant and unavoidable, and no additional feasible mitigation is available to fully avoid the effects.

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
additional fire stations, parks, schools, library, and other public facilities within the city and service area would contribute to significant and unavoidable cumulative impacts that have been identified within this EIR related to: air quality (Impacts 3.1-2, and 3.1-7), biological resources (Impacts 3.2-2, 3.2-9 and 3.2-12), greenhouse gases (Impacts 3.4-1 and 3.4-4), noise (Impacts 3.7-1, and 3.7-8), and transportation and circulation (Impacts 3.10-3, and 3.10-4). (DEIR, pp. 3.9-33 through 3.9-35)			The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impact of the Project, as set forth in the Statement of Overriding Considerations.
TRANSPORTATION AND CIRCULATION			
Impact 3.10-1: Under Existing Plus Project conditions, implementation of the proposed Specific Plan would conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans (not an environmental effect) Under Existing Plus Project conditions, implementation of the proposed Specific Plan would conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans. While the use of LOS within CEQA is no longer permitted, the City desires to manage congestion levels to maintain consistency with its General Plan and the County's General Plan. Implementation of the Specific Plan, without mitigations, results in unacceptable operation at five of the study intersections, and two of the U.S. 101 ramp junctions. All study segments of U.S. 101 performed within the County CMP standards. (DEIR, pp. 3.10-47 through 3.10-50)	***Recommended Condition of Approval 3.10-1****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings at North Main Street/Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-2****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the widening of the intersection at Natividad Road/East Laurel Drive to add additional northbound and southbound through lanes, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). This improvement is part of the City's Traffic Improvement Program. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-3****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-4****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and to add an eastbound left turn pocket at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. This condition includes the addition of an eastbound left turn pocket and optimization of the existing signal timing to better accommodate the expected changes in traffic distribution and volume with implementation of the project. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the*	NI	As of early 2019, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any." (DEIR, pp. 3.10-7 – 3.10-8, quoting Pub. Resources Code, § 21099, subd. (b)(2).) Even so, because the City's General Plan is concerned with LOS, the EIR addressed the extent to which the project would have effects on LOS. The City Council hereby directs that Recommended Conditions of Approval 3.10-1 through 3.10-6 be adopted. These conditions require payment of the applicable fair-share funding for the various improvements that would be required in order to improve traffic conditions at the impacted study intersections and ramps.

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	intersection design. ***Recommended Condition of Approval 3.10-5****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and splits at the South Sanborn/North Sanborn/John Street intersection, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-6****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall contribute its fair-share funding to the Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee (RDIF) Program and the City of Salinas' Traffic Impact Fee (TIF) Program, as determined by the TAMC and the City of Salinas, respectively, in proportion to the area planned for development by such project applicant. These programs include improvements to U.S. 101 that would improve mainline and ramp junction operations, which would mitigate the project's impact to the U.S. 101 ramp junctions affected by the project (i.e. the Northbound Boronda Road Off-Ramp and Northbound West Laurel Drive Off-Ramp.*		
Impact 3.10-2: Under Existing Plus Project and West Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans (not an environmental effect) Under Existing Plus Project and West Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans. While the use of LOS within CEQA is no longer permitted, the City desires to manage congestion levels to maintain consistency with its General Plan and the County's General Plan. Implementation of the Specific Plan would result in unacceptable operation at ten of the study intersections, and two of the U.S. 101 ramp junctions, under the Existing Plus Project and Central Area Specific Plan scenario. All study segments of U.S. 101 performed within the County CMP standards. (DEIR, pp. 3.10-57 through 3.10-61)	***Recommended Condition of Approval 3.10-7****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a traffic signal at San Juan Grade Road/Van Buren Avenue, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans for each stage of project development shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-8****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to optimize the existing traffic signal timing and splits at intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-9****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of the existing signal timing at San Juan Grade Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	NI	As of early 2019, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any." (DEIR, pp. 3.10-7 – 3.10-8, quoting Pub. Resources Code, § 21099, subd. (b)(2).) Even so, because the City's General Plan is concerned with LOS, the EIR addressed the extent to which the project would have effects on LOS. The City Council hereby directs that Recommended Conditions of Approval 3.10-7 through 3.10-13 be adopted. These conditions require payment of the applicable fair-share funding for the various improvements that would be required in order to improve traffic conditions at the impacted study intersections and ramps.

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Recommended Condition of Approval 3.10-10*: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to convert the eastbound right turn lane to a shared through-right turn lane at Natividad Road/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-11****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-12****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a traffic signal at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-13****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to add a southbound left turn pocket and optimize traffic signal timings at the traffic signal at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*		
Impact 3.10-3: Under Cumulative Plus Project conditions, implementation of the proposed Specific Plan may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans (not an environmental effect) Under Cumulative Plus Project conditions, implementation of the proposed Specific Plan	***Recommended Condition of Approval 3.10-14****: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of funding to the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a traffic signal at intersection of U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road. Regional fees shall be determined by the City of Salinas in consultation with TAMC. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-15****: Each project applicant for development within the*	NI	As of early 2019, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any." (DEIR, pp. 3.10-7 – 3.10-8, quoting

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans. Implementation of the Specific Plan under the cumulative Plus Project scenario would result in unacceptable operation at fourteen of the study intersections, and three of the freeway segments. All ramp junctions perform at or above the minimum standards set by the County CMP under this scenario. (DEIR, pp, 3.10-69 through 3.10-76)	*Specific Plan Area shall contribute its fair-share of the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a traffic signal at intersection of U.S. 101 Northbound Ramps/Crazy Horse Canyon Road. Total fees shall be determined by the City of Salinas in consultation with TAMC. Fees are payable prior to final improvement plans for each tentative map.* ***Recommended Condition of Approval 3.10-16**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Crazy Horse Canyon Road/San Juan Grade Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-17**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Rogge Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-18**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Russell Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-19**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of southbound and westbound left turn lanes at the intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-20:** Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound right turn overlap phase at the intersection of North Main Street/West Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for*		Pub. Resources Code, § 21099, subd. (b)(2).) Even so, because the City's General Plan is concerned with LOS, the EIR addressed the extent to which the project would have effects on LOS. The City Council hereby directs that Recommended Conditions of Approval 3.10-14 through 3.10-27 be adopted. These conditions require payment of the applicable fair-share funding for the various improvements that would be required in order to improve traffic conditions at the impacted study intersections and segments.

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	non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. ***Recommended Condition of Approval 3.10-21****: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a southbound left turn lane at the intersection of Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-22****: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at the intersection of Old Stage Road/Williams Road/Private Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-23****: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound through lane, the addition of a northbound right turn overlap phase, and the conversion of the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note these improvements and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-24****: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound and southbound through lanes at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-25:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of an eastbound left turn lane at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-26****: Each project applicant for development within the*		

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Specific Plan Area shall provide its fair-share contribution for the installation of a westbound left turn lane at the intersection of South Davis Road/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. **Recommended Condition of Approval 3.10-27**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound left turn lane at the intersection of Main Street/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.		
Impact 3.10-4: Under Cumulative Plus Project with Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans (not an environmental effect) 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. Implementation of the Specific Plan would result in unacceptable operation at twenty-two of the study intersections, and four of the freeway segments, under the cumulative Plus Project with West Area Specific Plan scenario. All ramp junctions perform at or above the minimum standards set by the County CMP under this scenario. (DEIR, pp, 3.10-82 through 3.10-90)	***Recommended Condition of Approval 3.10-28****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Old Stage Road/Hebert Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-29:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound left turn lane at Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-30:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an appropriately sized roundabout at North Sanborn Road/Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-31:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a southbound left turn lane at East Front Street/Sherwood Drive/Market Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-32****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound through lane at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to*	NI	As of early 2019, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any." (DEIR, pp. 3.10-7 – 3.10-8, quoting Pub. Resources Code, § 21099, subd. (b)(2).) Even so, because the City's General Plan is concerned with LOS, the EIR addressed the extent to which the project would have effects on LOS. The City Council hereby directs that Recommended Conditions of Approval 3.10-28 through 3.10-52 be adopted. These conditions require payment of the applicable fair-share funding for the various improvements that would be required in order to improve traffic conditions at the impacted study intersections and segments.

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	the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. ***Recommended Condition of Approval 3.10-33**: Implement previously identified Recommended Condition of Approval 3.10-14, which identifies the need to install a traffic signal at the intersection at U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road.* ***Recommended Condition of Approval 3.10-34**: Implement previously identified Recommended Condition of Approval 3.10-15, which identifies the need to install a traffic signal at the intersection at U.S. 101 Northbound Ramps/Crazy Horse Canyon Road.* ***Recommended Condition of Approval 3.10-35**: Implement previously identified Recommended Condition of Approval 3.10-16, which identifies the need to install a traffic signal at the intersection at Crazy Horse Canyon Road/San Juan Grade Road.* ***Recommended Condition of Approval 3.10-36**: Implement previously identified Recommended Condition of Approval 3.10-28, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Hebert Road.* ***Recommended Condition of Approval 3.10-37**: Implement previously identified Recommended Condition of Approval 3.10-17, which identifies the need to install a traffic signal at the intersection at Natividad Road/Rogge Road.* ***Recommended Condition of Approval 3.10-38**: Implement previously identified Recommended Condition of Approval 3.10-18, which identifies the need to install a traffic signal at the intersection at Natividad Road/Russell Road.* ***Recommended Condition of Approval 3.10-39**: Implement previously identified Recommended Condition of Approval 3.10-7, which identifies the need to install a traffic signal at the intersection at San Juan Grade Road/Van Buren Avenue.* ***Recommended Condition of Approval 3.10-40**: Implement previously identified Recommended Condition of Approval 3.10-8 and 3.10-19, which identifies the need to install southbound and westbound left turn lanes, and to optimize signal timing, at North Main Street/East Boronda Road.* ***Recommended Condition of Approval 3.10-41**: Implement previously identified Recommended Condition of Approval 3.10-2, which identifies the need to install northbound and southbound through lanes at Natividad Road/East Laurel Drive.* ***Recommended Condition of Approval 3.10-42**: Implement previously identified Recommended Condition of Approval 3.10-21 and 3.10-29, which identify the need to Install southbound left turn lane and an eastbound left turn lane at Constitution Boulevard/East Laurel Drive.* ***Recommended Condition of Approval 3.10-43**: Implement previously identified Recommended Condition of Approval 3.10-3, which identifies the need to install a roundabout at the intersection at North Sanborn Road/Boronda Road.* ***Recommended Condition of Approval 3.10-44**: Implement previously identified Recommended*		

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	Condition of Approval 3.10-22, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Williams Road/Private Road. ***Recommended Condition of Approval 3.10-45**: Implement previously identified Recommended Condition of Approval 3.10-23, which identifies the need to install a northbound through lane, add in a northbound right turn overlap phase, and convert the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive.* ***Recommended Condition of Approval 3.10-46**: Implement previously identified Recommended Condition of Approvals 3.10-4 and 3.10-24, which identify the need to install northbound and southbound through lanes, Optimize existing signal timings, and add an eastbound left turn pocket, at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way.* ***Recommended Condition of Approval 3.10-47**: Implement previously identified Recommended Conditions of Approval 3.10-12 and 3.10-25, which identify the need to* traffic signal or roundabout, to improve the intersection's LOS to A during the evening peak hour, and to install an eastbound left turn lane, at the intersection of Williams Road/East Boronda Road. ***Recommended Condition of Approval 3.10-48**: Implement previously identified Recommended Condition of Approval 3.10-31, which identifies the need install a southbound left turn lane at the intersection of East Front Street/Sherwood Drive/Market Drive.* ***Recommended Condition of Approval 3.10-49**: Implement previously identified Recommended Condition of Approval 3.10-26, which identifies the need* install a westbound left turn lane at the intersection of South Davis Road/Blanco Road. ***Recommended Condition of Approval 3.10-50**: Implement previously identified Recommended Conditions of Approval 3.10-13 and 3.10-32, which identify the need to install a southbound left turn lane and optimize signal timings, and to install an eastbound through lane, at the intersection of Salinas Street/North Main Street/West Market Street/East Market Street.* ***Recommended Condition of Approval 3.10-51**: Implement previously identified Recommended Condition of Approval 3.10-27, which identifies the need to install a northbound left turn lane at the intersection at South Main Street/Blanco Road.* ***Recommended Condition of Approval 3.10-52**: Implement previously identified Recommended Condition of Approval 3.10-6, which identifies the need to contribute to the TAMC RDIF Program and payment of the City of Salinas's Traffic Impact Fees for the U.S. 101 Mainline Segments.*		
Impact 3.10-5: Implementation of the proposed Specific Plan would not substantially increase hazards due to a design feature (Less than Significant) Implementation of the proposed Specific Plan would not substantially increase hazards due to a design feature. Development within the Specific Plan Area would include new streets, access points, paths, and other circulation improvements that would be reviewed and checked for compliance with design and safety standards as	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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part of the entitlement process conducted by the City of Salinas. (DEIR, pp, 3.10-90)			
Impact 3.10-6: Implementation of the proposed Specific Plan would not result in impacts related to emergency access (Less than Significant) Plans submitted for individual developments to be constructed in the Specific Plan Area would be reviewed for compliance with emergency access requirements by public safety officials during the City's entitlement process. Implementation of the proposed Specific Plan would not result in impacts related to emergency access. (DEIR, pp, 3.10-90 and 3.10-91)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.10-7: Implementation of the proposed Specific Plan would not conflict with adopted multi-modal circulation policies, plans, or programs, and would not decrease the performance or safety of public transit, bicycle, or pedestrian facilities (Less than Significant) Implementation of the proposed Specific Plan is expected to increase population and employment within the Specific Plan Area, as well as the City of Salinas. According to Policy C-3.1 and Policy C-3.2 of the current Salinas General Plan, the City shall support Monterey-Salinas Transit (MST) in developing frequent and effective public transportation service, including to and from new development areas. The Central Area Specific Plan is estimated to generate approximately 800 new transit trips on a daily basis, as well as 130 trips in the morning peak hour and 140 trips in the evening peak hour (Fehr & Peers, 2019). These new transit trips alone are not expected to overburden existing transit service in the area. The five existing MST routes serving the study area have sufficient capacity to serve project generated transit trips. MST also routinely updates its route structure and service frequencies in response to changing ridership and land use patterns. Additionally, this project does not conflict with an existing transit-related policy or plan in the City. (DEIR, pp, 3.10-91 through 3.10-92)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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UTILITIES			
Impact 3.11-1: The project has the potential to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (Less than Significant) Wastewater generated within the Plan Area would be conveyed by the City of Salinas wastewater conveyance system to M1W Regional Treatment Plant. The Central Area Specific Plan could increase the amount of wastewater requiring treatment at the M1W Treatment Plant, by generating additional wastewater within the Specific Plan Area. The Waste Discharge Requirements (WDRs) Order No. R3-2018-0017 allows M1W Treatment Plant to accept up to 29.6 MGD. Given a current demand of approximately 16 MGD, the M1W Treatment Plant currently has an additional capacity of approximately 11 MGD; given 1.18 MGD generated by the project (and peak flows of approximately 1.75 MGD), there is sufficient plant capacity. (DEIR, pp. 3.11-10 through 3.11-12)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.11-2: The project has the potential to require or result in the construction of new wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Less than Significant) The potential for environmental impacts associated with the installation of the wastewater collection system, and all construction activities within the Plan Area, are addressed throughout this EIR. In some cases, the direct and indirect impacts are potentially significant and warrant mitigation measures, while in other cases there are significant and unavoidable impacts. (DEIR, pp. 3.11-12 through 3.11-14)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.11-3: Cumulative impact on wastewater utilities (Less than Significant) The amount of wastewater that the M1W Treatment Plant receives and treats has been decreasing over time. It is projected that wastewater flows to the M1W Treatment Plan will continue to decrease until approximately the year 2030, when wastewater flows are projected to between 17.1 and 19.2 MGD. Wastewater flows	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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are projected to increase after 2030 and may range between 22.7 and 24.3 MGD by the year 2055, or 77 percent to 82 percent of regional treatment plant design capacity (Brezack & Associates Planning, 2014). Wastewater demand for the buildout of the most recent version of the Economic Development Element is estimated to add approximately 0.65 MGD to this total[1], which would increase the total cumulative demand at the Regional Treatment Plant to approximately 25.0 MGD by 2055, under the worst case scenario modelled. The M1W plant is designed and constructed to handle 29.6 MGD; which is more than 4 MGD than the project 2055 demand, under the worst case scenario modelled. The 1.18 MGD expected to be generated by full buildout of the project would thereby leave approximately 3.4 MGD available in 2055, under the worst case scenario modelled. Moreover, it is more than likely that this represents an overestimate of cumulative wastewater demand, given that this estimate utilizes the higher end of the range of projected wastewater at the M1W Regional Treatment Plant in the future. Additionally, buildout of the Specific Plan is expected to occur over an approximately 20 to 30 year timeframe; therefore, buildout is expected to occur no later than approximately 2050 (at latest). (DEIR, pp. 3.11-13 through 3.11-14)			
Impact 3.11-4: The project has the potential to require construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Less than Significant) The project would not require construction or relation of new water treatment facilities or expansion of existing facilities, the construction or relocation of which could cause significant environmental effects. The water infrastructure is sized to meet the demand within the Plan Area. All offsite improvements are to be placed in or adjacent to existing streets to minimize potential impacts, with the exception of the ALCO five million gallon storage tank, which would not cause any new significant environmental impacts. The Central Area Specific Plan would require the	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

[1] As provided within the Draft Salinas Economic Development Program EIR

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construction of new wells within the Specific Plan Area, and the installation of new booster pumping stations. The wells and booster pumping stations would be designed to ensure that they do not induce growth beyond what is anticipated by the Central Area Specific Plan. Additionally, it is not anticipated that relocation of existing water treatment facilities would occur due to development of the project. (DEIR, pp. 3.11-36 through 3.11-37)			
Impact 3.11-5: The project has the potential to have insufficient water supplies available to serve the project from existing entitlements and resources (Less than Significant) Water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future water demands associated with the Central Area Specific Plan, to the year 2035 under all hydrologic conditions. The new groundwater wells would provide adequate groundwater for the project. Additionally, the Cal Water Salinas District and ALCO have sufficient water supply throughout its service area to serve the project, even during the third year of a multi-year drought, and even if the project's groundwater wells proved to not be sufficient to serve the entire Plan Area. Moreover, the development of the Central Area Specific Plan would reduce consumption of groundwater (equivalent to increasing groundwater storage), when compared to the existing agricultural uses; this would also have the effect of reducing the potential for seawater intrusion into the groundwater basin, when compared to the existing agricultural uses. (DEIR, pp. 3.11-37 through 3.11-43)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.11-6: Cumulative Impact on Water Utilities (Less than Significant) 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. (DEIR, pp. 3.11-43 through 3.11-45; FEIR, pp. 2.0-44 – 2.0-50)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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Impact 3.11-7: The project has the potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Less than Significant) The construction of the new stormwater drainage facilities, which are associated with the project, has the potential to cause environmental impacts. The potential for environmental impacts associated with the installation of the stormwater system, and all construction-related activities within the Specific Plan Area, are addressed throughout this EIR. In some cases, the direct and indirect impacts are potentially significant and warrant mitigation measures, while in other cases there are significant and unavoidable impacts. The installation of the stormwater system for the Central Area Specific Plan project does not cause any impacts above what is already analyzed and disclosed for each environmental topic in this EIR. Relocation of existing stormwater facilities could also occur, but would not cause any environmental impact due to the limited scope of such activities (e.g. removal of existing agricultural sprinkler systems within the Specific Plan Area). (DEIR, pp. 3.11-64 and 3.11-65)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.11-8: Cumulative Impact on Stormwater Facilities (Less than Significant) The project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures require designs that ensure structures are outside the base flood elevation and that stormwater flows are maintained to prevent downstream flooding. The construction, maintenance, and operation of all stormwater facilities are not anticipated to cause substantial adverse impacts. The project would not have cumulatively considerable impacts associated with stormwater facilities. (DEIR, pp. 3.11-65 through 3.11-67)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 3.11-9: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§

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regulations related to solid waste (Less than Significant) The Central Area Specific Plan would be required to comply with applicable State and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. The City would coordinate development of the project with SVSWA and Republic Services of Salinas. Furthermore, the addition of the volume of solid waste associated with the Central Area Specific Plan, approximately 22.1 tons per day at total buildout, would increase the total to the Johnson Canyon Landfill; however, this increase would not cause an exceedance of the landfill's remaining capacity. (DEIR, pp. 3.11-71 and 3.11-72)			15126.4, subd. (a)(3), 15091.)
Impact 3.11-10: Cumulative Impact on Solid Waste Facilities (Less than Significant) The SVSWA service area is expected to add numerous developments through 2055. The West Area Specific Plan, East Area Specific Plan, and the Economic Opportunity Areas (EOAs) identified in the Economic Development Element (EDE) are three such areas, located within the City of Salinas. These new areas would generate an estimated 75 to 100 tons per day at total buildout. Buildout of other communities within the Salinas Valley Solid Waste Authority' service area would also affect Johnson County Landfill. These jurisdictions within the region are likely to generate new sources of solid waste that would need to be processed at the landfill. The Johnson Canyon Landfill has the capacity to serve nearly three times as much waste per day as it does currently and will have sufficient capacity to serve communities within the SVSWA service area. Moreover, if the City of Salinas were to withdraw from the SVSWA (e.g. to form a new solid waste authority or to join a different solid waste district, which could necessitate the need to utilize a different landfill), CalRecycle would be responsible for ensuring that sufficient landfill capacity would be available to serve existing and future projects in Salinas (inclusive of the project), through its regular permitting requirements, and the City would maintain responsibility for providing adequate solid waste pick-up services to residents and businesses. Implementation of the project would have a less than significant	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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cumulative impact relative to this environmental topic. (DEIR, pp. 3.11-72)			
OTHER ISSUES			
Aesthetics The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that General Plan buildout would allow development to occur in the City in both vacant and underdeveloped portions of the community, and that the introduction/expansion of urban uses into these areas has the potential to interrupt views of natural features, open space, the hillsides, and agricultural resources, reducing the aesthetic value of these resources. Additionally, new development in the City was found to increase the amount of light and glare in the community, particularly in areas planned for nonresidential development, such as retail and general commercial. It was also found that future development under the General Plan has the potential to change the visual character of the City. Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that aesthetic impacts associated with the FGAs, which includes the Central Area Specific Plan, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). Any future development under the approved General Plan, which includes all development under the project, would be required to comply with the above referenced regulations, policies, and standards. Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). (See the Initial Study)	To minimize and mitigate the impacts on aesthetics, the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) presented the following five mitigation measures: Mitigation Measure A1 requires the City to implement the City's Gateway Guidelines; Mitigation Measure A2 requires the City to strengthen and require compliance with the City's Design Guidelines; Mitigation Measure A3 requires the City to improve the Lighting Ordinance; Mitigation Measure A4 requires the City to implement landscaping requirements for all proposed projects; and Mitigation Measure A5 requires the City to review all discretionary projects for aesthetics impacts.	LTS	Three of the five mitigation measures included in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), including Mitigation Measures A1, A2, and A3, are requirements for the City of Salinas to implement. These measures do not apply to the project. Mitigation Measures A4 and A5 are requirements for both the City and for proposed projects or discretionary projects. The project would be subject to Mitigation Measure A4, which requires consistency with the landscaping requirements. All landscaping in the Specific Plan Area would be subject to the City's landscaping requirements. The project would also be subject to Mitigation Measure A5, which requires the City of review the project for aesthetics impacts. Impacts to aesthetics are analyzed in the Initial Study for the project. See Appendix A of the Draft EIR for the Central Area Specific Plan Initial Study.
Agriculture and Forest Resources The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) noted that General Plan buildout would result in the conversion of 3,525 acres of agriculture lands	The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) concluded that with the implementation of Mitigation Measures AG1 through AG4, the impacts on potential compatibility issues would be reduced to a less than significant level; however, while the impacts on agricultural conversion would be reduced to the extent feasible, a significant and unavoidable impact would remain related to the	LTS	All of the five mitigation measures included in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), including Mitigation Measures AG1

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to urban uses. The *Final Environmental Impact Report,* also indicates that General Plan buildout would result in agricultural activity in proximity to residential and other urban uses, which may result in conflicts between the uses. It is noted that agricultural activity can cause nuisances related to air quality and noise that may disturb surrounding development. Urban activities may also negatively affect nearby agricultural uses, as increased vandalism often occurs and the introduction of domestic animals may disturb certain agricultural activities. The City of Salinas certified the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), adopted a statement of overriding considerations relative to this significant and unavoidable impact, and approved the Salinas General Plan. Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that agricultural impacts associated with the FGAs, which includes the Specific Plan, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). Any future development under the approved General Plan, which includes all development under the project, would be required to comply with the above-referenced regulations, policies, and standards. Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). (See the Initial Study)	loss of important farmland. Mitigation AG5 specifically addressed Agricultural Land Conservation Easement Program, which states that the City will work with the County of Monterey and other local jurisdictions to create and implement an agricultural land conservation easement program, including such measures as securing the dedication of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank. Additionally, in 2006, the City Council adopted Resolution No. 19422, approving the Agricultural Land Preservation Program. The resolution adopted a $750.00 per acre mitigation fee for agricultural lands currently designated by the California Department of Conservation's Farmland Mapping Program as "Prime" or "of Statewide Importance."		through AG5, are requirements for the City of Salinas to implement. These measures do not apply to the project. Additionally, in 2006, the City Council adopted Resolution No. 19422, approving the Agricultural Land Preservation Program. The resolution adopted a per acre mitigation fee for agricultural lands currently designated by the California Department of Conservation's Farmland Mapping Program as "Prime" or "of Statewide Importance." The project would be subject to this fee. Impacts to agricultural resources are analyzed in the Initial Study for the project. See Appendix A of the Draft EIR for the Central Area Specific Plan Initial Study.
Geology and Soils Implementation of the project would not result in any new significant adverse impacts beyond those addressed in the Final Environmental Impact Report, Salinas General Plan (Cotton Bridges Associates 2002) and Final Supplemental for the Salinas General Plan Final Program EIR (EDAW/AECOM 2007). (See the Initial Study)	No additional mitigation measures are necessary.	LTS	No additional mitigation measures beyond those implemented pursuant to, or required by, the General Plan and General Plan EIR are necessary.

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Hazards and Hazardous Materials While the Draft EIR analyzes Hazards and Hazardous Materials, several topics were determined to not warrant additional analysis within the Chapter. The land uses proposed within the Specific Plan Area would not be expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Additionally, these uses are not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Furthermore, the project is not located in the vicinity of an airport or private airstrip; therefore, it would not result in a safety hazard related to air traffic for people residing or working in the Specific Plan Area. These topics do not warrant additional analysis and will not be addressed further in the EIR. Separately, the City has adopted a Multi-hazard Emergency Plan, which serves as extensions of the California Emergency Plan and the Emergency Resource Management Plan. The purpose of the Multi-hazard Emergency Plan is to respond to emergency situations with a coordinated system of emergency service providers and facilities. The Emergency Operations Center (EOC) in City Hall serves as the center of the City's emergency operations. The Plan also addresses evacuation and movement of people in the event of an emergency. The project does not impair implementation of or physically interfere with the Multi-hazard Emergency Plan. Implementation of the project would have a less than significant impact relative to this environmental topic and will not be further analyzed or addressed further in the EIR. Lastly, the project is not located in an area that is considered a high risk for wildfires. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. (See the Initial Study)	No additional mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Land Use and Planning The *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002)	No additional mitigation measures are necessary.	LTS	No additional mitigation measures beyond those implemented pursuant to, or required by, the General Plan

ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
concluded that with the impacts would be reduced to a **less than significant** level with mitigation. Subsequently, the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) indicated that impacts associated with the FGAs, which include the Specific Plan Area, would not be different from those discussed in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002). The City certified the Final Supplemental EIR and approved annexation of the North of Boronda FGA, which includes the Central Area Specific Plan. The project, as proposed, is consistent with the Greater Salinas Area Memorandum of Understanding (GSA-MOU). All development under the project would be required to comply with the regulations, policies, and standards identifies in the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002), and *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007). Implementation of the project would not result in any new significant adverse impacts beyond those addressed within these supporting documents. (See the Initial Study)			and General Plan EIR are necessary.
Mineral Resources It was determined in the *Final Supplemental for the Salinas General Plan Final Program EIR* (EDAW/AECOM 2007) that development of the FGA, including the Specific Plan Area, would not have a significant impact on mineral resources or mining activities. As such, implementation of the project would have no impact on mineral resources. (See the Initial Study)	No mitigation measures are necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Salinas Central Area Specific Plan Project (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Chapter 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP. The FMMRP also includes mitigation measures which are required by the *Final Environmental Impact Report, Salinas General Plan* (Cotton Bridges Associates 2002) and the *Final Supplement for the Salinas General Plan Final Program EIR* (EDAW, 2007).

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Salinas will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing**: Identifies at which stage of the Project mitigation must be completed.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

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TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
AIR QUALITY				
Impact 3.1-2: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-1:*** *Prior to approval of tentative maps, conditional use permits or site plan review, the project applicant(s) shall incorporate the following features into project plans and specifications, as directed by the City of Salinas:* • *Provide traffic calming measures (such as speed bumps, traffic circles, and/or other standard measures) on at least 50% of streets and intersections within the Plan Area;* • *Require the parking lots or parking structures for new commercial, office, retail, and multifamily development to provide enough parking spaces for carpools and vanpools to accommodate reasonably foreseeable consumer demand at the time of the approval of such development, consistent with State of California laws and policies intended to encourage the use of carpools and vanpools;* • *Require the use of low-VOC paint for all new building architectural coatings within the Plan Area, consistent with or better than, what is required by the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of tentative maps, conditional use permits or site plan review	
	Mitigation Measure 3.1-2: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate effective methods to facilitate the use of cleaner alternative fuel (e.g., electric vehicles, carpooling, etc.) within the Plan Area. Effective methods may include the installation of alternative fuel (e.g. electric) charging stations at locations spaced throughout the Plan Area including but not limited to those specified in this Draft EIR, as applicable, consistent with or better than what is required by the City's Municipal Code and Specific Plan. Additionally, this can be achieved by providing preferential parking for alternatively-powered vehicles, including electric cars, and/or by providing carpool/vanpool parking spaces.*	City of Salinas Community Development Department	Prior to approval of development review permit(s)	
	Mitigation Measure 3.1-3: *Prior to approval of development review permit(s), the project applicant(s) shall incorporate the use of alternative*	City of Salinas	Prior to	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	energy for the residential and mixed use/commercial developments, including by implementing alternative energy (e.g. PV solar) building requirements, consistent with or better than, what is required by the City's Municipal Code and State requirements (e.g. the 2019 California Solar Mandate). Project applicant(s) shall also ensure that pre-installed electrical hookups and/or charging stations, as applicable, are incorporated into all project plans and specifications.	Community Development Department	approval of development review permit(s)	
	Mitigation Measure 3.1-4: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that low-flow (high-efficiency) indoor water fixtures will be installed throughout the Plan Area, including for bathroom and kitchen faucets, toilet fixtures, and showers, in both residential and non-residential buildings, in compliance with or better than the standards required within the most recent version of the California Green Building Standards Code.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-5: *Prior to the issuance of building permits, the project applicant(s) shall provide plans that demonstrate that water-efficient irrigation systems will be installed throughout the Plan Area, consistent with or better than the requirements contained within the State's Model Water Efficient Landscape Ordinance, the City's Water Conservation Ordinance and the Salinas Zoning Code Landscaping and Irrigation requirements.*	City of Salinas Community Development Department	Prior to the issuance of building permits	
	Mitigation Measure 3.1-6: *Prior to approval of improvement plans or development review permits, as applicable, the project applicant(s) shall ensure that pedestrian/bicycle facilities (e.g. pedestrian paths, outdoor bike racks, etc.) are provided within the Specific Plan Area, in coordination with and subject to approval by the City of Salinas. The project proponent shall also provide bicycling parking near the entrance to commercial establishments within the Specific Plan Area, consistent with or better than the requirements contained within the City's Municipal Code.*	City of Salinas Community Development Department	Prior to approval of improvement plans or development review permits, as applicable	
	Mitigation Measure 3.1-7: *Prior to the issuance of development review permit(s), the project applicant(s) shall incorporate the following additional Plan Area requirements, as applicable:* • *Install secured bicycle storage facilities (bike lockers, cages, interior*	City of Salinas Community Development Department	Prior to approval of development review	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	space, or similar as approved by the City Engineer) at all commercial and public facilities with 50 employees or more; • *Incorporate park-and-ride lots.* • *Install Level 2 electric vehicle (EV) charge stations at workplace sites with 50 or more employees (10% or more of total available parking spaces, dependent on the existing and anticipated overall electric vehicle fleet mix in Monterey County at time of development); and* • *Install publicly-available dual post Level 2 charge stations within the VC or NG zones, and/or other zones as deemed acceptable by the City of Salinas. (Note: The 'level' of the charging station refers to the voltage that the electric vehicle charger uses. Level 1 charging is your typical traditional home outlet, while level 2 is a 240 Volt Portable Cordset or Wall-mounted Charging Station (2-10 hours charging).* ***Mitigation Measure 3.1-8****: Prior to the approval of individual phases (i.e. tentative maps, site plan review, etc.), the project applicant(s) shall develop a reasonably feasible offsite mitigation program that provides funding to offset the project-generated air emissions that are still above the Air District's operational criteria pollutant thresholds after the adoption of other applicable air quality mitigation measures. The offsite mitigation program is subject to the review and approval of the Air District and the City of Salinas on a project-by-project basis (of phase-by-phase), and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. Example projects that could be included in the offsite mitigation program may include, but are not limited to, the following:* • *Replace existing agricultural combustion-based generators/pumps with electric agricultural water pumps (in place of generators/pumps;* • *Replace combustion school buses with electric school buses within the local community;*	City of Salinas Community Development Department	permit(s) Prior to approval of individual phases (i.e. tentative maps, site plan review, etc.)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Install adaptive traffic control systems;* *Install solar photovoltaic (PV) systems.*			
Impact 3.1-3: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	***Mitigation Measure 3.1-9**: Prior to the issuance of grading permits, the project applicant shall prepare a grading plan subject to review and approval by the City. In the event that ground-disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (e.g., grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth-moving (e.g., finish grading), the required grading plans shall include the following measures to be implemented as needed to prevent visible dust emissions:* • *Water all active construction sites to prevent visible dust emissions. Frequency should be based on the type of operation, soil, and wind exposure;* • *Prohibit grading and earthmoving activities, and cover stock piles, during periods of high wind (over 15 mph);* • *Limit vehicle speed on construction sites to 15 mph.* • *Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);* • *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area;* • *Maintain at least 1-foot of freeboard in each haul truck;* • *Provide windbreaks on the windward perimeter of construction projects where adjacent to open land;* • *Cover inactive storage piles;* • *Sweep streets if visible soil material is carried out from the construction site; and/or* • *Post a publicly visible sign written in English and Spanish which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District (MBARD) shall be visible to*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	ensure compliance with Rule 402 (Nuisance). The sign shall be in accordance with MBARD and/or City requirements, as applicable • *Use cleaner construction equipment that conforms to EPA's second or first-most stringent Tier emission standards (e.g. Tier 3 or Tier 4 emission standards in 2019), or better; and/or* • *Further, where reasonably feasible, construction equipment should include the use of alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.*			
Impact 3.1-5: The proposed project has the potential for public exposure to toxic air contaminants	***Mitigation Measure 3.1-10:*** *Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations), the project applicant shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in accordance with the California Air Pollution Control Officers Association Air Toxic "Hot Spots" Program guidance. The prioritization screening shall also be conducted consistent with the guidance provided by the Monterey Bay Air Resources District, which will be responsible for determining which facilities based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the Monterey Bay Air Resources District considers the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.* *If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the applicable thresholds (utilizing an air dispersion modelling program such as AERMOD). As of the time of this writing, the commonly accepted threshold for cancer risk is 10 in a million for carcinogens, and the reference exposure level for non-carcinogens (HI = 1). Facilities that exceed the applicable threshold(s) have the potential to expose the public to toxic air contaminants*	City of Salinas Community Development Department Monterey Bay Air Resources District	Prior to issuance of building permits or commencing operation of any commercial building/use that would emit toxic air contaminants (such as gas stations or dry cleaning operations)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	levels that would be considered significant. Facilities that exceed the applicable threshold(s) must incorporate mitigation to reduce the risks from emission of toxic air contaminants to an acceptable level (i.e., to a level that does not exceed the applicable threshold[s]). Potential mitigation includes: reducing the size of the facility area; rearranging the site to reduce the potential for impacts on the nearest sensitive receptors; and utilizing products that reduce the level of toxic air contaminants, or removal of such products from the operational phase of the project.			
Impact 3.1-7: Cumulative impact on the region's air quality	*Implement Mitigation Measures 3.1-1 through 3.1-10.*	See Mitigation Measures 3.1-1 through 3.1-8	See Mitigation Measures 3.1-1 through 3.1-8	
BIOLOGICAL RESOURCES				
Impact 3.2-2: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian	***Mitigation Measure 3.2-1****: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CTS. It is anticipated that the applicant would need to coordinate with the USFWS and CDFW on any additional survey needs, beyond the surveys, assessments, and genetic testing that has already been performed on this site for this species, during the consultation process. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will inform what, if any, take authorization is required from CDFW to comply with CESA. Consultation with CDFW and the USFWS shall be conducted well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities.* *The regulatory approvals are anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	Prior to issuance of grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	treatment activities in areas deemed to be viable CTS habitat. *It is anticipated that compensatory mitigation will be necessary for the loss of aquatic habitat associated with the 0.25-acre agricultural basin located on the east side of Natividad Road, approximately 0.4 miles north of East Boronda Road. At a minimum, the restoration and habitat creation of up to 30 acres along Gabilan Creek and 74 acres along Natividad Creek (net of any recreational amenities and public facilities required to facilitate the project) shall include ponded/basin areas that provide aquatic breeding habitat opportunities for CTS within the Specific Plan Area. The required amount of ponded/basin areas shall not be less than the 0.25 acres which is equivalent to the anticipated habitat loss, but the final calculation of aquatic habitat needed to compensate for that loss shall be determined by the USFWS and/or CDFW through the permit process. Additionally, the replacement aquatic habitat shall be designed with similar characteristics as the known 0.25-acre breeding pond including depths of at least five feet, and establishment of submergent and emergent vegetation around the perimeter of the pond/basin. All submergent and emergent vegetation around the pond/basin shall be from mature plantings to ensure that significant vegetation is established in the first year (i.e. no seeding or hydroseeding).* *CTS migration and dispersal functions between breeding and aestivation sites shall be appropriately considered when designing and locating new aquatic breeding habitat within the creek corridors. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW.* ***Mitigation Measure 3.2-2**: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to California tiger salamander to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the*	City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development	Prior to issuance of grading and/or building permits Prior to issuance of grading and/or	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season. *In addition, the project applicant shall consult with the CDFW to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Plan Area and obtain an ITP from CDFW.* ***Mitigation Measure 3.2-3**: Prior to issuance of grading and/or building permits, the project applicant, assisted by a qualified biologist, shall consult with the USFWS and CDFW to obtain the appropriate regulatory approvals and authorizations regarding CRLF. This is anticipated to include the need to submit an application for incidental take to both the USFWS (Section 7 Consultation) and CDFW (2081 incidental take permit). The project applicant's qualified biologist shall report the conclusions reached through such consultation to the City's Community Development Director. If either USFWS or CDFW determines that an incidental take permit is required, the project applicant shall obtain such a permit before engaging in any grading or other site-treatment activities in areas deemed to be viable CRLF habitat.* *The Gabilan and Natividad Creek are CRLF habitat and both are anticipated to be expanded through habitat creation/restoration. The restoration and habitat creation include up to 30 acres along Gabilan Creek and 74 acres (net of any recreational amenities and public facilities required to facilitate the project) along Natividad Creek. Given that the creation/restoration is an*	Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist City of Salinas Community	building permits Prior to issuance of grading and/or building permits Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	expansion of habitat beyond what exists presently, it is anticipated that there would be a net increase in CRLF habitat. There is, however, the potential for temporary impacts to CRLF during the creation/restoration effort. The final restoration and habitat creation design shall be subject to the approval of the USFWS and CDFW. ***Mitigation Measure 3.2-4****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to CRLF to the extent feasible, the proposed project activities shall be compliant with all Avoidance and Minimization Measures imposed by the USFWS and CDFW during Construction Activities. Examples of standard avoidance and minimization measures include: 1) conducting environmental education training for all construction personnel, 2) having a biologist with a scientific collecting permit for CRLF to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with a scientific collecting permit every 72 hours during the migration/breeding season 5) installation of pit traps to capture CRLF migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CRLF found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report.* ***Mitigation Measure 3.2-5****: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to WPT to the extent feasible, the proposed project activities shall be compliant with the following Avoidance and Minimization Measures: 1) conduct environmental education training for all construction personnel, 2) conduct western pond turtle surveys within creek corridors, ponded/basin areas, and irrigation ditches by a qualified biologist, 3) survey upland areas within 0.5 miles of the aquatic features for evidence of nests as well as individual turtles, 4) make a reasonable effort to capture and relocate as many western pond turtles as possible to minimize take, 5) if a nest is observed, move eggs to a suitable location or facility for incubation, and release hatchlings into the creek corridor the following autumn, 6) design habitat elements within the creek corridor to benefit western pond turtle (i.e. include logs or rafts for emergent basking sites, and upland areas adjacent to ponds in a relatively open condition), and 7) post construction report. All survey and/or handling of WPT shall be performed by a qualified biologist in consultation with the*	Development Department California Department of Fish and Wildlife U.S. Fish and Wildlife Service Qualified Biologist	grading and/or building permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	CDFW.			
Impact 3.2-3: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS - Birds	***Mitigation Measure 3.2-6****: Building and grading permits and plans issued for development in the project area shall note the following: If construction activities occur during the avian breeding season (February 1 – September 15) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Specific Plan Area, and shall be submitted to the City. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The biologist will conduct a survey in the Specific Plan Area for all special-status birds protected by the federal and state ESA, MBTA and CFGC. The biologist shall map all nests that are within, and visible from, the Specific Plan Area. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Nests shall be monitored at least twice per week during the nesting season and a report submitted to the City and CDFW monthly.*	City of Salinas Community Development Department Qualified Biologist California Department of Fish and Wildlife	In conjunction with issuance of building and grading permits and plans	
Impact 3.2-5: The proposed project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or	***Mitigation Measure 3.2-7****: Grading and/or building permits and plans issued for development in the project area shall note the following:* • *Monterey Dusky-Footed Woodrat: Any vegetation/ground disturbance to the Gabilan Creek associated with the crossings or restoration should be conducted when woodrats are least likely to breed in October through November. No more than 30 days prior to construction located within 50-feet of Gabilan Creek, a qualified biologist shall conduct a preconstruction survey for Monterey dusky-footed woodrat middens. At the discretion of a qualified biologist, an exclusion buffer shall be established around any woodrat middens that can be avoided, and these exclusion zones shall be fenced as Environmentally Sensitive Areas to protect the nest. If a woodrat midden cannot be avoided, potential dismantling and relocation strategies shall be developed and presented to the*	City of Salinas Community Development Department Qualified Biologist	In conjunction with issuance of building and/or grading permits and plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
USFWS - Mammals	*City of Salinas Community Development Department by a qualified biologist for review and/or approval. Potential dismantling and relocation strategies may include hiring a qualified biologist to dismantle the middens by hand for relocation within the restored/created habitat along Gabilan and Natividad Creeks, or outside of the project site as appropriate. If approved by the City, a qualified wildlife biologist may dismantle only middens within the project site that would be disturbed by construction activities. If young are encountered during dismantling of the midden, any removed material may be replaced and a 50-foot no-disturbance buffer would be established around the active midden. The buffer would remain until young are weaned and are able to disperse on their own accord (typically for a period of 14 days). All removed midden substrate would be collected and relocated to suitable woodland habitat outside of the project footprint. Appropriate personal protective equipment (e.g., respirator, gloves, and Tyvek suit) shall be used while dismantling and relocating woodrat nest material to protect against disease carried by rodents (e.g. hantavirus).* • *Bats: Fifteen days prior to construction activities within 200 feet of potential bat roosting habitat, the project applicant shall retain a qualified biologist familiar with bat biology to perform a preconstruction survey for roosting special-status bats, which shall be submitted to the City. The areas with potential bat roosting habitat include: 1) the three residential complexes located between Natividad Road and Gabilan Creek, 2) the outbuildings/structures located throughout the Specific Plan Area, and 3) Gabilan Creek. The survey shall include a minimum of one daytime and one evening survey. The survey shall cover the trees, structures, and debris located within these complexes. If active roosting is observed, removal of the tree or building shall be avoided until the bats can be excluded. All active non-maternity roosting sites shall be fitted with passive exclusion devices, such as one-way flaps or doors, and all bats shall be allowed to leave voluntarily. Once it is confirmed that all bats have left the roost (minimum of five days), crews shall be allowed to continue work in the area. If a maternity roosting site is discovered, a minimum 50-foot buffer shall be established around*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the roost. The project applicant shall consult with the qualified biologist in order to determine if a greater buffer is warranted based on the bat species, roost location, and specific construction activities to be performed in the vicinity. The buffer shall stay in effect until all young are determined to be volant (i.e., able to fly and feed independently) by a qualified biologist. Once it is determined that all young are volant (generally by August 1st), passive exclusion devices shall be installed and all bats shall be allowed to leave voluntarily. Once it is determined by the qualified biologist that all bats have left the roost (minimum of five days), crews shall be allowed to work within the buffer zone. Project Improvement Plans will include this measure as a note in the plans.			
Impact 3.2-7: The proposed project has the potential to have substantial adverse effect on federally - or state- protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	***Mitigation Measure 3.2-8****: Prior to grading/building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek (and its tributaries), the project applicant shall obtain jurisdictional determinations from the USACE, RWQCB, and CDFW for the creeks and ditches that are proposed to be disturbed. The creeks are confirmed jurisdictional and authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, CDFW-1600 Streambed Alteration Agreement) will be necessary. The irrigation ditches are anticipated to be exempt. If these regulatory agencies concur that these irrigation ditches are exempt, then no further mitigation is necessary for the irrigation ditches. If it is determined that these ditches are not exempt, authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, 1600 Streambed Alteration Agreement) will be necessary. At a minimum, the project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations, although a higher mitigation measure may be required by the USACE, RWQCB, and CDFW through their permitting processes. It is anticipated that the restoration of Gabilan and Natividad Creeks will result in up to 104 acres of wetland and riparian habitat creation (net of any recreational amenities and public facilities required to facilitate the project), which will serve as onsite mitigation; however, a mitigation plan must be submitted and approved by the USACE, RWQCB, and CDFW through the permitting processes conducted pursuant to Clean Water Act Sections 401 and 404, Fish and Game Code Section 1600, and State Water Board*	City of Salinas Community Development Department U.S. Army Corps of Engineers Regional Water Quality Control Board California Department of Fish and Wildlife	Prior to grading / building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Procedures for the Discharge of Dredged or Fill Material to Waters of the State.			
CULTURAL AND TRIBAL RESOURCES				
Impact 3.3-1: Project implementation may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5	***Mitigation Measure 3.3-1:*** *Grading and/or building permits and plans for development in the project area shall note the following: In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading, all work shall stop in the area of the find until an appropriate avoidance or data recovery program can be developed and implemented by a qualified archaeologist. This archaeologist shall determine whether the uncovered deposits or features qualify as either "historical resources" within the meaning of CEQA Guidelines section 15064.5, subdivision (a), "unique archaeological resources" as defined in Public Resources Code section 21083.2, subdivision (g), or "tribal cultural resources," as defined in Public Resources Code section 21074. If historical resources, unique archaeological resources, or tribal cultural resources are present, the project proponent shall preserve any such resources in place if feasible as determined by the City Planner and/or implement any other feasible mitigation measures identified by the archaeologist and approve and imposed by the City. In assessing whether avoidance is feasible, the City Planner shall consider project design, logistics, and cost considerations. All costs associated with the City's Planner's determination of project design, logistics and cost considerations shall be borne by the developer/applicant. Avoidance is infeasible where it would preclude the construction of important structures or infrastructure or require exorbitant expenditures. Recommended mitigation measures shall be reviewed by the City Planner and shall be approved if feasible in light of project design, logistics, and cost considerations and, if approved, shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City Planner. Data recovery, including photo documentation, excavation and recovery, laboratory analysis, etc., shall be an option if preservation in place is infeasible. Where resources have been determined to be "unique archaeological resources" but not "historical resources" or "tribal cultural resources," the project proponent's obligations shall be limited as set forth in Public Resources Code section 21083.2, subdivisions (d), (e), and (f). Grading/building permits and plans shall note this measure.*	City of Salinas Community Development Department Qualified Archaeologist	In the event that evidence of archaeological or historical features or deposits (e.g., ceramic shard, trash scatters, lithic scatters) are uncovered (discovered) during excavation and/or grading	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.3-2: Project implementation may cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5	*Implement Mitigation Measure 3.3-1.*	See Mitigation Measure 3.3-1	See Mitigation Measure 3.3-1	
Impact 3.3-3: Project implementation may directly or indirectly destroy a unique paleontological resource	***Mitigation Measure 3.3-2:*** Grading and/or building permits and plans for development in the project area shall note the following: *If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Salinas shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where the resource could be curated and displayed for public education purposes.*	City of Salinas Community Development Department Qualified Paleontologist	If paleontological resources are discovered during the course of construction	
Impact 3.3-4: Project implementation may disturb human remains, including those interred outside of formal cemeteries	***Mitigation Measure 3.3-3****: Grading and/or building permits and plans for development in the project area shall note the following: If human remains are found during construction within the Specific Plan Area, or at off-site infrastructure improvement locations, there shall be no further excavation or disturbance of the area of the find or any nearby area reasonably suspected to overlie adjacent human remains until a qualified archeological monitor and the coroner of Monterey County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if:* *a) the Native American Heritage Commission is unable to identify a*	City of Salinas Community Development Department Monterey County Coroner Native American Heritage Commission	If human remains are discovered during the course of construction within the Specific Plan Area	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; *b) the descendent identified fails to make a recommendation; or* *c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*			
Impact 3.3-5: Project implementation may cause a substantial adverse change in the significance of a tribal cultural resource	*Implement mitigation measures 3.3-1 through 3.3-3.*	See Mitigation Measures 3.3-3 and 3.3-4	See Mitigation Measures 3.3-3 and 3.3-4	
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.4-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	***Mitigation Measure 3.4-1****: Prior to the approval of the tentative maps, conditional use permits or site plan review, as applicable, the project applicant shall prepare a Greenhouse Gas Reduction Plan (GGRP) aimed at achieving specific performance standards. The GGRP may be prepared pursuant to CEQA Guidelines section 15183.5(b) and shall include the following:* *1) The GGRP shall, if feasible, achieve a per capita operational emissions level of 1.44 MT CO2e/service population/year by year 2040, and 0.80 MT CO2e/service population/year by year 2050.* *2) Calculation of GHG emissions projection using an acceptable modeling tool such as the most recent version of CalEEMod.* *GHG reduction measures may include building and site energy reduction measures, measures to reduce project-generated vehicle miles traveled, or other measures. Off-site measures such as participation in a community-wide GHG reduction program(s), if any are adopted, or payment of GHG reduction fees (carbon offsets) into a qualified existing program, may be considered after all feasible on-site reduction measures are considered. Any carbon offsets must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such offsets shall be based on protocols*	City of Salinas Community Development Department	Prior to the approval of the tentative maps and development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City and/or the Monterey Bay Air Resources District (MBARD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and any program adopted the MBARD. The effectiveness of the GHG reduction measures included in the GGRP must be verifiable based on evidence presented in the GGRP. Representative GHG reduction measures which may be considered may include, but are not limited to: • *Measures identified by the California Air Pollution Control Officers' Association in Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures or updates to this document as may occur from time to time.* • *Applicable measures identified in guidance from MBARD, if any, and/or in guidance provided by the California Air Resources Board, other regional air districts such as the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, San Luis Obispo County Air Pollution Control District, or other agencies with adopted GHG reduction guidance that is applicable on the date the project application is deemed complete by the City.* *If the project applicant concludes that sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance (i.e., per capita operational emissions level of 1.44 MT CO2e/service population/year by 2040, and 0.80 MT CO2e/service population/year by 2050), the project applicant shall include substantial evidence in the GGRP to this effect. The GGRP shall be subject to review and approval of the City of Salinas Community Development Department prior to*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	approval of the tentative map or development review application, as applicable. Where the applicant concludes that the GGRP meets the threshold of significance, the Community Development Department shall determine whether, in its independent judgment, the GGRP actually does meet the threshold of significance, and shall ensure that all proposed measures will be effective and enforceable. In determining whether, as the applicant may assert, sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the Community Development Department shall determine, in its independent judgment, whether there might be additional feasible measures, including qualifying carbon offsets, available to meet the thresholds of significance. In making this determination, the Community Development Department shall consider the feasibility of imposing additional measures, including requiring the applicant to purchase any additional qualifying carbon offsets that might be available in the marketplace or through development of a local or regional program that could produce additional qualifying offsets. "Feasibility" in this context shall focus on the technical viability and overall cost of such additional measures, including carbon offsets, and, specifically, whether such measures (i) are technologically feasible, (ii) would substantially increase the cost of proposed housing, or (iii) would render the proposed project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601. After the Community Development Department has approved a GGRP, the GGRP shall be forwarded to the City Planning Commission for its consideration and potential approval. The Planning Commission shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. Any decision of the Planning Commission approving, conditioning, or denying a GGRP may be appealed to the City Council within 10 days of the Planning Commission decision. Upon appeal, the City Council shall consider the GGRP at a noticed public hearing or meeting at which public testimony shall be considered. *Implementation of this mitigation measure shall not be required if the City has a qualified GHG reduction plan in place on the date a future individual project application subject to the GHG reduction plan is deemed complete, the qualified GHG reduction plan reflects the most recent legislatively-adopted GHG reduction targets (e.g., the 2030 target set by SB 32), includes*			

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	an inventory of projected GHG emissions from development within the Plan Area, and includes GHG reduction measures applicable to development within the Plan Area whose implementation is required as a condition of approval of such projects.			
Impact 3.4-2: Potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	*Implement Mitigation Measure 3.4-1.*	See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
Impact 3.4-4: Cumulative impact on climate change from increased project-related greenhouse gas emission		See Mitigation Measures 3.4-1	See Mitigation Measures 3.4-1	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.5-1: Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	***Mitigation Measure 3.5-1:*** *Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable, the applicant shall hire a qualified consultant to:* *1) Provide a final evaluation of the soils around the agricultural operations support buildings (residences, warehouses, barns, etc.) before they are demolished. If toxic levels of residual agrichemicals or surface staining are found, the contaminated soil shall be excavated and disposed of at an off-site disposal facility permitted to accept such waste. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *2) Investigate structures for asbestos-containing materials and lead. If asbestos-containing materials and/or lead are found in the buildings, or around the perimeters of the foundations if structures have*	City of Salinas Community Development Department	Prior to issuance of grading permits or building permits, (including the issuance of demolition permits for agricultural support buildings) as applicable	

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	already been removed, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with U.S. EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. Any ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility. *In addition, any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.* *Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.* *3) The two known gasoline USTs located on APNs 211-013-003 or -010 and -011 and APN 153-091-001 shall require proper removal in accordance with Monterey County permit requirements prior to planned development. Any unused fuel and oil ASTs and containers located in the vicinity of the agricultural buildings and equipment yards shall be properly removed and recycled or disposed of. Any associated petroleum hydrocarbon subsurface impacts associated with the USTs, ASTs and fuel and oil containers/storage areas shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Control, or other appropriate federal, State, or local regulatory agencies. *4) Investigation and reporting for Polychlorinated biphenyls (PCBs) related soil impacts (associated with pole-mounted transformers) at the fenced former substation located on the southern portion of APN 211-013-012 shall be required prior to disturbance of the area. Soil sampling and analytical testing shall be required to determine if subsurface impacts require further assessment or remediation prior to planned development. If the investigation and analytical results of the soil samples determines the soils contain threshold levels of PCBs, materials must be disposed of as a hazardous waste and shall require proper removal in accordance with all applicable regulatory requirements and recommendations by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* *5) Observations and a screening level Phase II ESA soil sampling and analytical testing shall be completed for APNs 211-013-003, -007, -010 and -011 prior to any development approvals. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by the Monterey County Health Department Hazardous Materials Management Services, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, State, or local regulatory agencies.* ***Mitigation Measure 3.5-2:*** *Prior to the issuance of grading permits, existing water wells within the grading area shall be destroyed under permit from the City of Salinas and/or the Monterey County Health Department, as applicable. Any destruction of these facilities shall be in accordance with the Monterey County Well Standards for Abandonment/Destruction. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate destruction of*	City of Salinas Community Development Department Monterey County Health Department City of Salinas Community Development Department Monterey County Health Department	Prior to the issuance of grading permits Prior to the issuance of building permits	

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	these facilities. ***Mitigation Measure 3.5-3:*** *Prior to the issuance of building permits, the water well or wells that will be providing water for the applicable portion of the Specific Plan Area, shall be constructed and tested for water quality under permit from the Monterey County Health Department. The project applicant shall provide the City of Salinas with a copy of the permit and a report or other information documenting the appropriate construction and operation of these facilities.*			
Impact 3.5-2: Create a significant hazard to school sites due to siting or the placement of infrastructure	***Mitigation Measure 3.5-4:*** *The property line of all school sites (even if it is a joint use agreement as described in subsection (o) of § 14010) shall be at least the following distance from the edge of respective power line easements as identified in the California Code of Regulations Title 5, Article 2. School Sites § 14010, Standards for School Site Selection (c):* • *100 feet for power lines that are between 50 and 133 kV.*	City of Salinas Community Development Department	Prior to approval of improvement plans for any school site	
HYDROLOGY AND WATER QUALITY				
Impact 3.6-1: The proposed project has the potential to violate water quality standards or waste discharge requirements during construction	***Mitigation Measure 3.6-1:*** *Prior to issuance of grading permits, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the City of Salinas prior to submitting to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed to be effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and shall not preclude the use of equally or more effective new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Salinas. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB or the*	City of Salinas Public Works Department Regional Water Quality Control Board	Prior to issuance of grading permits	

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	City of Salinas.			
Impact 3.6-2: The proposed project has the potential to violate water quality standards or waste discharge requirements during operation	***Mitigation Measure 3.6-2:*** *Prior to the issuance of grading permits, the project proponent shall submit to the Salinas Public Works Department the project Improvement Plans. The Improvement Plans shall be consistent with the City's Development Standards, Standard Plans, and current NPDES permit requirements at the time of permitting. The NPDES permit granted to the City of Salinas by the Central Coast RWQCB (RWQCB – Central Coast Region, 2019) requires the following:* *I. Erosion and Sediment Control BMPs – Erosion control and sediment control BMPs shall be designed, installed, and maintained to reduce the discharge of pollutants from construction sites to the maximum extent practical (MEP) and protect water quality;* *II. Erosion and sediment from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other sediment control BMPs; and* *III. Soil Stabilization – Stabilization of disturbed areas shall, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased.* *Additionally, the Improvement Plans shall be consistent with the requirements of the City's most current Stormwater Development Standards for New and Redevelopment Projects. The City of Salinas Stormwater Standards for New and Redevelopment Projects (City of Salinas, 2013) require the following practices:* *I. Limit disturbance of creeks and natural drainage features and provide setbacks according to the City's latest NPDES permit;* *II. Minimize compaction of highly permeable soils; and* *III. Limit clearing and grading of native vegetation to the minimum needed to build the project and provide fire*	City of Salinas Public Works Department	Prior to the issuance of grading permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	protection. ***Mitigation Measure 3.6-3:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for water quality best management practices (BMPs) and water quality detention/retention basins designed to meet the applicable regulatory requirements and to reduce contaminant loadings to receiving waters to the maximum extent practicable.* *The approved Stormwater Control Plans shall be submitted to the Central Coast RWQCB through SMARTS as part of the project's SWPPP permit documents.* ***Mitigation Measure 3.6-4:*** *Prior to the approval of site improvement plans, the project applicant shall submit to the Salinas Public Works Department a Stormwater Control Plan detailing plans and calculations for operational water quality best management practices (BMPs) and water quality detention basins designed to prevent to the maximum extent practicable the creation of new sources of polluted runoff. Operational water quality BMPs may include extended detention basins, wet ponds/detention basins, porous pavement, inlet filters, vegetative BMPs, underground infiltration systems, vegetative swales, or storm drain stenciling and posting of signage. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.* ***Mitigation Measure 3.6-5:*** *Prior to the approval of site improvement plans, the project applicant shall submit a Hydrologic study as part of the Stormwater Control Plan to the Salinas Public Works Department detailed plans and calculations for supplemental retention and peak flow control. BMPs will be designed to meet regulatory requirements and to reduce peak flows during storm events below peak flows under pre-project conditions. The detailed plans and calculations shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.6-3: The proposed project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge	***Mitigation Measure 3.6-6:*** *Prior to the approval of site improvement plans, the project applicant shall site, and design and include an Operation and Maintenance Plan for stormwater retention/infiltration basins and infiltration promoting BMPs sufficient to assure that there is no reduction in groundwater recharge. In order to assure there is no reduction in recharge, the plan shall result in circumstances which maintain infiltration to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater. The site, design, and installation shall be consistent with the requirements of the City's Stormwater Development Standards for New and Redevelopment Projects. The contents of the site, landscaping (ground cover, bushes and trees, etc.) and irrigation (as applicable), design, and installation shall be included in a Stormwater Control Plan. The Stormwater Control Plan shall be reflected on the Improvement Plans and subject to review and approval by the Salinas Public Works Department and the City Planner. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for the review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-7:*** *Prior to the approval of site improvement plans, the project applicant shall site, design, and include an Operation and Maintenance Plan for post-construction BMPs and supplemental stormwater detention basins in accordance with City of Salinas stormwater development standards. Maintenance procedures (including frequency of procedure, cleaning schedules, applicant responsibility for each procedure, performance standards, or other means) and funding mechanisms shall be established for those facilities to assure adequate long-term performance and success in treating the water and controlling infiltration into the groundwater. The Improvement Plans and Operation and Maintenance Plan shall be subject to review and approval by the Salinas Public Works Department.*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.6-6: Place housing or structures that would impede/redirect flows within a 100-year, or 200-year flood	***Mitigation Measure 3.6-8****: Prior to the approval of site improvement plans, the project applicant shall submit an application for a letter of map revision based on fill (LOMR-F) to the City of Salinas floodplain administrator and FEMA with pertinent information and studies for approval that indicates no*	City of Salinas Public Works Department	Prior to the approval of site improvement	

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hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	*building construction would take place within remapped FEMA flood zones AE and A and that no changes to the regulated floodway will result in an increase in the base flood elevation or impact the downstream waterways.* ***Mitigation Measure 3.6-9****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department detailed grading plans and calculations designed to place enough fill onto the shaded Zone X area as to raise the land surface elevation above the base flood elevation so that flooding hazards are minimized to a FEMA flood standard. The project applicant shall submit an application for a LOMR-F to the City of Salinas floodplain administrator and FEMA with pertinent information for approval.* ***Mitigation Measure 3.6-10****: Prior to the approval of site improvement plans, the project applicant shall submit for review and approval by the Salinas Public Works Department and the City Planner, detailed plans, calculations, landscaping (and irrigation, as applicable) plans, and design basis reports for creek corridor restoration, including detention/retention/water quality basins, within the flood hazard extents identified as Zones A and AE that provide assurances that during large storm events, creek flows and sediment transport from upstream sources are not impeded at the same time as when the adjacent basins are at or near capacity. The design basis reports for creek corridor restoration shall also be submitted to the USACE, USFWS, and RWQCB and any required permitting processed prior to City approval. All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.* ***Mitigation Measure 3.6-11****: Prior to the approval of site improvement plans, the project applicant shall submit a Stormwater Control Plan that provides sufficient supporting documentation and calculations to the Salinas Public Works Department to address sediment transport issues of fine-grained materials from upstream and local sources that could clog*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	infiltration capacities and could fill required storage space within the stormwater basins at the downstream boundaries of the project area to the extent practicable. *The calculations to address these sediment transport issues may include:* • *A streamflow and sediment transport (bedload and suspended sediment) data collection monitoring program that begins one- to two-years pre-construction and continues through a mandated post-project timeframe and would provide volumetric information for calculations related to the potential for sediment deposition.* • *Pre-project measurements could be used to estimate sediment loading, which could inform the design of mitigation measures and enable estimates of maintenance frequencies needed ensure ongoing efficacy of the measures. During project execution and after project completion, measurements of bedload and suspended sediment in the channel at the downstream boundary of the project could be used to verify performance of sediment management measures and avoidance of associated sediment transport impacts.* • *The United States Geological Survey gage record on Gabilan Creek (#11152600) contains limited suspended sediment data that was collected in March and April of 2017. These data could be used to compare to and/or validate measurements obtained via field data collection.* *Strategies and measures to address these sediment transport issues may include:* • *Bioretention Basins: Bioretention basin features provide multiple water quality functions for stormwater systems, including performing as depositional areas for sediments that settle and get trapped in the bioretention media.* *An operations and maintenance plan shall be used to address specific*		plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	maintenance requirements related to sediment accumulation, such that basin media remediation would take place when a threshold condition (such as a certain amount of sediment accumulation on the basin floor) is reached. For instance, if sediment deposition exceeds a depth of 2-inches, even a small patch, the sediment would require removal to keep the basin functioning properly. *Furthermore, the functional lifespan of bioretention media (mulch, soils, drain rock, underdrain) is generally about 15 years. Annual monitoring reports could be used to track basin performance under varying wet season conditions and used to guide media replacement timing.* • *Treatment Wetlands: Treatment wetlands are designed to mimic the natural infiltration, nutrient cycling, habitat, and a myriad of other important ecological functions provided by natural wetlands. Treatment wetlands could be constructed at storm drain outfall locations or adjacent to or off-channel from a creek channel. Wetlands could vary between those that are highly designed and may need relatively high levels of maintenance to more naturally based designs that may need more limited maintenance, each with varying levels of treatment potential.* *Treatment performance is a function of wetland to watershed ratio, wetland treatment design, area hydrology, hydraulic residence time, and source pollutants. The preferred residence time through wetlands varies based on vegetation type and quantity, water depth, temperature, and design flow rates. Having a lower design flow rate can result in longer hydraulic residence time, which is preferred particularly at the start of a rainy season, since the "first flush" volume of stormwater runoff will generally contain the highest concentrations of pollutants. Treatment wetland design generally considers dry season irrigation return flows and first flush principles.* • *Vegetated Banks/Riparian Corridor: Trees and other riparian corridor vegetation appropriate to the environment, such as willows, could*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	grow rapidly on channel banks and trap sediments, removing sediment from streamflows as well as from local surface runoff. • *Floodplains: Floodplains provide one of the most important storage spaces for sediment as it moves discontinuously through a watershed. Naturally functioning floodplains generally extend laterally past the immediate riparian buffer zone into relatively flat areas. Floodplain access could be provided by bank and channel grading at specified design storm flows. The rate of sediment deposition on floodplains is largely dependent on the frequency of inundating flows, the suspended sediment loads in the river, available floodplain area, and presence of vegetation.* ***Mitigation Measure 3.6-12****: Prior to the approval of site improvement plans, the project applicant shall provide an Operation and Maintenance Plan as part of the Stormwater Control Plan with sufficient supporting documentation and calculations for review and approval by the Salinas Public Works Department demonstrating that risks associated with reduction of infiltration capacity in the detention/retention/water quality basins shall be minimized to the maximum extent practicable.* ***Mitigation Measure 3.6-13****: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with sufficient supporting documentation and calculations that the risks associated with basin embankment side slope failure because of the non-cohesive nature of Gabilan and Natividad Creek corridor sediments will be minimized to the extent practicable.* ***Mitigation Measure 3.6-14****: Prior to the approval of site improvement plans, the project applicant shall provide operations, maintenance, and SWPPP procedures for review and approval by the Salinas Public Works Department such that any detention/retention/water quality basin issues associated with sedimentation or loss of infiltration capacities are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that sedimentation or loss of infiltration capacities are addressed and subsequently approve the operations,*	City of Salinas Public Works Department City of Salinas Public Works Department City of Salinas Public Works Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project. ***Mitigation Measure 3.6-15**: Prior to the approval of site improvement plans, the project applicant shall provide the Salinas Public Works Department with operations, maintenance, and SWPPP procedures such that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed by the operations, maintenance, and SWPPP procedures. Should the Salinas Public Works Department find that any detention/retention/water quality basin issues associated with embankment side slope failures are addressed and subsequently approve the operations, maintenance, and SWPPP procedures, the applicant shall implement the procedures through the lifetime of the project.* *All basins shall be designed to have a natural appearance through the use of varied bank slopes (through grading) and appropriate landscaping (ground cover, bushes, trees, etc.) and irrigation (as applicable). A landscaping plan, irrigation plan and maintenance plan (all prepared by a qualified professional) shall be submitted for review and approval of the Public Works Department and the City Planner.*	City of Salinas Public Works Department	Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
NOISE				
Impact 3.7-2: The proposed project has the potential to increase noise levels associated with construction activities	***Mitigation Measure 3.7-1:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that construction activities shall adhere to the requirements of the City of Salinas Municipal Code with respect to hours of operation.* ***Mitigation Measure 3.7-2:*** *Prior to the approval of site improvement plans and respective permits, plans shall note that all equipment shall be fitted with factory equipped mufflers and in good working order. All stationary noise generating equipment (i.e. generators) shall be located at least 200 feet from a sensitive receptor. All construction staging areas shall be located at least 200 feet from a sensitive receptor.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of site improvement plans Prior to the approval of site improvement plans	
Impact 3.7-4: The proposed project has the potential to expose new sensitive receptors to excessive transportation noise	***Mitigation Measure 3.7-3:*** *Prior to the approval of site improvement plans and respective permits, the plans shall note the location, design, and construction details of the eight-foot to nine-foot tall sound walls and/or landscaped berm/wall combinations, as applicable, that will be constructed along the primary Specific Plan Area roadways, adjacent to proposed residential dwellings, in order to achieve the City's exterior noise standards. At the City's discretion, wall heights which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. See the Draft EIR Table 3.7-14 for specific noise barrier/wall heights along each roadway. Additionally, at the City's discretion, alternative noise reduction measures which achieve the City's conditionally acceptable 60-70 dB L_{dn} noise standard may be allowed. Alternative noise reduction measures, such as building orientation and use of noise-attenuating features, can be utilized provided that a site-specific acoustical analysis is conducted that demonstrates that the alternative methods would ensure that noise levels do not exceed the City's conditionally acceptable 60-70 dB L_{dn} noise standard.* *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the City of Salinas based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable. The design/appearance of the wall is subject to*	City of Salinas Community Development Department	Prior to approval of improvement plans and respective permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the design approval by the City of Salinas to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti. These graffiti prevention best management practices may include, without limitation: *(1) The use or the installation and maintenance of ant-graffiti materials and surface treatments approved by the City on likely graffiti-attracting surfaces.* *(2) Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.* *(3) Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.* *(4) Immediate removal of graffiti by appropriate means within seventy-two hours.* *(5) Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).* *(6) Authorizing right of access by city employees or contract agents to remove graffiti if not removed within specified time periods.* *(7) Supplying the city at its request with paint (of the appropriate color and type), cleaning agents, and/or other materials acceptable to the city to abate or to deter graffiti.* *(8) Other requirements, as deemed reasonably feasible by the city planner, to deter, to protect or to reduce the potential for graffiti*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	defacement. ***Mitigation Measure 3.7-4:*** *Prior to the approval of building permits, the first row of residential dwellings located along E. Boronda Road and Constitution Boulevard shall include windows having a Sound Transmission Class (STC) 35, or higher, rating installed in second floor facades and rooms that have windows or doors that abut or face E. Boronda Road and/or Constitution Boulevard. Exterior walls shall also require 3-coat stucco and RC-channels, sheathing, or another acceptable construction application that effectively attenuates noise intrusion to the interior of the house. The exterior wall specifications would specifically apply to the first row of homes that abut or face E. Boronda Road and/or Constitution Boulevard and only apply to the facades facing these roadways. The specifications do not apply to single story homes, or the first floor of a two-story home, both of which are attenuated by the sound wall. These requirements shall be included in the building plans for the specific dwelling units and noted on the building permits. A detailed analysis of any additional interior mitigation measures shall be conducted when building plans are available and prior to building permit issuance to verify these requirements. These requirements shall also be noted in the site improvement plans prior to approval by the City.* ***Mitigation Measure 3.7-5:*** *Prior to the approval of building permits, mechanical ventilation shall be required in the first row of all residential dwellings that abut E. Boronda Road and Constitution Boulevard, as desired for acoustical isolation, to keep their doors and windows closed and still maintain acceptable interior temperature and noise levels. This requirement shall be included in the building plans for the specific dwelling units and noted on the building permits. This requirement shall also be noted in the site improvement plans prior to approval by the City.*	City of Salinas Community Development Department City of Salinas Community Development Department	Prior to approval of building permits Prior to approval of building permits	
Impact 3.7-5: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed park and school uses	***Mitigation Measure 3.7-6:*** *Prior to the approval of site improvement plans, as applicable, when parks or play areas are located near residential uses, the center of active play areas, such as football fields, soccer fields or other athletic fields, shall be located at a minimum distance of 90-feet from the nearest residential property lines. Large active play areas shall comply with the 60 dB L_{eq} and 70 dB L_{max} standards, and shall include these further noise level evaluations during the design phases of future park areas.*	City of Salinas Community Development Department	Prior to the approval of site improvement plans	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Parks shall be designed such that residences front, or side in limited locations where approved by the City Planner, to the park. Minimum 6-foot tall sound walls and/or landscaped berms shall be constructed where school site directly abuts a residential property line in instances where site design (i.e., minimum distances, siting of activity areas, etc.) cannot achieve the 60 dB L_{eq} and 70 dB L_{max} noise standards. No wall shall be required where residential uses are fronted towards a park or school site and separated by a roadway or a walkway. *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, stucco or manufactured materials (with a density of four pounds per square foot or greater), earthen landscaped berms, or any combination of these materials as determined appropriate by the Salinas Public Works Department and the City Planner. The design/appearance of the walls is subject to the design approval by the Salinas Public Works Department and the City Planner based upon the standards contained in the Central Area Specific Plan and the Salinas Zoning Code, as applicable to ensure that it is visually pleasing. Wood is not permitted due to eventual warping and degradation of acoustical performance. The walls shall not have gaps or penetrations which allow sound to flank through or around the walls. Small gaps which may occur using materials such as "keystone" blocks shall be avoided. Additionally, in accordance with Section 5-03.19 of the City's Municipal Code, best management practices shall be incorporated into the sound wall design in order to control graffiti and/or mitigate the potential impacts of graffiti (see Mitigation Measure 3.7-3 for further discussion of best management practices).*			
Impact 3.7-6: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed commercial mixed-uses	***Mitigation Measure 3.7-7:*** *Prior to the approval of development review permits, the plans shall demonstrate: where mixed use commercial, business professional, office, or similar uses face residential uses or where loading docks or truck circulation routes face residential areas, the following measures shall be included in the project design:* • *All HVAC equipment shall be located within mechanical rooms where possible or shielded from view with solid or grated barriers;* • *Emergency generators shall comply with the City's noise criteria at the nearest noise-sensitive receivers;*	City of Salinas Community Development Department	Prior to the approval of development review permits	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *Delivery/loading activities shall comply with the Salinas Zoning Code standards and regulations; and* *The applicant shall submit a noise study to verify that the appropriate noise control measures have been incorporated into the project design and will achieve compliance with the City's noise level standards.*			
Impact 3.7-7: The proposed project has the potential to expose sensitive receptors to substantial noise from proposed well sites	***Mitigation Measure 3.7-8:*** *The potential well sites are shown in the Specific Plan. The actual wells are subject to the approval of a Conditional Use Permit (CUP) by the City pursuant to the requirements of the Salinas Zoning Code and the Central Area Specific Plan. The potential well sites and the CUP requirement for said facilities shall be clearly noted on the site improvement plans.* *Prior to approval of the CUP and subsequent issuance of the building permits for the wells, the plans shall demonstrate that the following measures shall be included in the project design:* • *The wells have been designed and will be built to not exceed a noise level of 55 dB L_{eq} at the nearest residential or school property line during normal operation of the facilities;* • *The generators shall not be permitted to exceed the City's daytime noise standard of 60 dB L_{eq};* • *The generators shall be tested only during daytime hours; and* *Additionally, that the wells have been designed (in accordance with the Central Area Specific Plan) to incorporate decorative screen walls, landscaping and other features to ensure compatibility with surrounding land uses.*	City of Salinas Community Development Department	Prior to approval of the CUP and subsequent issuance of the building permits for the well and treatment plant facilities	
PUBLIC SERVICES AND RECREATION				
Impact 3.9-1: The proposed project may require the construction of fire department facilities which may cause substantial adverse physical	***Mitigation Measure 3.9-1:*** *Prior to the issuance of a Certificate of Occupancy for each dwelling unit (and prior to issuance of building permits for non-residential uses), the applicant shall pay all applicable project impact fees per the impact fee schedule.*	City of Salinas Community Development Department	Prior to the issuance of a Certificate of Occupancy for each dwelling	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
environmental impacts			unit (and prior to issuance of building permits for non-residential uses)	
Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts	***Mitigation Measure 3.9-2:*** *Prior to the issuance of building permits for each dwelling unit, the applicant shall pay applicable school fees mandated by SB 50 to the Salinas Union High School District (SUHSD), Alisal Union School District (AUSD), and/or Santa Rita Union School District (SRUSD) (only required for the SRUSD if the school district boundary adjustment between the SRUSD and the AUSD is not completed as anticipated) and provide documentation of said payment to the City.*	City of Salinas Community Development Department	Prior to the issuance of building permits for each dwelling unit	
TRANSPORTATION AND CIRCULATION				
Impact 3.10-1: Under Existing Plus Project conditions, implementation of the proposed Specific Plan would conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-1****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings at North Main Street/Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-2****: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the widening of the intersection at Natividad Road/East Laurel Drive to add additional northbound and southbound through lanes, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). This improvement is part of the City's Traffic Improvement Program. Total fees shall be determined by the City of Salinas. The final*	City of Salinas Public Works Department City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-3**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-4**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and to add an eastbound left turn pocket at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. This condition includes the addition of an eastbound left turn pocket and optimization of the existing signal timing to better accommodate the expected changes in traffic distribution and volume with implementation of the proposed project. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-5**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of existing signal timings and splits at the South Sanborn/North Sanborn/John Street intersection, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-6**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall contribute its fair-share funding to the Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee (RDIF) Program and the City of Salinas' Traffic Impact Fee (TIF) Program, as determined by the TAMC and the City of Salinas, respectively, in proportion to the area planned for development by such project applicant. These programs include improvements to U.S. 101 that would improve mainline and ramp junction operations, which would mitigate the proposed project's impact to the U.S. 101 ramp junctions affected by the proposed project (i.e. the Northbound Boronda Road Off-Ramp and Northbound West Laurel Drive Off-Ramp.*	City of Salinas Public Works Department	issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-2: Under Existing Plus Project and Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-7**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the installation of a traffic signal at San Juan Grade Road/Van Buren Avenue, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans for each stage of project development shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.* ***Recommended Condition of Approval 3.10-8**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to optimize the existing traffic signal timing and splits at intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall*	City of Salinas Public Works Department City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		non-residential development	
	***Recommended Condition of Approval 3.10-9**: Each project applicant for development within the Specific Plan Area shall provide its fair-share funding for the optimization of the existing signal timing at San Juan Grade Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-10**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to convert the eastbound right turn lane to a shared through-right turn lane at Natividad Road/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-11**: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a roundabout at the intersection of North Sanborn Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and*	City of Salinas Public Works	Prior to issuance of Certificate of Occupancy for	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. ***Recommended Condition of Approval 3.10-12****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a traffic signal at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-13****: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding to add a southbound left turn pocket and optimize traffic signal timings at the traffic signal at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	Department City of Salinas Public Works Department City of Salinas Public Works Department	residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
Impact 3.10-3: Under Cumulative Plus Project conditions, implementation of the proposed Specific Plan may conflict with the transportation performance	***Recommended Condition of Approval 3.10-14****: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of funding to the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
measures established by the City of Salinas, Monterey County, and Caltrans	*traffic signal at intersection of U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road. Regional fees shall be determined by the City of Salinas in consultation with TAMC. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*		prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-15**: Each project applicant for development within the Specific Plan Area shall contribute its fair-share of the TAMC Regional Development Impact Fee to provide improvements addressing this impact identified as the installation of a traffic signal at intersection of U.S. 101 Northbound Ramps/Crazy Horse Canyon Road. Total fees shall be determined by the City of Salinas in consultation with TAMC. Fees are payable prior to final improvement plans for each tentative map.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-16**: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Crazy Horse Canyon Road/San Juan Grade Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-17**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Rogge Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall consider the use of currently available Adaptive Traffic Control Systems*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	(ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.		issuance for non-residential development	
	***Recommended Condition of Approval 3.10-18**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Natividad Road/Russell Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-19**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of southbound and westbound left turn lanes at the intersection of North Main Street/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-20:** Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound right turn overlap phase at the intersection of North Main Street/West Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note this improvement and the fair-share funding requirement.		development	
	***Recommended Condition of Approval 3.10-21**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a southbound left turn lane at the intersection of Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-22**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at the intersection of Old Stage Road/Williams Road/Private Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design, as specified by the City of Salinas Public Works Department.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-23**: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound through lane, the addition of a northbound right turn overlap phase, and the conversion of the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	improvement plans shall note these improvements and the fair-share funding requirement.		development	
	Recommended Condition of Approval 3.10-24*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound and southbound through lanes at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-25: *Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of an eastbound left turn lane at the intersection of Williams Road/East Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-26*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a westbound left turn lane at the intersection of South Davis Road/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-27*: Each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a northbound left turn lane at the*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	intersection of Main Street/Blanco Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.			
Impact 3.10-4: Under Cumulative Plus Project with Central Area Specific Plan conditions, implementation of the proposed Specific Plan may conflict with the transportation performance measures established by the City of Salinas, Monterey County, and Caltrans	***Recommended Condition of Approval 3.10-28****: Prior to the approval of final improvement plans for each tentative map, each project applicant for development within the Specific Plan Area shall provide its fair-share contribution for the installation of a traffic signal at intersection of Old Stage Road/Hebert Road, in proportion to the area planned for development by such project applicant. Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement. This condition shall include the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design.* ***Recommended Condition of Approval 3.10-29:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound left turn lane at Constitution Boulevard/East Laurel Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.* ***Recommended Condition of Approval 3.10-30:*** *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an appropriately sized roundabout at North Sanborn Road/Boronda Road, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Public Works Department City of Salinas Community Development Department City of Salinas Community Development Department	Prior to the approval of final improvement plans for each tentative map Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Recommended Condition of Approval 3.10-31: *Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of a southbound left turn lane at East Front Street/Sherwood Drive/Market Drive, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-32*: Each project applicant for development within the Specific Plan Area shall provide its fair-share of funding for the installation of an eastbound through lane at Salinas Street/North Main Street/West Market Street/East Market Street, in proportion to the area planned for development by such project applicant, in accordance with City policies (payable prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development). Total fees shall be determined by the City of Salinas. The final improvement plans shall note this improvement and the fair-share funding requirement.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-33*: Implement previously identified Recommended Condition of Approval 3.10-14, which identifies the need to install a traffic signal at the intersection at U.S. 101 Southbound Ramps/Echo Valley Road/Crazy Horse Canyon Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	Recommended Condition of Approval 3.10-34*: Implement previously identified Recommended Condition of Approval 3.10-15, which identifies the need to install a traffic signal at the intersection at U.S. 101 Northbound Ramps/Crazy Horse Canyon Road.*	City of Salinas Community Development Department		
	Recommended Condition of Approval 3.10-35*: Implement previously identified Recommended Condition of Approval 3.10-16, which identifies the need to install a traffic signal at the intersection at Crazy Horse Canyon Road/San Juan Grade Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to	
	Recommended Condition of Approval 3.10-36*: Implement previously*	City of Salinas Community Development		

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	identified Recommended Condition of Approval 3.10-28, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Hebert Road.	Department	building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-37**: Implement previously identified Recommended Condition of Approval 3.10-17, which identifies the need to install a traffic signal at the intersection at Natividad Road/Rogge Road.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-38**: Implement previously identified Recommended Condition of Approval 3.10-18, which identifies the need to install a traffic signal at the intersection at Natividad Road/Russell Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-39**: Implement previously identified Recommended Condition of Approval 3.10-7, which identifies the need to install a traffic signal at the intersection at San Juan Grade Road/Van Buren Avenue.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-40**: Implement previously identified Recommended Condition of Approval 3.10-8 and 3.10-19, which identifies the need to install southbound and westbound left turn lanes, and to optimize signal timing, at North Main Street/East Boronda Road.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-41**: Implement previously identified Recommended Condition of Approval 3.10-2, which identifies the need to install northbound and southbound through lanes at Natividad Road/East Laurel Drive.*	City of Salinas Community Development Department	Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	
	***Recommended Condition of Approval 3.10-42**: Implement previously identified Recommended Condition of Approval 3.10-21 and 3.10-29, which identify the need to Install southbound left turn lane and an eastbound left turn lane at Constitution Boulevard/East Laurel Drive.*	City of Salinas Community Development Department		
	***Recommended Condition of Approval 3.10-43**: Implement previously identified Recommended Condition of Approval 3.10-3, which identifies the need to install a roundabout at the intersection at North Sanborn*	City of Salinas Community Development	Prior to issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Boronda Road. ***Recommended Condition of Approval 3.10-44****: Implement previously identified Recommended Condition of Approval 3.10-22, which identifies the need to install a traffic signal at the intersection at Old Stage Road/Williams Road/Private Road.* ***Recommended Condition of Approval 3.10-45****: Implement previously identified Recommended Condition of Approval 3.10-23, which identifies the need to install a northbound through lane, add in a northbound right turn overlap phase, and convert the westbound through lane to a westbound shared through-left turn lane at the intersection of North Main Street/East Bernal Drive.* ***Recommended Condition of Approval 3.10-46****: Implement previously identified Recommended Condition of Approvals 3.10-4 and 3.10-24, which identify the need to install northbound and southbound through lanes, Optimize existing signal timings, and add an eastbound left turn pocket, at the intersection of Sherwood Drive/Natividad Road & East Bernal Drive/La Posada Way.* ***Recommended Condition of Approval 3.10-47****: Implement previously identified Recommended Conditions of Approval 3.10-12 and 3.10-25, which identify the need to* traffic signal or roundabout, to improve the intersection's LOS to A during the evening peak hour, and to install an eastbound left turn lane, at the intersection of Williams Road/East Boronda Road. ***Recommended Condition of Approval 3.10-48****: Implement previously identified Recommended Condition of Approval 3.10-31, which identifies the need install a southbound left turn lane at the intersection of East Front Street/Sherwood Drive/Market Drive.* ***Recommended Condition of Approval 3.10-49****: Implement previously identified Recommended Condition of Approval 3.10-26, which identifies the need* install a westbound left turn lane at the intersection of South Davis	Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Road/Blanco Road. ***Recommended Condition of Approval 3.10-50****: Implement previously identified Recommended Conditions of Approval 3.10-13 and 3.10-32, which identify the need to install a southbound left turn lane and optimize signal timings, and to install an eastbound through lane, at the intersection of Salinas Street/North Main Street/West Market Street/East Market Street.* ***Recommended Condition of Approval 3.10-51****: Implement previously identified Recommended Condition of Approval 3.10-27, which identifies the need to install a northbound left turn lane at the intersection at South Main Street/Blanco Road.* ***Recommended Condition of Approval 3.10-52****: Implement previously identified Recommended Condition of Approval 3.10-6, which identifies the need to contribute to the TAMC RDIF Program and payment of the City of Salinas's Traffic Impact Fees for the U.S. 101 Mainline Segments.*	City of Salinas Community Development Department City of Salinas Community Development Department City of Salinas Community Development Department	development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development Prior to issuance of Certificate of Occupancy for residential and prior to building permit issuance for non-residential development	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
OTHER ISSUES ADDRESSED IN THE FINAL SUPPLEMENT FOR THE 2002 SALINAS GENERAL PLAN FINAL PROGRAM EIR				
AESTHETICS				
A1	The City will implement General Plan Implementation Program CD-1 – City Gateway Guidelines. Implementation Program CD-1 requires the City to implement the City's Gateway Guidelines addressing identification graphics and entry signs, lighting, and landscaping for the City's major entry points identified in Figure CD-1.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A2	The City will implement General Plan Implementation Program CD-2 – Architectural Design. Implementation Program CD-2 requires the City to strengthen the City's Design Guidelines and require compliance to enhance the City's visual appeal and ensure compatible, aesthetically pleasing development with particular emphasis on: 1) historic areas of the community; and 2) properties visible from Highway 101.	Community Development, Redevelopment Agency	Ongoing – the City is required to implement this measure everywhere it applies.	
A3	The City will implement General Plan Implementation Program CD-3 – Lighting Ordinance, on an ongoing basis. Implementation Program CD-3 requires the City to improve the City Lighting Ordinance to ensure that: 1) all future outdoor lights include cut-off lenses to minimize light dispersion above the fixture head; 2) a lighting study is required to be performed when appropriate to ensure adequate light levels, while not exceeding industry standards; and 3) sky glow is reduced.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A4	The City will implement General Plan Implementation Program CD-4 – Landscaping Standards, on an ongoing basis. Implementation Program CD-4 requires the City to implement landscaping requirements for public and private development and redevelopment projects to promote greater visual and functional compatibility with residential development and pedestrian/bicycle use.	Community Development, Redevelopment Agency	Ongoing – the City is required to implement this measure everywhere it applies.	
A5	The City will implement General Plan Implementation Program CD-5 – Review Discretionary Development Projects, on an ongoing basis. Implementation Program CD-5 requires the City to review discretionary development proposals for potential aesthetics impacts per the California Environmental Quality Act (CEQA). The standards established in the Zoning Code, the City's Design Guidelines, Landscaping Standards, Lighting Ordinance, Gateway Guidelines, the projects incorporation of Traditional	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Neighborhood Development (TND) characteristics, and the projects potential to damage or block scenic resources and views will be used to determine the significance of impacts. If potential impacts are identified, mitigation in the form of project redesign (e.g., bulk, height, architectural details, lighting) will be required to reduce the impact to a level less than significant.			
A6	The City will implement General Plan Implementation Program COS-10 – Buffers, on an ongoing basis. Implementation Program COS-10 requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and non-agricultural land uses. A number of factors shall be used to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
A7	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, on an ongoing basis. Implementation Program COS-9 requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
A8	The City will implement General Plan Implementation Program LU-7 – City-Centered Growth, on an ongoing basis. Implementation Program LU-7 requires the City to give priority to redevelopment and infill projects that reduce development pressure on agricultural lands and establish an incentive program to promote these projects, such as priority permit processing and density bonuses, for such developments.	Community Development, Redevelopment Agency	Ongoing – though the project convert existing agricultural lands to urban development, the City is required to implement this measure everywhere it applies.	
A9	The City will implement General Plan Implementation Program CD-8 – California Main Street Program on an ongoing basis. Implementation Program CD-8 requires the City to expand community participation in the	Community Development, Public Works,	Ongoing – the City is required to implement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	Main Street Program and continue to work with the Program to create an identity that emphasizes our cultural heritage and attracts businesses and consumers to the downtown area.	Redevelopment Agency, Oldtown Salinas organization	this measure everywhere it applies.	
A10	The City will implement General Plan Implementation Program COS-14 – Historic/Architectural Preservation, on an ongoing basis. Implementation Program COS-13 requires the City to consider implementing a historic/architectural preservation program and a historic/architectural preservation ordinance that encourages public/private partnerships to preserve and enhance historically significant buildings in the community. Measures to implement may include, but are not limited to, Transfer of Development Rights (TDR), establishment of criteria for a historic/architectural resources review process, and implementation of a Mills Act program. TDR could benefit the community by protecting historic resources through an agreement that allows the development potential ("rights") on the historic property to be transferred to another property when the historic resources on the original property is preserved. The Mills Act program would involve the City entering into a contract with a property owner to change how the County Assessor calculates taxes on their property in exchange for the continued preservation of the property by the property owner. The adjusted property taxes are recalculated using a formula in the Mills Act and Revenue and Taxation Code.	Community Development, Redevelopment Agency, City Manager's Office, City Council, County Assessors Office	Ongoing – the City is required to implement this measure everywhere it applies.	
AGRICULTURAL RESOURCES				
AG1	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the project would comply with this measure.	
AG2	The City will implement General Plan Implementation Program LU-7 – City-Centered Growth, which requires the City to give priority to redevelopment and infill projects that reduce development pressure on agricultural lands. Establish an incentive program to promote these projects, such as priority permit processing and density bonuses for such	Community Development, Redevelopment Agency	Ongoing – although the project would develop agricultural	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	developments.		lands, the City gives infill development priority for development an ongoing basis.	
AG3	The City will implement General Plan Implementation Program COS-11, which requires the City to be consistent with the County of Monterey's "Right-to-Farm" Ordinance, and the County of Monterey Draft General Plan Policy LU-7.8 and Actions LU-7.b and LU-7.c, revise the City's Zoning Ordinance to require the recordation of a Right-to-Farm Notice as a condition of discretionary permit approval for residential development within 1,000 feet of an established agricultural operation. The purpose of the Notice is to acknowledge that residents in the area may experience inconveniences and discomfort associated with the normal farming and grazing activities, such as noise and dust. The Notice shall specifically state that a variety of activities may occur that may be incompatible with the proposed development and that an established agricultural operation in full compliance with applicable laws, shall not be considered a nuisance due to changes in the surrounding area. The Notice shall also state that a person's right to recover under a nuisance claim against these activities may be restricted.	Community Development, ACOE, FWS, CDFG	Ongoing – the City is required to implement this measure everywhere it applies.	
AG4	The City will implement General Plan Implementation Program COS-10 - Buffers, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and non-agricultural land uses. A number of factors shall be used to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
AG5	The City will work with the County of Monterey, and other local jurisdictions, to create and implement an agricultural land conservation easement program including such measures as securing the dedication of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
LAND USE AND PLANNING				
LU1	The City will implement General Plan Implementation Program LU-3 – Zoning and Subdivision Ordinances Update, which requires the City to review and update the Zoning Code and Subdivision Ordinance to ensure consistency with the General Plan and to help implement the General Plan policies and New Urbanism principles.	Community Development, Public Works	Ongoing – the project is consistent with the General Plan and follows New Urbanism principles.	
LU2	The City will implement General Plan Implementation Program LU-8 – Local Agency Formation Commission, which requires the City to be consistent with a portion of Draft Policy LU 3.4 of the Monterey County Draft General Plan, and to cooperate with LAFCO and the County of Monterey to direct growth outside the City limits to the Future Growth Area, on lands that are served or are planned to be served, with a full range of urban services, such as public water and sewer, an extensive road network, public transit, safety and emergency response services, parks, trails, and open space.	Community Development, LAFCO, County of Monterey	Ongoing – the Central Area Specific Plan is consistent these requirements.	
LU3	The City will implement General Plan Implementation Program LU-22 – Salinas Municipal Airport Master Plan, which requires the City to update and implement the Airport Master Plan. Funding has been approved to update the Salinas Municipal Airport Master Plan. The update should contain the following: address minimum distance for the Eastern bypass south of airport, define how the Eastern bypass can best be integrated with ILS approach, and determine limitations on surrounding land uses and new roadways to allow continuation of airport operations, including the potential lengthening of runway 31/13, and the California International Airshow. Upon any update of the Airport Master Plan, the Monterey County Airport Land Use Plan or the California Airport Land Use Planning Handbook, the Salinas General Plan will be reviewed and revised, as necessary.	Community Development, Salinas Airport	Ongoing – the City is required to implement this measure everywhere it applies.	
LU4	The City will implement General Plan Implementation Program LU-23 – Monterey County Airport Land Use Plan, which requires the City to continue to support the implementation of the Monterey County Airport Land Use Plan (MCALUP) and support the timely update of the MCALUP to	Community Development, Salinas Airport, County of	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	meet new State guidelines.	Monterey	applies.	
LU5	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requiring the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east away from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
LU6	The City will implement General Plan Implementation Program LU-7, which requires the City to encourage City-Centered Growth and give priority to redevelopment and infill projects that reduce development pressure on agricultural lands. The City will also establish an incentive program to promote these projects, such as priority permit processing and density bonuses for such developments.	Community Development, Redevelopment Agency	Ongoing – though the project convert existing agricultural lands to urban development, the City is required to implement this measure everywhere it applies.	
HAZARDS AND HAZARDOUS MATERIALS				
H1	The City will implement General Plan Implementation Program S-8 – Household Hazardous Waste Program, which requires the City to continue to work with the Salinas Valley Solid Waste Authority to implement the Household Hazardous Waste program to protect resident from dangers resulting from the use, transport, and disposal of hazardous materials used in the home.	County of Monterey Environmental Health Division, Salinas Valley Solid Waste Authority	Ongoing – the City is required to implement this measure everywhere it applies.	
H2	The City will implement General Plan implementation Program S-9 – Small Business Hazardous Waste Program, which requires the City to continue to work with the Salinas Valley Solid Waste Authority to implement the Small Business Hazardous Waste Program, which allows qualified small businesses to dispose of their hazardous wastes at the Salinas Hazardous Household Waste Collection Facility.	County of Monterey Environmental Health Division, Salinas Valley Solid Waste	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Authority		
H3	The City will implement General Plan Implementation Program S-7 – Hazardous Materials, which requires the City to minimize public health risks and environmental risks from the use, transport, storage, and disposal of hazardous materials by: • Cooperating with federal, state, and county agencies to effectively regulate the management of hazardous materials and hazardous waste; • Cooperating with the County of Monterey to implement the applicable portions of the County Hazardous Waste Management Plan; • Identifying roadway transportation routes for conveyance of hazardous materials (the City does not exercise jurisdictional over transportation of freight along railroad right-of- way or state highways); • Implementing the Multi-Hazard Emergency Plan for accidents involving hazardous materials; and • Cooperating with the Certified Unified program Agency (CUPA) for Salinas (the County of Monterey, Environmental Health Division) and the Salinas Fire Department to administer Risk Management Plans for businesses within the City. • Requiring development project applicants to provide a hazardous materials report documenting past uses of the property and reporting the results of soil sampling where needed to determine whether remediation is required.	County of Monterey, Environmental Health Division, Salinas Fire Department, California Department of Transportation	Ongoing – the City is required to implement this measure everywhere it applies.	
H4	The City will implement General Plan Implementation Program S-6 – Pesticide Use, which requires the City to continue to monitor regulations governing the use of pesticides and work with the County Agricultural Commission to promote the responsible use of pesticides.	Community Development, Fire Department, County Agriculture Commission	Ongoing – the City is required to implement this measure everywhere it applies.	
H5	The City will implement General Plan Implementation Program S-18 – Flood Control Insurance, which requires the City to continue to participate in the National Flood Insurance Program (NFIP).	Community Development, Development and Permit Services, Public	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Works	applies.	
H6	The City will implement General Plan Implementation Program S-19 – Flood Overlay District Regulations, which requires the City to continue to apply the Flood Overlay District regulations, pursuant to the City's Zoning Code and implement Section 9, Article VI of the Municipal Code, to minimize the potential impact to and from new development in areas subject to flooding. Update the boundaries of the District as needed to reflect current hydrologic conditions.	Community Development, Development and Permit Services, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
H7	The City will implement General Plan Implementation Program LU-17 – Project-Related Flood Control and Stormwater Management, which requires, as a condition of project approval, new development to provide adequate storm water and flood management facilities as determined by the Public Works Department. In order to determine the facility and Best Management Practices (BMP) needs, the City may require a hydrological/drainage analysis to be performed by a certified an City-approved engineer, with the cost of said analysis the responsibility of the project applicant.	Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
H8	The City will implement General Plan Implementation Program S-22 – Promote Fire Prevention, which requires the City to promote fire prevention in Salinas by: • Working closely with the Salinas Fire Department to implement fire hazard education and fire prevention programs; • Coordinating with Cal Water and Alco water districts and the Salinas Fire Department to ensure that water pressure for existing developed areas and sites to be developed is adequate for fire fighting purposes; • Conform to Fire Department requirements for individual projects; • Adopting and implementing the most recent Uniform Fire Code provisions and appropriate amendments; and • Continue to require sprinklers in new buildings.	Development and Permit Services, Fire Department, water companies	Ongoing – the City is required to implement this measure everywhere it applies.	
H9	The City will implement General Plan Implementation Program CD-10 – Weed Abatement, which requires the City to continue to monitor and abate weeds throughout the community.	Weed Abatement Specialist	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
			applies.	
H10	The City will implement General Plan Implementation Program LU-12 – Fire Protection, Emergency Services, and Law Enforcement Annual Level Of Service Review, which requires the City to review the level of services and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service are provided and facilities are maintained.	Fire Department, Police Department	Ongoing – the City is required to implement this measure everywhere it applies.	
H11	The City will implement General Plan Implementation Program LU-21 – Salinas Municipal Airport Master Plan, which requires the City to continue working with the Salinas Airport Commission to implement the Airport Master Plan, providing technical assistance and information to the Commission when necessary. Funding has been approved to update the Salinas Municipal Airport Master Plan. The update should contain the following: address minimum distance for Eastern bypass south of airport, define how Eastern bypass can best be integrated with ILS approach, and determine limitations on surrounding land uses and new roadways to allow continuation of airport operations, including the potential lengthening of runway 31/13, and the California International Airshow. Upon any update of the Airport Master Plan, the Monterey County Airport Land Use Plan or the California Airport Land Use Planning Handbook, the Salinas General Plan will be reviewed and revised, as necessary.	Community Development, Salinas Airport	Ongoing – the City is required to implement this measure everywhere it applies.	
H12	The City will implement General Plan Implementation Program C-8 – Monterey County Airport Land Use Commission, which requires the City to continue to coordinate with the Monterey County Airport Land Use Commission (ALUC) on projects near the airport. Encourage ALUC to update its County Airport Land Use Plan.	Community Development, Salinas Airport, Public Works, County of Monterey, Development and Permit Services	Ongoing – the City is required to implement this measure everywhere it applies.	
H13	The City will implement General Plan Implementation Program S-11 – Air Transportation Safety, which requires the City to minimize the potential for accidents related to aircraft operation by coordinating with the Monterey County Airport Land Use Commission (ALUC) to review development proposals for compatibility with the Salinas Municipal Airport Master Plan, Monterey County Airport Land Use Plan, and	Community Development, Development and Permit Services, Monterey	Ongoing – the City is required to implement this measure everywhere it	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	California Airport Land Use Planning Handbook for comprehensive airport land use planning.	County ALUC, Salinas Airport	applies.	
H14	The City will implement General Plan Implementation Program S-12 – Salinas Municipal Airport Master Plan, which requires the City to revise the Airport Master Plan in order to update operational and safety procedures, reflect State and Federal mandates, better utilize airport property, and recommend land use compatibility standards for land surrounding the airport.	Community Development, Salinas Airport, ALUC	Ongoing – the City is required to implement this measure everywhere it applies.	
H15	The City will implement General Plan Implementation Program N-4 – Salinas Municipal Airport Master Plan, which requires the City upon any update of the Salinas Municipal Airport Master Plan, the County Airport Land Use Plan, or California Airport Land Use Planning Handbook, review and revise as necessary Table N-4, Figure N-2, and the goals, policies, and noise plan within the General Plan Noise Element to correspond with the updated Airport Master Plan.	Community Development, Salinas Airport Commission, ALUC	Ongoing – the City is required to implement this measure everywhere it applies.	
H16	The City will implement General Plan Implementation Program S-23 – Multi-hazard Emergency Plan, which requires the City to annually review and update the Multi-Hazard Emergency Plan under the provision of the State Emergency Management System format to maximize the efforts of emergency service providers (e.g., fire, medical, and law enforcement) and minimize human suffering and property damage during disasters. Provide annual practice sessions to the City. Support high-level multi-jurisdictional cooperation and communication for emergency planning and management. Solicit private individuals and organizations to enhance service provider communications and response with cellular telephones, ham radios, AM/FM radio, and cable television.	Community Development, Police Department, Fire Department, public and private medical facilities, Monterey County Emergency Communications, Monterey County Mobile Emergency Coordination Unit, Federal Emergency Management Agency (FEMA),	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		American Red Cross, Monterey County Office of Emergency Services		
H17	The City will implement General Plan Implementation Program S-23 – Emergency Preparedness Education, which requires the City to coordinate with local agencies and organizations to educate all citizens to take appropriate action to safeguard life and property during and immediately after emergencies.	Fire Department, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency Services	Ongoing – the City is required to implement this measure everywhere it applies.	
GEOLOGY/SOILS				
GS1	The City will implement General Plan Implementation Program S-14, Natural Hazards Risk Reduction, prior to the approval of a discretionary permit. Implementation Program S-14 requires the City to assess development proposals for potential hazards pursuant to the California Environmental Quality Act, requiring measures when necessary to mitigate all identified public safety hazards.	Community Development, Fire Department, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
GS2	The City will implement General Plan Implementation Program S-15 – Open Space Easements for Natural Hazards, when the threat from natural hazards cannot be mitigated through geotechnical and structural design methods. Implementation Program S-15 requires the City to use open space easements and other regulatory techniques to prohibit development and avoid unmitigable public safety hazards.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
GS3	The City will implement General Plan Implementation Program S-16 – Structural Design, on an ongoing basis. Implementation Program S-16 requires the City to implement the most recent state building and seismic	Development and Permit	Ongoing – the City is required to implement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	requirements for the structural design of new development and redevelopment projects.	Services	this measure everywhere it applies.	
GS4	The City will implement General Plan Implementation Program S-17 – Soil and Geologic Surveys, on an ongoing basis. Implementation Program S-17 requires that during the review of development and redevelopment proposals, the City require surveys of soil and geologic conditions by state licensed Engineering Geologists and Civil Engineers where appropriate. When potential geologic impacts are identified, the City shall require project applicants to mitigate the impacts per the recommendations contained within the geologic survey.	Community Development, Development and Permit Services, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
GS5	The City will implement General Plan Implementation Program S-23 – Multi-hazard Emergency Plan, on an ongoing basis. Implementation Program S-23 requires the City to maintain the Multi-hazard Emergency Plan under the provision of the State Emergency Management System format to maximize the efforts of emergency service providers (e.g., fire, medical, and law enforcement) and minimize human suffering and property damage during disasters. Support high-level multi-jurisdictional cooperation and communication for emergency planning and management. Solicit private individuals and organizations to enhance service provider communications and response with cellular telephones, ham radios, AM/FM radio, and cable television.	Community Development, Police Department, Fire Department, public and private medical facilities, Monterey County Emergency Communications, Monterey County Mobile Emergency Coordination Unit, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
		Services		
GS6	The City will implement General Plan Implementation Program S-24 – Emergency Preparedness Education, on an ongoing basis. Implementation Program S-23 requires the City coordinate with local agencies and organizations to educate all residents and businesses to take appropriate action to safeguard life and property during and immediately after emergencies.	Fire Department, Federal Emergency Management Agency (FEMA), American Red Cross, Monterey County Office of Emergency Services	Ongoing – the City is required to implement this measure everywhere it applies.	
POPULATION AND HOUSING				
PH1	The City will implement General Plan Implementation Program HE-2 – Provision of Future Sites, which requires the City to continue to work with the Local Agency Formation Commission to ensure that sufficient land, infrastructure, and services are available to support housing development.	Community Development	Ongoing – the City is required to implement this measure everywhere it applies.	
PH2	The City will implement General Plan Implementation Program LU-12 – Fire Protection, Emergency Services, and Law Enforcement Annual Level of Service Review, which requires the City to review the level of services and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service are provided and facilities are maintained.	Fire Department, Police Department	Ongoing – the City is required to implement this measure everywhere it applies.	
PH3	The City will implement General Plan Implementation Program C-3 – Capital Improvement Plan, which requires the City to continue to update on an annual basis the Capital Improvement Plan to plan for and fund future improvements to the circulation system, as well as other public facilities, including improvements to the existing pedestrian and bicycle system, within the community.	Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
PH4	The City will implement General Plan Implementation Program COS-9 – Boronda Memorandum of Understanding, which requires the City to continue to cooperate with the County of Monterey to implement the Boronda Memorandum of Understanding, which directs that City growth occur generally to the north and east from the most productive farmland.	Community Development, County of Monterey	Ongoing – the City is required to implement this measure everywhere it applies.	
PH5	The City will implement General Plan Implementation Program COS-33 – Promote Energy Retrofit Programs, which requires the City to promote retrofit programs by the City to reduce energy usage and consequently reduce emissions from energy consumption. Encourage utility companies to provide informational literature about available retrofit programs at City offices, the Permit Center, and libraries.	Development and Permit Services, utility companies	Ongoing – the City is required to implement this measure everywhere it applies.	
PH6	The City will implement General Plan Implementation Program CD-11 – Smart Growth Principles, which requires the City to use the Smart Growth Network's Getting to Smart Growth: 100 Policies for Implementation (ICMA, 2002) or other similar policy manual, perform an "audit" of the City's Zoning and Subdivision Ordinances to identify potential impediments to the development of smart growth and traditional neighborhood development projects. Revise, adopt, and implement new standards and procedures as necessary to encourage smart growth and traditional neighborhood development in Salinas.	Community Development, Public Works	Ongoing – the City is required to implement this measure everywhere it applies.	
PH7	The City will implement General Plan Implementation Program COS-23 – Monterey Bay Unified Air Pollution Control District Air Quality Management Plan, which requires the City to continue to cooperate with the Monterey Bay Unified Air Pollution Control District to implement the most recent Air Quality Management plan to address regional motor vehicle emissions. In particular, coordinate with the District and AMBAG, providing technical assistance and demographic data when available, during the development of future population projections by AMBAG.	Community Development, Monterey Bay Unified Air Pollution Control District, AMBAG	Ongoing – the City is required to implement this measure everywhere it applies.	

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Exhibit J

PROJECT FINDINGS FOR CONSIDERATION OF THE CENTRAL AREA SPECIFIC PLAN (SPEC 2013-001), REZONING (RZ 2020-002), AND DEVELOPMENT AGREEMENT (DA 2020-001)

I. PROJECT DESCRIPTION AND APPROVALS

A. Project Location

The applicant, Brian Finegan, Esq. (representing multiple property owners and developers), has applied for approval of the Central Area Specific Plan Project ("Project") comprised of the following: Specific Plan (SPEC 2013-001), Rezone (RZ 2020-002), and Development Agreement (DA 2020-001). The Central Area Specific Plan (also referred herein as the "Central Area" or "Project"), encompasses approximately 760 acres of land located in the North of Boronda Future Growth Area, bound by Natividad Road on the west, East Boronda Road (also referred to as "Boronda Road") on the south, Old Stage Road and the future extension of Constitution Boulevard on the east, and the future extension of Russell Road on the north. Attachment 5 of the staff report, Project Site Location Map, shows the project site vicinity and the North of Boronda FGA.

The project site is bordered on the north primarily by existing row-crop farming and other agricultural related uses within unincorporated Monterey County. On the east by row-crop farming and other agricultural related uses on land located within both unincorporated Monterey County and City limits. The lands to the east are currently zoned New Urbanism Interim with a Specific Plan Overlay District. Uses to the south include Everett Alvarez High School and single-family dwellings (including but not limited to those located in the Creekbridge development) across Boronda Road. Boronda Road. Located to the west of the project is row-crop farming and other agricultural related uses. The approved West Area Specific Plan is located directly to the west of the project area. Attachment 6 of the staff report, Property Ownership/Existing Conditions Map, shows the project boundaries, owners and existing uses.

B. Project Description

The applicant is seeking the following approvals from the City Council: 1) Specific Plan (SPEC 2013-001); 2) Rezoning (RZ 2020-002); and 3) Development Agreement (2020-001), collectively referred to as the "Project". At build-out (estimated to occur over the next 20 to 30 years), the project would establish: 3,911 dwelling units provided as a mix of low, medium and high densities, a Village Center with up to 489,700 square feet of mixed-use commercial floor area, seventeen parks, three schools (one middle school and two elementary schools), and other associated uses supporting the development including but not limited to open space and well-sites.

Specific Plan. A specific plan is a development guidance tool that is required for all new development proposed within the FGA pursuant to the General Plan. The draft *Central Area Specific*

Plan (“Specific Plan”) prepared by the applicant under the direction of the City provides direction for the land uses, development regulations, design standards, circulation, infrastructure, storm water and water quality management, public financing and implementation and administration of the Specific Plan. The Specific Plan includes modifications to development regulations found in the City of Salinas Zoning Code to facilitate the New Urbanism development mandated under the General Plan for this area. The changes to development regulations would apply only to development within the Specific Plan boundary, which is coterminous with the project site boundary. Attachment 9 of the staff report contains the Specific Plan and herein incorporated by reference. Table 1, Summary Land Use Plan, provides an overview of the project.

Table 1 Summary Land Use Plan

Land Use	Approximate Acreage	Projected Dwelling Units/Mixed Use Commercial Square Feet
NE-A	108.59	652
NE-B	89.33	715
NG-A	56.94	512
NG-B	31.46	315
NG-C	33.23	532 du/95,000 sq.ft.
VC-A and B	44.43	1,185 du/394,700 sq.ft.
Residential and Village Center Subtotal of Acreage.	363.98	Maximum - 3,911 du/489,700 sq.ft.
Elementary School #1	18.00	
Elementary School #2	12.00	
Middle School	18.00	
Neighborhood and Small Parks	44.06	
Open Space	104.29	
Public Facilities/Utilities	18.65	
Circulation/Roadways	181.46	
Total	**760.44**	

Rezone. The applicant is requesting approval of a rezone to establish zoning district classifications for the project site, which are consistent with the Salinas Zoning Code (and Map) and implement the existing General Plan land use designations for the project site. The existing zoning for the project site is New Urbanism Interim (NI) with a Specific Plan Overlay District. The proposed zoning districts for the project site are: Neighborhood Edge A and B (NE-A and NE-B)/Low Density Residential, Neighborhood General A, B and C (NG-A, NG-B, and NG-C)/Medium Density Residential, Village Center A (VC-A)/High Density Residential, and Village Center B (VC-B)/High Density Residential and Mixed Use, as well as the Park (P), Open Space (OS) and Public/Semipublic (PS) Districts with Specific Plan Overlay District. The proposed districts generally align with New Urbanism (NU) zoning districts contained in Division 8 of the Salinas Zoning Code and correspond with the Residential Low Density, Residential Medium Density, Residential High

Density and Mixed Use Land Use Designations, respectively contained in the General Plan. The proposed districts are shown in Attachment 10 of the staff report, incorporated herein by reference.

Development Agreement. A development agreement has been prepared pursuant to Government Code Section 65864. The development agreement allows the applicant to proceed with the project in accordance with existing policies, rules, and regulations, subject to the conditions of approval, thus vesting certain development rights in the property.

C. Project Objectives

The following key objectives are the basis for the formulation of the Specific Plan policies, design principles, regulations and development standards:

1. Create a community with a compact form that promotes sustainable neighborhood design and is pedestrian, bicycle, and transit friendly;

2. Provide a variety of land uses in east walking distance of housing including a mixed use village, parks, and schools to lower vehicle miles traveled;

3. Provide parks and other public green space in accordance with General Plan standards that are designed to be safe and easily accessible to residents;

4. Provide a balance of low density, medium density, and high density housing to provide a variety of housing options for residents at various life stages;

5. Provide public services and infrastructure improvements that achieve and maintain City service standards;

6. Provide an inviting tree-lined street system which incorporates traffic calming and other measures;

7. Establish an interconnected path and open space system throughout the development that links to the greater North of Boronda FGA and City as a whole;

8. Create a sense of place and unique identity through the use of entry treatments, landscaping, streetscapes, public art, decorative street lighting, pedestrian amenities and other elements;

9. Provide for a reasonable jobs/housing balance;

10. Provide opportunities for senior housing and/or affordable housing; and

11. Provide for a site/parcel-based post construction Stormwater Control Measures (SCMs)/LID to the maximum extent practicable.

II. FINDINGS

For purposes of the following discussion, the Project is considered to be development of the project site as would be permitted upon the City's approval of the proposed Specific Plan, Rezone, and Development Agreement.

A. Specific Plan Findings

1. **Finding:** The proposed location of development and proposed conditions under which it will be operated and maintained is consistent with the goals and policies embodied in the Salinas General Plan and other applicable plans and policies adopted by the City Council.

   Evidence: The project site is located within the Future Growth Area (FGA) located north of East Boronda Road (referred to as the North of Boronda FGA). This area is designated under the General Plan to accommodate the anticipated future growth in the City. In accordance with the General Plan, the FGA is subject to the adoption of Specific Plans by the City Council prior to any development in this area. The Specific Plans are intended to specify the ultimate distribution, location and intensity of land uses in these areas in accordance with the total development capacities provided under the General Plan. As such, development of the project site has been planned for and has been anticipated by the City as part of a coordinated long-term development process for this area.

   The General Plan land use designations shown for land located with the FGA are illustrative in nature and subject to adjustment and refinement as part of the Specific Plan approval process. Under the Specific Plan, (encompassing approximately 760 acres of land), approximately 197.92 acres of land will be designated "Residential Low Density"; 121.63 acres of land will be designated "Residential Medium Density"; 27.35 acres of land will be designated "Residential High Density"; 17.08 acres of land will be designated "Mixed Use"; 44.06 acres of land will be designated "Park"; 104 acres of land will be designated "Open Space"; and 18.65 acres of land will be designated "Public/Semipublic". These proposed land uses are consistent with the land uses envisioned under the General Plan for this area.

   The maximum number of dwelling units (without density bonus, conversion of commercial floor area, or accessory dwelling units) provided in the Plan Area is 3,911, which meets the overall minimum average density of nine dwelling units per net residential acre required under the General Plan for residential development in the FGA. The Specific Plan has also been designed and planned to ensure that 15%-25% of the dwelling units fall in the density range of 16-24 dwelling units per net residential acre, and 35%-45% fall in the density range of 7-14 dwelling units per net residential acre. These percentages are required under the General

Plan to ensure a variety of dwelling types, specific densities and affordability levels are provided in the Plan Area.

The maximum square footage of proposed retail/commercial uses permitted under the Specific Plan is 489,700 square feet. Parks, schools (comprised of three proposed school sites) and open space (creek corridors and supplemental stormwater basins) are also provided in the Plan Area. These land uses and development intensities are consistent with the types of uses and development capacity anticipated for the North of Boronda FGA under the General Plan.

The Specific Plan has incorporated New Urbanism Design Principles, Crime Prevention Through Environmental Design (CPTED) and other design principles in accordance with the requirements of the General Plan to guide development in the FGA. Emphasis on pedestrian-friendly development through traffic calming, narrow streets, pedestrian linkages and dwellings oriented to the street promote walkability and foster a sense of community as envisioned under the General Plan. On-street bicycle lanes and routes will also be provided along the southerly and northerly greenways, East Boronda Road, Russell Road, Independence Boulevard, Hemmingway Drive, Constitution Boulevard, Old Stage Road and Natividad Road to promote the use of alternative forms of transportation and provide off-site connections to surrounding facilities. The Project also includes provisions for electrical vehicle charging to promote energy conservation and to reduce fossil fuel consumption as encouraged by the General Plan.

Appendix C of the Specific Plan further substantiates the project's consistency with the General Plan and is herein incorporated by reference.

2. **Finding:** The development will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to such a development, nor detrimental to properties or improvements in the vicinity or the general welfare of the City.

Evidence: The potential environmental effects of the Project were fully evaluated in the Final Program Environment Impact Report (EIR) prepared for the project. The project includes significant and unavoidable impacts as well as impacts that can be mitigated to a less than significant level. The full explanation (of environmental impacts) is discussed in Attachment 18 of the staff report, CEQA Findings and Statement of Overriding Considerations, incorporated herein by reference.

The Specific Plan proposes land uses and improvements, which are generally compatible with and complementary to surrounding development located to the north, south, east and west of the Plan Area. It also includes standards, which implement design principles such

as CPTED to promote “eyes on the street” through the use or porches and other elements to discourage criminal activity and promote safer neighborhoods.

The Specific Plan incorporates Low Impact Development (LID) and other features to ensure the Project is in compliance with the requirements of the General Plan, City’s Storm Water Management Program and the City’s National Pollutant Discharge Elimination System Permit.

Local demand for housing is high, particularly for affordable housing. The project will contribute to public welfare by providing dwelling units across a variety of housing types, densities and affordability levels. Market rate and inclusionary housing will be provided. The Project will be subject to City’s Inclusionary Housing Ordinance.

3. **Finding:** The Specific Plan and resulting development will be consistent with the provisions of Article 8 of Chapter 3 of California Government Code, commencing with Section 65450 as may be subsequently amendment by the State of California.

Evidence: The California Government Code sections referenced above include Sections 65450 through 65457. Of these, Sections 65451, 65454 and 65455 are directly applicable to the adequacy of the Specific Plan and to discretionary actions related to its implementation.

California Government Code Section 65451 addresses the content requirements of a specific plan. The Central Area Specific Plan has been reviewed by City staff and the City Attorney and found to be consistent with the content requirements in Section 65451.

California Government Code Section 65454 requires that a specific plan may not be adopted or amended unless it is consistent with the City’s General Plan. As described in Finding “A.1” herein, and the proposed Planning Commission resolution recommending approval and adoption of the Specific Plan, the Central Area Specific Plan has been found to be consistent with the Salinas General Plan.

California Government Code Section 654455 provides that no public works project may be approved, no tentative or parcel map may be approved, and no zoning ordinance may be adopted or amended within the areas covered by a specific plan unless it is consistent with the adopted specific plan. The on-site infrastructure needed for the Project has been designed to support the proposed uses and development in the Specific Plan area. Any parcel or tentative map proposed for the Project site will be required to be consistent with the Specific Plan in order to be approved. Development within the Specific Plan area will be subject to the requirements of the Salinas Zoning Code except as modified by the Specific Plan. Should any conflict arise between the two regulations, the Specific Plan regulations will prevail.

B. Rezoning Findings

1. **Finding:** The amendment (Rezone) is consistent with the Salinas General Plan, any applicable specific plan, and other plans and policies adopted by the Salinas City Council.

   Evidence: The proposed amendment (Rezone) will facilitate the development of the Central Area Specific Plan within the North of Boronda FGA, which is consistent with the City's General Plan policy to plan for and manage future growth within designated future growth areas of the City. The Project incorporates New Urbanism and other design principles and provides a variety of dwelling types and densities in accordance with the land use and housing mix required by the General Plan. The proposed Rezone will not conflict with other plans and policies of the Salinas City Council.

   Appendix C of the Specific Plan further substantiates the project's consistency with the General Plan and is herein incorporated by reference.

2. **Finding:** The amendment (Rezone) will not have the effect of reversing the policies of the Salinas General Plan, any applicable specific plan, and other plans and policies adopted by the Salinas City Council.

   Evidence: The proposed amendment (Rezone) will facilitate the approval and development of the proposed Central Area Specific Plan. The Specific Plan provides specific policies to implement the General Plan, Zoning and other plans and policies adopted by the Salinas City Council. There are no policies in the Salinas General Plan that will be reversed as a result of this amendment.

   Appendix C of the Specific Plan further substantiates the project's consistency with the General Plan and is herein incorporated by reference as additional evidence of the project's consistency.

3. **Finding:** The amendment (Rezone) would not create an isolated district unrelated to adjacent zoning districts.

   Evidence: The proposed Rezone will enable the project site to be developed as a New Urbanism Specific Plan as envisioned under the General Plan. Upon annexation of the project site in 2008, the site was zoned New Urbanism Interim (NI) with a Specific Plan Overlay to provide an interim holding zone until such time specific plans were approved by the City Council for the North of Boronda FGA and the ultimate zoning districts for the area were established. As such, upon the approval of the Specific Plan and Rezone, the project site will be rezoned from the New Urbanism Interim (NI) with a Specific Plan Overlay zoning district to Neighborhood Edge A and B (NE-A and NE-B)/Low Density Residential, Neighborhood General A, B and C (NG-A, NG-B, and NG-C)/Medium Density Residential, Village Center A

(VC-A)/High Density Residential, and Village Center B (VC-B)/High Density Residential and Mixed Use, as well as the Park (P), Open Space (OS) and Public/Semipublic zoning districts. The Specific Plan Overlay district will continue to be applicable to each of the districts as well. These districts are compatible with and complementary to the existing residential (low, medium and high density), commercial, park and open space districts located across the major arterial roads, which form the project boundaries.

The proposed Rezone will facilitate the development of a variety of dwelling types and densities, neighborhood commercial retail and services, parks and supporting uses necessary to serve the proposed Specific Plan community and surrounding area. For example, the various residential districts will allow the development of 3,911 dwelling units in the Plan Area across a variety of densities. Additionally, other types of dwellings such as density bonus units and accessory dwelling units will also be permitted. The Parks (P) district will facilitate the development of 17 parks, which will provide a variety of recreational opportunities for residents of the plan area and the surrounding area. The Open Space (OS) district will facilitate the restoration of the creek corridors (Natividad and Gablian Creeks) that run through the Plan Area and development of the supplemental detention/retention basins located throughout the site. This creates open space, passive recreation opportunities and are intended to serve the storm water surface run-off needs of the Central Area. The Public/Semipublic district will provide sites for two new elementary schools and one middle school. Lastly, the Village Center (VC) district will facilitate the development of the Specific Plan's town center. This area (including the town square and mixed-use commercial and residential development) is intended to be a destination and focal point for both residents of the Plan Area and surrounding area.

4. **Finding:** The City has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed Rezoning.

Evidence: The EIR and Specific Plan thoroughly analyzed the infrastructure including public utilities, roads, and services necessary to serve the Project. Respectively, sections 3.11, 3.10, and 3.9 of the EIR address these topics. Through adoption of the Specific Plan, Development Agreement, Central Area Specific Plan Final Program Environmental Impact Report (FEIR) and associated Mitigation Monitoring and Reporting Program, the City will ensure the provision of public utilities, roads and services necessary to serve the proposed development is provided.

According to the fiscal impact analysis prepared for the project (Attachment 12), the cost of City services would be offset by increased revenues generated by the Project. No unfunded City services costs have been identified. The Central Area Specific Plan is projected to generate an annual surplus of between approximately $881,128 to $2,496,714.

C. Development Agreement Findings

1. Finding: The Development Agreement is consistent with the Salinas General Plan, any applicable specific plan, and other applicable plans and policies adopted by the Salinas City Council.

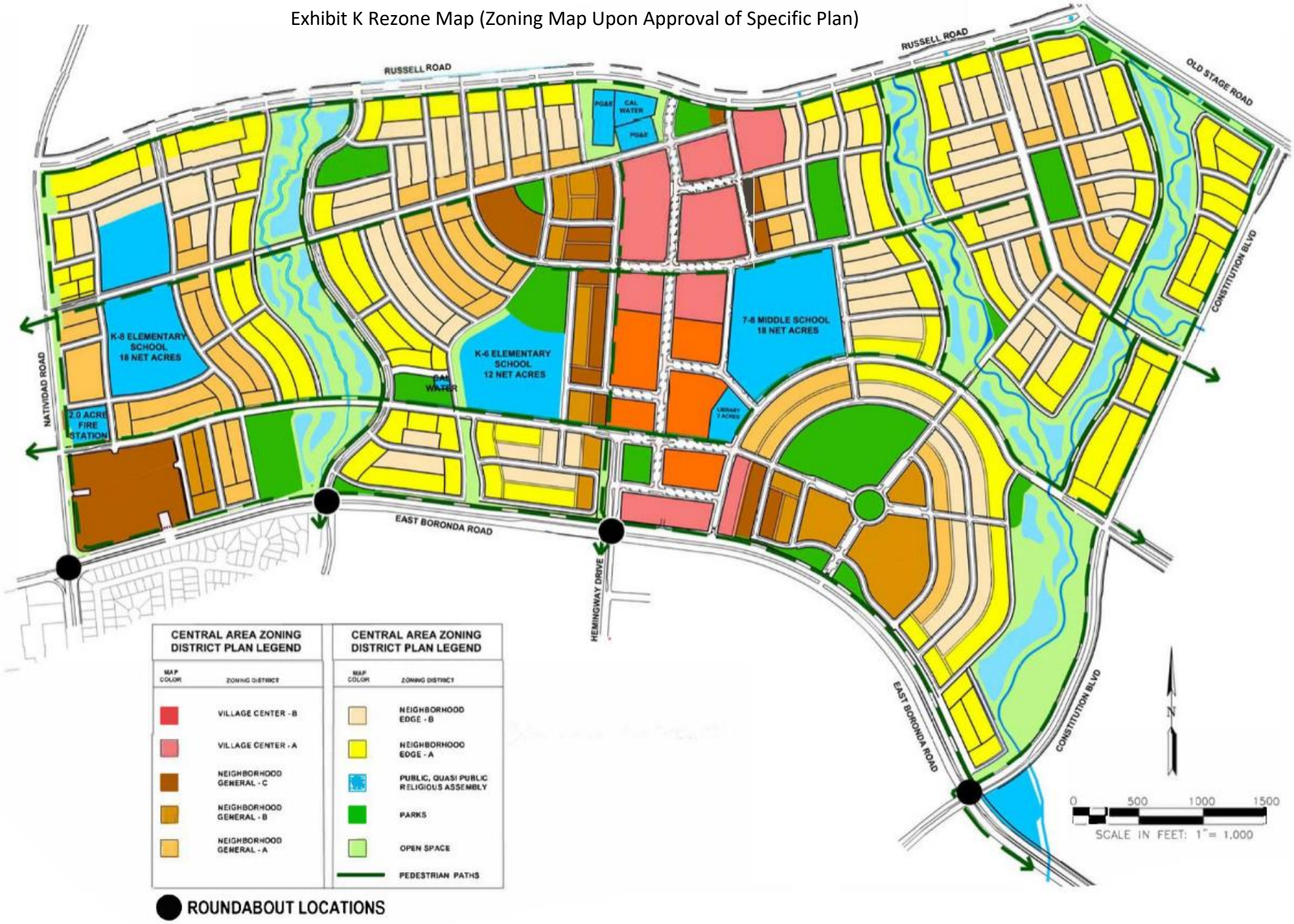
Evidence: The Development Agreement is proposed in conjunction with the Central Area Specific Plan in accordance with the Salinas General Plan. The Specific Plan implements the goals and policies of the General Plan by providing a comprehensively planned and orderly development in the North of Boronda FGA, designed to incorporate and implement the tenets of New Urbanism, CPTED and other design principles. Additionally, it provides potential employment and recreational opportunities for future and nearby residents and increased tax revenue and expansion to support City services. In this regard, the *Fiscal Impact Analysis* prepared for the Project (included as Attachment 12 to the staff report), is projected to generate an annual revenue surplus of approximately $881,128 to $2,496,714 to the City's General Fund. Most importantly; the project will provide critically needed housing in a variety of dwelling types, densities and affordability levels to address the City's housing shortage and overcrowding issues.

Appendix C of the Specific Plan further substantiates the project's consistency with the General Plan and is herein incorporated by reference.

2. Finding: A development agreement that includes a subdivision shall not be approved unless the agreement provided that any tentative map prepared for the subdivision will comply with the provisions of Government Code Section 66473.7.

Evidence: Government Code Section 66473.7 addresses the provision of adequate water supply. Water Supply Assessments were prepared for the project, and are included in the Appendices of the Central Area Specific Plan Final Program EIR as Appendix G. California Water Services Company (Cal Water), and Alisal Water Company (ALCO) the water purveyors to the project site, have each provided a "Can and Will Serve" letter for the subject project.

Exhibit K Rezone Map (Zoning Map Upon Approval of Specific Plan)





Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

- Political Areas
- Effective Zone AE
- Effective Zone AE with Floodway
- Effective 0.2% Annual Chance Flood Hazard
- Proposed 0.2% Annual Chance Flood Hazard
- Proposed 1% Annual Chance Flood Hazard (Zone AE)
- Proposed Zone AE with Floodway
- Base Flood Elevations
- Cross Sections

0 500 1,000 2,000 Feet

1 inch = 600 Feet

N

FEMA Region IX
Monterey County, California
Natividad Creek and Tributaries

June 2020

STARR II Strategic Alliance for Risk Reduction

FEMA



Political Areas

Effective Zone AE

Effective Zone AE with Floodway

Effective 0.2% Annual Chance Flood Hazard

Proposed 0.2% Annual Chance Flood Hazard

Proposed 1% Annual Chance Flood Hazard (Zone AE)

Proposed Zone AE with Floodway

Base Flood Elevations

Cross Sections

0 500 1,000 2,000 Feet

1 inch = 600 Feet

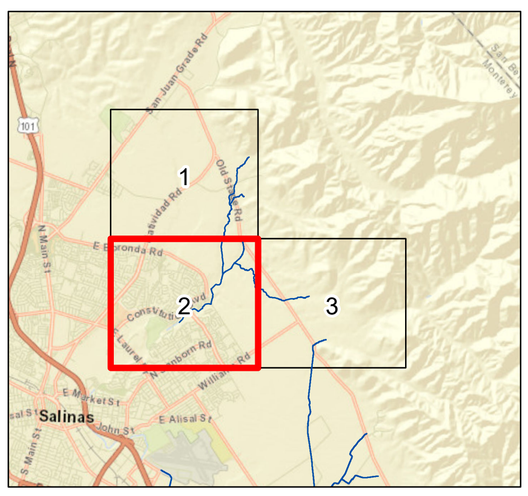
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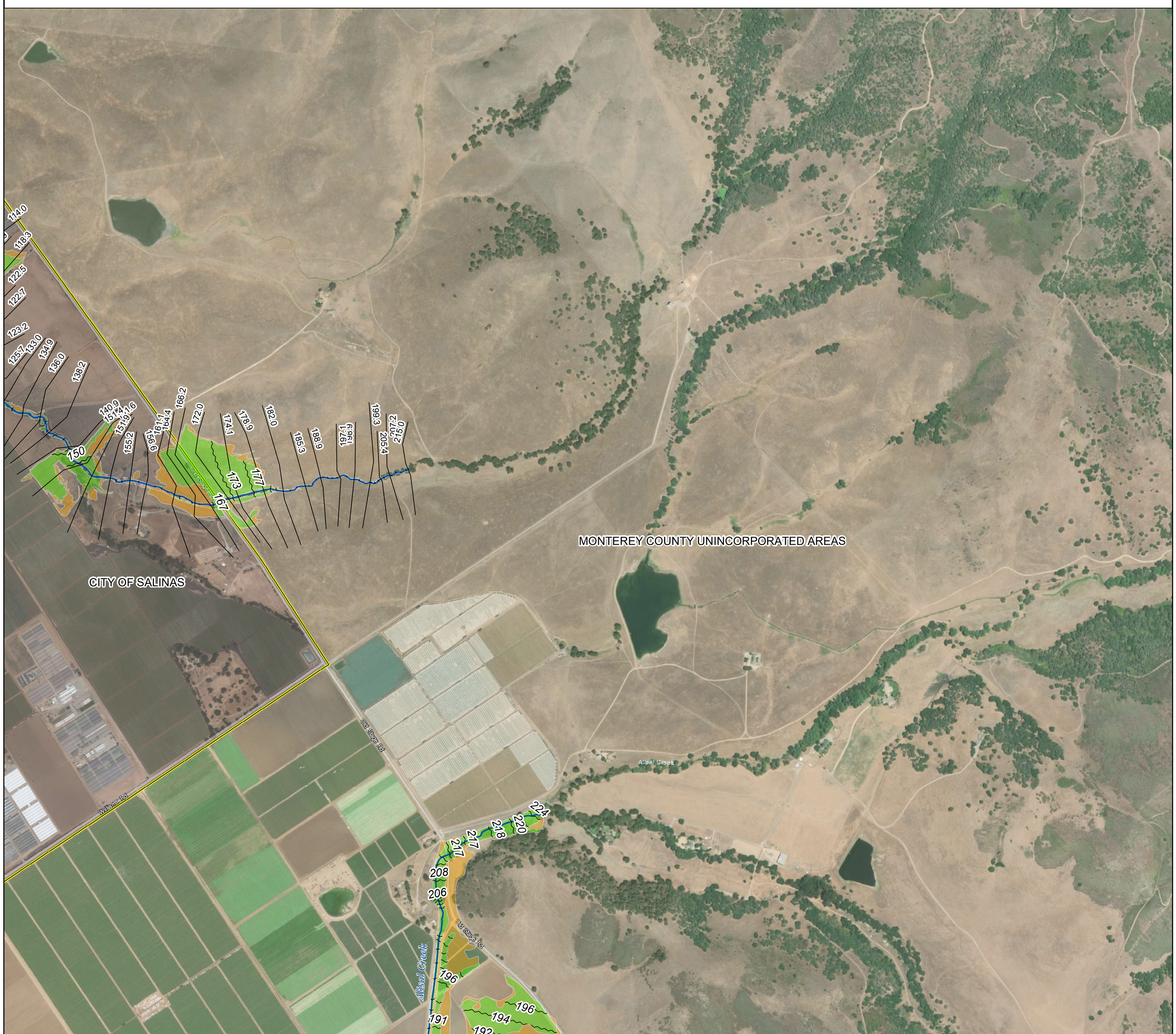
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Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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Political Areas

Proposed 0.2% Annual Chance Flood Hazard

Proposed 1% Annual Chance Flood Hazard (Zone AE)

Proposed Zone AE with Floodway

Base Flood Elevations

Cross Sections

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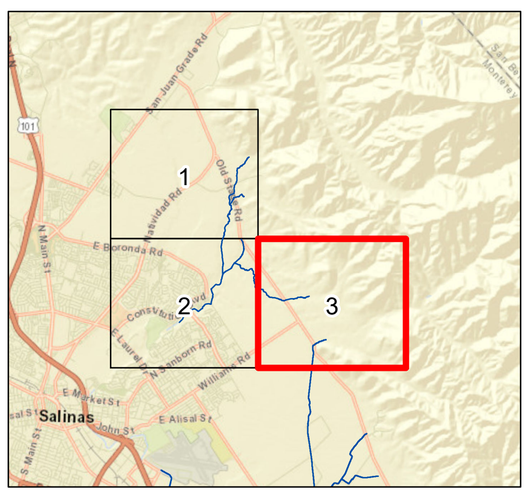
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June 2020

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AND WHEN RECORDED RETURN
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City of Salinas
Office of the City Attorney
200 Lincoln Avenue
Salinas, CA 93901

Record for the Benefit of
The City of Salinas

Exempt from Recording Fee
Government Code Section 23783

Space Above Reserved for Recorder's Use
Only

DEVELOPMENT AGREEMENT

BY AND BETWEEN

THE CITY OF SALINAS

and

The Participating Property Owners

RICHARDSON
MANNINA
SCAGLIOTTI, PURA
PROBERT & CODIROLI
HARTNELL COLLEGE FOUNDATION
For the
CENTRAL AREA SPECIFIC PLAN PROJECT
(North of Boronda Future Growth Area)

DRAFT

This Development Agreement ("**Development Agreement**" and sometimes "**Agreement**"), dated as of December 1, 2020 is entered into by and between the **CITY OF SALINAS**, a California charter city and municipal corporation, (hereinafter "**City**"), and the following, all of which are collectively referred to herein as "the Developers" and sometimes individually referred to herein as a "Developer":

RICHARDSON, (AS TITLE IS HELD FOR ALL OWNERS)
MANNINA,
SCAGLIOTTI, PURA,
PROBERT & CODIROLI,
HARTNELL COLLEGE FOUNDATION

under the authority of Section 65864 *et seq*. of the California Government Code and the City's police powers. (The Developers and the City are, from time to time, referred to individually in this Agreement as a "Party" and collectively as the "Parties").

This Agreement is entered into on the basis of the following facts, understandings and intentions of the Parties.

RECITALS

A. Purpose. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq*. (the "Development Agreement Statute") which authorize cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property. In accordance with the Development Agreement Statute, the City has enacted Article VI, Division 11 of Chapter 37 of the Salinas Municipal Code (the "Development Agreement Regulations") to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute. (The provisions of the Development Agreement Statute and the Development Agreement Regulations are collectively referred to herein as the "Development Agreement Law.") This Agreement has been drafted and processed pursuant to the Development Agreement Law.

B. Developer's Interest in Property. The Developers own or have contractual rights to purchase approximately 639.49 net acres of real property in the City which is a part of the ± 760.44 gross acre Central Area of the City's North of Boronda Future Growth Area (the "Project Area") as depicted on the Table and map attached hereto as **EXHIBIT A - Ownership Table and Planning Subarea Map**. The Project Area is located within the

City limits of Salinas and is bounded by Natividad Road on the west, East Boronda Road (also referred to as "Boronda Road") on the south, Old Stage Road and the future extension of Constitution Boulevard on the east, and the future extension of Russell Road on the north.

C. Planning Uses. Consistent with the City of Salinas General Plan, the Developers have proposed, and the City has approved in the Project Approvals, a Specific Plan for the entirety of the Project Area. The Specific Plan, referred to herein as the "Central Area Specific Plan," is a planned community comprised of residential uses with a minimum of 3,274 and a maximum of 3,911 dwelling units ("Total Central Area General Plan Target Residential Dwelling Units"), seven neighborhood parks, ten small parks, up to three schools (two of which have been purchased and one of these two is under construction as of the Effective Date), and up to ±489,700 square feet of mixed- use commercial floor area, together with retail, office, restaurant, entertainment and other non-residential uses, all as more specifically provided for in the Specific Plan, together with construction, site preparation and installation of infrastructure (the "Project"). The maximum number of dwelling units authorized under the Specific Plan excludes Density Bonus Dwelling Units allowed pursuant to Section 37-50.060 of the Salinas Municipal Code, Accessory Dwelling Units allowed pursuant to Section 37-50.250 of the Salinas Municipal Code, and/or any dwelling units allowed pursuant to Section 3.8.4 of the Specific Plan, which allows up to a maximum of 214,000 square feet of the allowable 489,700 square feet of mixed use commercial floor area which may be converted to up to a maximum of 214 dwelling units on the basis of 1,000 square feet of mixed use commercial floor area for one residential dwelling unit.

D. Project Approvals. The following approvals, entitlements, and findings (the "Project Approvals") were adopted by the City with respect to the Project after duly and properly noticed public hearings:

1. Certification and adoption of a Subsequent Program Environmental Impact Report for the Central Area Specific Plan (the "Project EIR") adopted by the City Council of Salinas by Resolution No. ---- adopted on November 17, 2020, including project-specific mitigation measures as certified and adopted by City with the Project EIR and as specified within the adopted Mitigation Monitoring and Reporting Program adopted by the City Council of Salinas by Resolution No. ------ adopted on November 17, 2020.

2 The Central Area Specific Plan, ("**Specific Plan**") approved by the City Council of Salinas by Resolution No. ------ adopted on November 17, 2020.

3. Zoning Ordinance map amendments adopted by the City Council of the City of Salinas by Ordinance No. ------adopted on December 1, 2020.

4. This Development Agreement approved by the City Council of Salinas by Ordinance No. ------, adopted on December 1, 2020 (the "Enacting Ordinance").

5. All Subsequent Project Approvals, as defined below, immediately upon approval.

E. Subsequent Project Approvals. In addition to the Project Approvals, the Project will require various additional future land use and construction approvals and permits from City in connection with development of the Project ("**Subsequent Project Approvals**"), which shall be deemed to be part of the Project Approvals as they are approved. Subject to the terms and requirements of this Development Agreement, Developers may convey fee title interest in portions of the Property to Affiliates or to third parties who will complete development of those portions of the Property. Developers may also convey portions of the Property to users who will apply to City, as needed, for required Subsequent Project Approvals to complete development of their portions of the Property. The Subsequent Project Approvals also include any review required by the California Environmental Quality Act (CEQA), including implementation of all mitigation measures, Mitigation Monitoring and Reporting Program, and conditions adopted as part of the Project Approvals.

F. Development Assurances. Developers desire to carry out the development of the Property as a master-planned community development consistent with the General Plan, the Project Approvals and this Agreement. The complexity, magnitude and build-out of the Project would be difficult for Developers to undertake if the City had not determined, through this Agreement, to inject a sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment and risk associated with development of the Project. As a result of the execution of this Agreement, both Parties can be assured that the Project can proceed without disruption, which assurance will thereby reduce the risk of planning, financing and proceeding with construction of the Project and promote the achievement of the private and public objectives of the Project.

G. City Interests. City desires to advance the housing and economic interests of the City and its residents by encouraging quality residential development and economic growth in the incorporated portion of the North of Boronda Future Growth Area, in accordance with and envisioned by the Salinas General Plan, thereby enhancing

and expanding housing and employment opportunities for residents and growing the City's tax base.

H. Public Benefits. City is also desirous of gaining the public benefits of the Project under the Project Approvals and this Agreement, which are in addition to those dedications, conditions and exactions required by laws or regulations, and which advance the planning objectives of, and provide benefits to, the City. Among the public benefits to be realized from the Project are those identified in the Specific Plan and include the following:

1. The Project will produce a significant portion of the residential development needed to house the City's projected population for the next 30+ years, as envisioned by and as provided for in the Salinas General Plan.

2. By incorporating the principles of New Urbanism, the Project promotes alternative modes of transportation with an emphasis on pedestrian and bicycle transportation to potentially reduce vehicle trips.

3. New Urbanism design helps bring a variety of land uses together in a relatively compact manner (close proximity), providing residents with the opportunity for healthier, more active lifestyle choices.

4. Greater accessibility to mixed use, commercial land uses will allow residents living in or near the village center, for example, to save travel time and spend less on transportation, as well as numerous other benefits which potentially add to a healthier economy.

5. New Urbanism encourages green transportation and utilizes various sustainable building methods. This will help the City achieve a greater level of environmental accountability and sustainability.

6. The Project provides a variety of housing options and affordability levels for residents at various stages of life.

7. The Project will comply with the City's Inclusionary Housing Ordinance and related Guidelines to ensure housing for workforce and very low, low, and moderate income households.

8. The Project incorporates a variety of housing sizes, types, densities and

designs which create a pleasing residential environment.

9. The Project provides a wide array of recreation opportunities, including bike lanes, public parks, greenways, walkways, and open space, creek corridors, supporting a healthy, sustainable and pleasing physical environment community.

10. The Project and the surrounding community will be served by approximately 44.06 net acres of small and neighborhood parks within a block or two which include a variety of features and amenities.

11. The Project is designed to retain and detain stormwater in accordance with adopted Stormwater Development Standards and Best Management Practices, thus alleviating increased off-site flooding, siltation and erosion, and contributing to the recharge of groundwater aquifers.

12. The Project will provide or contribute to infrastructure improvements (streets, parks, sewers, stormwater management facilities) that benefit the City and further the City's long-range infrastructure goals.

13. As demonstrated by the Fiscal Impact Report prepared by the City's consultant (Economic & Planning Systems, Inc., July 2018), the Project will have a fiscally positive impact on the City's finances.

14. According the CASP area Water Supply Assessments (California Water Service (Cal Water), December 2014, and Alisal Water Company (ALCO), October 2014) conversion of the CASP area from agricultural to urban land use could result in a reduction of consumptive groundwater use (or increase in groundwater storage) which would contribute toward reducing overdraft in the Salinas Valley Ground Water basin.

I. City Council Findings. City has given the required notice of its intention to adopt this Development Agreement and has conducted public hearings thereon pursuant to Government Code Section 65857 and Article 6, Division 11 of Chapter 37 of the Salinas Municipal Code. As required by Government Code Section 65867.5, City has found that the provisions of this Development Agreement and its purposes are consistent with the public health, safety and general welfare of the City and that all of its provisions are consistent with the goals, policies, standards and land use designations specified in the General Plan, as well as all other applicable plans, policies and regulations of the City.

J. Compliance with CEQA. The environmental impacts of the Project including the Project Approvals have properly been reviewed and assessed by the City pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; California Code of Regulations Title 14, section 15000 et seq. (collectively, "**CEQA**"). On November 17, 2020, pursuant to CEQA and following consideration of the recommendations of the Planning Commission, the City Council certified and adopted a program level environmental impact report as provided in Section 15168 of the CEQA Guidelines (the "**Project EIR**"). The Project EIR provides the "first tier" environmental review of the Project, and also provides the City with a single environmental document as a baseline to evaluate related entitlements at a project level of analysis as well as subsequent development projects within the Specific Plan area. Unless one of the events set forth in Public Resources Code §21166 occurs, no subsequent or supplemental environmental impact report shall be required. Subsequent individual development that requires further discretionary approvals will be examined in light of the Project EIR to determine whether additional environmental documentation must be prepared.

K. Planning Commission. On October 21, 2020, the City of Salinas Planning Commission (the "**Planning Commission**"), the initial hearing body for purposes of Development Agreement review, recommended approval of this Development Agreement pursuant to Resolution No. ---------- to the City Council.

L. Enacting Ordinance; City Council. On December 1, 2020, the City Council of City adopted its Ordinance No. --------- approving this Development Agreement and authorizing its execution, and that Ordinance ("**Enacting Ordinance**") became effective on December 31.020.

M. Project Provides Substantial Benefits. For the reasons recited herein, City and Developers have determined that the Project is a development for which this Agreement is appropriate. Through the establishment of vested rights as provided herein, this Agreement will reduce risk and eliminate uncertainty regarding Project Approvals and Subsequent Project Approvals, thereby encouraging investment in and commitment to use and development of the Property. Continued use and development of the Property will in turn provide substantial housing and employment opportunities and tax benefits, and other public benefits to City, and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Law was enacted.

N. Applicability to Property. This Agreement shall be applicable to the Property and all portions thereof, the City, and the existing owners of the Property, the

Developers and their successors in interest, all of whom shall be bound by the terms hereof.

O. Voluntary Commitments. To ensure that the intent of the City and of the Developers with respect to the Project Approvals and Subsequent Project Approvals is carried out, the Parties desire to voluntarily enter into this Agreement to facilitate development of the Project subject to the conditions and the requirements included in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other valuable consideration, the Parties hereby agree as follows:

SECTION 1
ADMINISTRATION

1.1 Definitions. As used in this Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section. To the extent that any capitalized terms contained in this Agreement are not defined below, then such terms shall have the meaning otherwise ascribed to them in this Agreement.

1.1.1 "**Affiliate**" means any person, limited liability company, partnership, joint venture, trust, or corporation or other legal entity who now or hereafter (a) is a member of Developer; (b) directly or indirectly through one or more intermediaries Controls, or is Controlled by, or is under common Control with, the Developer; or (c) in which fifty percent (50%) or more of the equity interest of which is held beneficially or of record by the Developer, as the context may require; or (d) is Controlled by or under the day-to-day management of a member of Developer.

1.1.2 "**Agreement**" shall mean this Development Agreement, as set forth in the preamble of this Agreement.

1.1.3 "**Applicable City Regulations**" shall mean all of the following to the extent the following do not conflict with or are not inconsistent with the Central Area Specific Plan and Project Approvals. Except as may be otherwise expressly set forth herein, the rules, regulations, ordinances, and official policies of the City (whether adopted by the City Council or the voters of the City) existing on the Effective Date governing the permitted uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the Property. Applicable City Regulations may include in whole or in part without limitation, (i) the General Plan, Central Area Specific Plan, the Inclusionary Housing Ordinance (Ordinance no. 2594, adopted June 6, 2017) and associated Guidelines (Resolution No.

21175, adopted June 6, 2017), and the Municipal Code (including standard specifications, design standards, and relevant public facility master plans adopted and published by the City), (ii) Exactions listed on **Exhibit B** to this Agreement, or elsewhere in this Agreement; and (iii) all other City laws that relate to or specify the-permitted uses of land or improvements, the density or intensity of use, the subdivision of land for development, that are existing and in effect on the Effective Date; and (iv) all those existing and approved permits, entitlements, agreements, and other grants of approval having force and effect on the Effective Date relating to the Project and Property, including without limitation their text, terms and conditions of approval. A list of Applicable City Regulations, other than the Exactions and the Project Approvals, is set forth in **Exhibit C** to this Agreement. Exceptions to Applicable City Regulations include Uniform Codes (as defined in **Section 1.1.41** and referenced in **Section 2.3**), and the application of New City Laws defined in **Section 1.1.25**) permitted under **Section 2.4**.

1.1.4 "CASP" shall mean and refer to the Central Area Specific Plan.

1.1.5 "Central Area Park Impact Fees" (CAPIF) shall mean the impact fee levied on development within the Central Area of the North of Boronda Future Growth Area for the purpose of funding the acquisition and the improvement of parks within the CASP.

1.1.6 "**CEQA**" shall mean the California Environmental Quality Act (California Public Resources Code Section 2100, *et seq.*), and the State CEQA Guidelines, (California Code of Regulations, Title 14, Section 15000, et seq.), as each is amended as of the Effective Date.

1.1.7 "**City**" shall mean the City of Salinas.

1.1.8 "**City Council**" shall mean the City Council of the City.

1.1.9 "City Planner" shall mean the officially designated city employee or their designee charged with the responsibility for the interpretation and administration of the Zoning Code, having the authority provided in **Section 37-10.160** of the Zoning Code. As defined in Section 37-10.160 of the Zoning Code, the City Planner is the Community Development Director.

1.1.10 "Community Development Director" shall mean that city official designated by the City Manager with such title and any city official who is authorized by the City Manager to assume and carry out the duties of such official under the same or a different title.

1.1.9 "**Control**" means the possession, directly or indirectly, of the power to cause the direction of the management and policies of any entity including but not limited to a limited liability company, a partnership, a joint venture, a trust, or a corporation, whether through the ownership of voting securities, by contract, or otherwise.

1.1.10 "**Developers**" shall mean Richardson, Mannina, Scagliotti, Pura, Probert & Codiroli and Hartnell College Foundation.

1.1.11 "**Development Agreement Law**" shall have the meaning given in Recital A.

1.1.12 "**Development Agreement Regulations**" shall have the meaning given in Recital A.

1.1.13 "**Development Agreement Statute**" shall have the meaning given in Recital A.

1.1.14 " Boronda Road Congestion Relief Project" (the "Congestion Relief Project") means the City-sponsored project to widen East Boronda Road into a four-lane roadway with two-lane roundabouts, landscaped median, and bike lanes to accommodate future (year 2064) traffic demands on East Boronda Road (including the build-out of the CASP area).

1.1.15 "**Effective Date**" shall mean the date determined under **Section 1.2.1.**

1.1.16 "**Project EIR**" shall have the meaning given in **Recital J**.

1.1.17 "**Enacting Ordinance**" shall mean the Ordinance Approving this Agreement as first referenced in **Recitals J, K and L** of this Agreement.

1.1.18 "Exactions" shall mean exactions that may be imposed by the City as a condition of developing the Project, including but not limited to City Impact Fees, in-lieu payments, requirements for acquisition, dedication or reservation of land, obligations to construct on-site or off-site public and private improvements, whether such exactions constitute subdivision improvements, mitigation measures in connection with environmental review of the Project, measures imposed for the protection of the public health or safety, or impositions made under Applicable City Regulations.

1.1.19 "Fiscal Impact Report" shall mean the report entitled "Fiscal Impact of Salinas' WASP and CASP Future Growth Areas" (EPS, July 26, 2018) commissioned by the City that analyzed, among other things, estimated costs associated with providing required public services to, and the revenues generated by, the Project.

1.1.20 "Frontage Improvements" shall mean the public improvements made necessary by that development. Construction of frontage improvements includes 20-foot width of pavement, plus curb, gutter, sidewalk, landscaping, and sound wall (if required) and dedication of up to 33-feet of right-of-way.

1.1.21 "**Force Majeure Event**" shall mean an event that causes a delay in performance beyond the control of the Party claiming the same. For the purpose of this definition, a cause shall be beyond the control of the Party whose performance would otherwise be required only if such cause would prevent or hinder the performance of such a requirement by any reasonable person similarly situated and shall not apply to causes peculiar to the Party claiming the benefit of a Force Majeure Event (such as the failure to order materials in a timely fashion). A Force Majeure Event shall include, without limitation, any of the reasons set forth in this **Section 1.1.21**: (a) delay attributable to acts of God, accident, strikes or labor disturbances or disputes, (b) delay attributable to the actions or inaction of any governmental agency including the City that unreasonably delays development of the Property, (c) delays of the City in processing any Project Approval beyond the period of time permitted by law or required by this Agreement for the processing of such Project Approval, (d) delay attributable to inclement weather, earthquake or other natural disaster resulting in suspension of Project work for safety purposes, e.g., extended periods of heavy rainfall, (e) delay attributable to inability to procure or a general shortage of labor, equipment, materials or supplies in the open market, rationing or restrictions on the use of utilities, or failure of transportation (but not attributable to a mere increase in price unless such price is commercially unreasonable and will extend for a period of time under the circumstances), (f) delay caused by acts of a public enemy, war, terrorism, insurrections, civil disturbance, riots, mob violence, sabotage, malicious mischief, or casualty, (g) delay attributable to a development moratorium (including but not limited to a sewer or water moratorium) approved by the City or other entity having jurisdiction, (h) delay caused by litigation or administrative action preventing or delaying the approval or development of the Project or adversely affecting the ability of the City or other public entity or the Developer or its successors or assigns to obtain financing for the Project, (j) delay attributable to local, state or federal laws or regulations (other than those expressly permitted by this Development Agreement), (k) delay attributable to governmental agencies in issuing permits or approvals or taking other actions required for development of the Project, (l) delay attributable to the commencement of circulation of an initiative or referendum petition or the filing of any court action to set aside or modify this Development Agreement for the Project Approvals or any Subsequent Project approvals, or (m) delay attributable to insufficient water available to serve the Project or any phase, increment or portion thereof, or (n) any delay claimed by a Party in the performance of

any term, covenant, condition or obligation under this Agreement caused by a default of the other Party.

1.1.22 "**General Plan**" shall mean the City of Salinas General Plan adopted September 17, 2002.

1.1.23 "**Moratorium**" shall mean any action by or on behalf of the City or another public entity having jurisdiction (including but not limited to action taken by virtue of a referendum or initiative) which delays or halts the processing, implementation or approval of subdivision maps, building permits or other Project Approvals.

1.1.24 "**Municipal Code**" shall mean the City of Salinas Municipal Code.

1.1.25 "**New City Laws**" shall mean any ordinances, resolutions, orders, rules, official policies, standards, specifications or other regulations, which are promulgated or adopted by the City Council or the City's electorate (through their power of initiative) after the Effective Date. The application of New City Laws to the Project shall be governed by **Section 2.4**.

1.1.26 "**Non-Curable Default**" shall mean a default for which a cure period shall not exist, as set forth in **Section 4.1.2**.

1.1.27 "Parcelization Map" shall mean a parcel map processed administratively for the purpose of creating master parcels for sale, financing or phasing purposes and on which no development may occur without further subdivision or other entitlement approval by the City.

1.1.28 "Park Impact Fees" shall mean and refer to City-wide impact fees levied on all new development in the City of Salinas for the purpose of funding the acquisition and improvement of new and existing parks within the City of Salinas, including the North of Boronda Future Growth Area. The term "Park Impact Fees" shall not include the Central Area Park Impact Fee, which is defined in **Section 1.1.4**, above.

1.1.29 "**Planning Commission**" shall mean the Planning Commission for the City of Salinas.

1.1.30 "**Project**" shall mean the project commonly known as the "**Central Area Specific Plan**" which is proposed to be constructed on the Property as more fully described in **Recital C**.

1.1.31 "**Project Approvals**" shall mean the permits and approvals granted by the City for the Project, including each Subsequent Project Approval, as set forth in **Recital D**.

1.1.32 "**Property**" shall mean the real property described in **Recital B**.

1.1.33 "**Processing Fees**" shall have the meaning given in **Section 2.8.2**.

1.1.34 "**Rights of Access**" shall mean the right of developer to enter or encroach on certain public improvements as set forth in **Section 2.10.8.**

1.1.35 "**Specific Plan**" shall mean the Central Area Specific Plan as adopted by the City Council, and amended from time to time.

1.1.36 "**Subsequent Project Approvals**" shall have the meaning given in **Recital E**.

1.1.37 "**Subdivision Map Act**" shall mean that legislation set forth in California Government Code Sections 66410 through 66499.58.

1.1.38 "**Tentative Map**" shall mean one or more tentative subdivision maps, whether a Parcel Map or not, for the Property, including any conditions of approval applied to such map. .

1.1.39 "**Term**" shall have that meaning as set forth in **Section 1.2.2** of this Agreement.

1.1.40 "TFO" shall mean the City of Salinas Traffic Impact Fee Program (Traffic Fee Ordinance) with its implementing resolutions.

1.1.41 "Uniform Codes" shall mean any and all codes and regulations applicable to improvements, structures, and development in the City, and the applicable version or revision of such codes and regulations as modified and adopted by the City. Uniform Codes includes the Uniform Building, Plumbing, Electrical, and Fire Codes, City standard construction specifications and details, City grading standards, Title 24 of the California Code of Regulations, and similar codes and regulations relating to Building Standards, in effect at the time of approval of the appropriate permit.

1.1.42 "**Vested Elements**" shall have that meaning as set forth in **Section 2.1.1** of this Agreement.

1.1.43 "**Central Area**" shall mean the portion of the North of Boronda

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Future Growth Area bordered by Boronda Road on the south, Natividad Road on the west, Russell Road Extension on the north, and Constitution Blvd on the east, being the land regulated by the Central Area Specific Plan.

1.2 Effective Date and Term.

1.2.1 The Effective Date of this Agreement is December 31, 2020.

The term of this Agreement shall commence upon the Effective Date and continue for a period of twenty (20) years from the Effective Date (the "Original Term"), unless the Term is terminated, modified, or extended by the terms of this Agreement. The Original Term may be extended only upon the mutual written consent of the Parties and only for five (5) year periods ("Extended Term"). Consent for the Extended Term shall be granted by the City to Developers demonstrating good faith compliance as described in Section 4.5, Annual Review. Developers may request the Extended Term within two (2) years of the current term expiration. Requests for an Extended Term must be submitted in writing with an accompanying City issued "Notice of Compliance," (Section 4.5.4) issued for the previous year, In no event shall there be more than two (2) Extended Terms such that the total of the Original Term and Extended Terms may not exceed thirty (30) years in total. The Original Term has been established by the Parties as a reasonable estimate of the time required to develop and to build out the Project, taking into consideration the complexity of the Project, anticipated actions or other public agencies, normal market and economic conditions, and other contemplated potential circumstances which could affect the timing of development.

1.2.2 In the event that a Developer, within its individual portion of the Property, has not (i) conducted site improvements and grading over at least ten percent (10%) of its Property pursuant to permits issued by the City; (ii) provided documentation to the satisfaction of the City that Developer has installed infrastructure or improvements totaling more than three million dollars ($3,000,000); or (iii) in the event that three (3) or more Developers, collectively, have not, pursuant to the formation of an assessment district for the purpose of financing Project infrastructure, had assessments levied totaling $15 million in the aggregate prior to the tenth (10th) anniversary of the Effective Date, the Term of this Agreement, as to any single Developer pursuant to subsections (i) or (ii) herein, or as to all Developers pursuant to subsection (iii), shall end fifteen (15) years after the Effective Date without the opportunity for extension, unless otherwise mutually agreed to in writing by the Developer and City. Developers shall each demonstrate compliance with this provision on or before the tenth (10th) Annual Review, per Section 4.5 of this Agreement. In accordance with Government Code Section 66452.6(a), the term of any Tentative Map, including modifications or amendments thereto, relating to the Property or any portion thereof

shall automatically be extended to and until the later of the following: (1) the duration of this Agreement; or (2) the expiration of the Tentative Map in accordance with the Subdivision Map Act without reference to any extension given under this Agreement.

1.2.3 If this Agreement terminates for any reason before expiration of rights given under the Project Approvals or any Tentative Map pursuant to the Subdivision Map Act, such termination shall not affect the Developers' rights and obligations to proceed in accordance with the law governing such Project Approvals and/or Tentative Map, nor shall it affect any other covenants of the Developers specified in this Agreement to continue after the termination of this Agreement. If this Agreement terminates for any reason, including expiration of the Term, the terms and conditions of this Development Agreement, and Project approvals shall continue to govern the Project unless the City has previously specifically amended such rules, regulations and policies until such time as the City amends such rules, regulations and policies.

1.2.5 The term of any and all Project Approvals shall automatically be extended for the longer of the Term of this Agreement or the term otherwise applicable to such Project Approvals.

1.2.6 This Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement, without the execution or recordation of any further document, when a final certificate of occupancy has been issued for the building(s) on the lot. Termination of this Agreement for any residential dwelling lot shall not in any way be construed to terminate or to modify any assessment district, fee district, public financing district, special tax district, tax and/or any Mello Roos Community Facilities District lien affecting such lot at the time of termination.

1.2.7 Notwithstanding anything to the contrary in this Agreement, the term of any Permit Approval shall not include the period of time during which any moratorium, lawsuit, referendum, initiative or other legal challenge involving the Permit Approval was or is pending. If this Agreement or a Project Approval is unsuccessfully appealed or otherwise legally challenged, the term of this Agreement shall be extended until such appeal or legal challenge is finally resolved or adjudicated (including the expiration of time for further appeals). In addition, the term may be extended for a reasonable time upon the request of the Developer with the consent of the City. The Developers understand and agree that the City does not have authority or jurisdiction over another public agency's authority to impose a moratorium.

1.2.8. Execution and Recording. The Developers have executed and acknowledged this Agreement. Not later than ten (10) days after the Effective Date, the

City Clerk will cause recordation of this Agreement with the Monterey County Recorder against the Property, provided that a referendum applicable to the Enacting Ordinance has not been timely submitted to the City.

1.3 City's Police Power. The Parties understand, acknowledge, and agree that the limitations, reservations, and exceptions contained in this Agreement are intended to reserve to the City that part of its police power which cannot be limited by contract and this Agreement shall be construed to reserve to the City that part of its police power which cannot be restricted by contract.

SECTION 2
DEVELOPMENT OF THE PROPERTY

2.1 Vested Elements.

2.1.1 The permitted uses of the Property, the density or intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes, the subdivision of land and requirements for infrastructure and public improvements, the general location of public utilities, and other terms and conditions of development of the Property shall be governed by the Project Approvals, Applicable City Regulations and this Development Agreement (collectively "**Vested Elements**"), except as expressly provided in this Agreement.

2.1.2 The Developers shall have a vested right to develop the Property in accordance with the Vested Elements subject to the terms and conditions of this Agreement and also subject to a referendum that specifically overturns the City's approval of the Project Approvals or Subsequent Project Approvals.

2.2 Applicable City Regulations. Except as may otherwise be specifically provided in this Agreement, the City shall have the right to regulate the development of the Property and uses within the Project pursuant to the Applicable City Regulations if, and only to the extent, such regulations do not conflict with or are not inconsistent with the Project Approvals or the Vested Elements.

2.3 Uniform Codes. In the construction of the Project, each particular improvement shall be subject to all Uniform Codes in force and effect when a building, grading or other application for a building permit or equivalent permit is granted by the City.

2.4 Applicability of New City Laws.

2.4.1 New City Laws (including amendments to Applicable City Regulations) shall not be applicable to the Property unless such New City Laws are (a) generally and uniformly applicable on a city-wide basis and not otherwise inconsistent with the Vested Elements or terms of this Agreement or (b) meet one of the following requirements: (i) they are mandated by State or Federal law pursuant to **Section 2.5**; or (ii): they are imposed as part of a declaration of a local emergency or state of emergency as defined in Government Code Section 8558, or a finding that an otherwise permitted use represents a current and immediate threat to public health, safety or welfare pursuant to Government Code Section 65858. Examples of New City Laws that would be generally and uniformly applicable on a city-wide basis and applicable to the Property pursuant to subdivision (a) of this section are storm water utility programs, rent control regulations, rental registry and/or inspection programs, and accessory-dwelling unit restrictions.

Nothing herein shall be construed to limit the authority of the City to adopt ordinances, policies, and regulations which have the legal effect of protecting persons or property from conditions which create a health, safety, or welfare risk.

To the extent any future changes in the General Plan, Zoning Code, or any future rules, ordinances, regulations, or policies are not inconsistent with the terms and the conditions of the Central Area Specific Plan and this Agreement, such future changes in the General Plan, Zoning Code, or such future rules, ordinances, regulations, and policies shall be applicable to the Property.

A Developer, by giving written notice to the City, may elect to have all or part of the Property subject to any New City Laws that are otherwise not applicable to the their portion of the Property under this Section. In the event a Developer so elects, the Developer shall provide written notice to the City and the other Developers of that election (such notice to be provided pursuant to this Agreement) and thereafter such New City Law shall be deemed part of the Applicable City Regulations applicable to that Developer. Such notice shall be in a form provided by the City Attorney which notice shall be recorded and which shall contain a copy of the New City Law which is being made applicable to a portion of the Property.

2.4.2 Developer shall have the right to challenge the application under subsections (a) and (b) of **Section 2.4.1** of New City Laws to the Project. If Developer chooses to challenge the application of a New City Law to the Project, Developer shall give written notice to the City Attorney in accordance with **Section 6.11** of this Agreement. Developer's written notice shall inform the City of the factual and legal

reasons why Developer believes the City cannot apply the New City Law to the Project consistent with the Vested Elements and this Agreement. The City shall respond to Developer's notice within thirty (30) days of receipt of such notice. Thereafter, the Parties shall meet and confer within thirty (30) days of the date of Developer's receipt of the City's response with the objective of attempting to arrive at a mutually acceptable solution to this disagreement. If no mutually acceptable solution is reached at the conclusion of the meet-and-confer period, the Parties may initiate dispute resolution proceedings in accordance with **Section 4.4** below, or Developer may initiate a legal action or proceeding challenging such application. If it is determined at the conclusion of such dispute resolution process or legal action that such New City Laws apply to the Project, and if such New City Laws have the effect of substantially and materially preventing development of the Project in accordance with the Vested Elements (i) the Parties shall process an amendment to this Agreement in accordance with the Development Agreement Law, and/or (ii) the Parties shall amend the Project Approvals or amend the Applicable City Regulations without amending this Development Agreement to allow the Project to be built as originally intended.

2.4.3 There shall be a presumption that any New City Laws affecting the Project and having any of the following effects shall be considered inconsistent with the Vested Elements and this Agreement:

2.4.3.1 Limiting or reducing, directly or indirectly, the total number of residential units in the Project, the mix of residential types in the Project, or the maximum number of residential units allocated to an identified ownership interest within the Project.

2.4.3.2 Limiting or reducing the total retail square footage in the Project or the amount of retail square footage allocated to an identified ownership interest within the Project.

2.4.3.3 Limiting or materially changing the location of buildings, parking, grading, or other improvements on the Property.

2.4.3.4 Imposing new, modified, increased or additional dedication requirements.

2.4.3.5 Imposition of a Moratorium. This limitation on the City shall not apply when a Moratorium meets the requirements of **Section 2.4.1** for application of New City Laws to the Property; provided that the application of any such Moratorium to the Property shall be limited in both scope and time to only effectuate the purpose for which it was imposed. The Developers understand and agree that the City

does not have authority or jurisdiction over another public agency's authority to grant a moratorium.

2.4.3.6 Except as required in **Section 2.13** (Inclusionary Housing), imposing requirements for dedication, sale, or other conveyance of residential units and/or lots for less than market price as determined by the Developers.

2.4.3.7 Fees, charges, or exactions that have the same effect as a Development Impact Fee, as defined in Chapter 9, Article V of the Salinas Municipal Code and/or as shown on **Exhibit B** and **Table 1 to Exhibit B**.

2.4.3.8 Materially frustrating the intent or purpose of the Vested Elements, except with respect to increased costs. Increased costs may be considered by the City when determining whether the intent or the purpose of the Vested Elements have been materially frustrated by a New City Law, but increased costs shall not be a sole determining factor.

2.5 As provided in Government Code Section 65869.5, this Agreement shall not preclude the application to the Property of changes in laws, regulations, plans, or policies, to the extent that such changes are specifically mandated and required by changes in state or federal laws or regulations. In the event State or Federal laws or regulations enacted after the Effective Date of this Development Agreement or action by any other governmental agency other than City prevent or preclude compliance with one or more provisions of the Vested Elements or this Development Agreement, or require changes in plans, maps or permits approved by City, this Development Agreement shall be modified, extended or suspended as may be necessary to comply with such State or Federal laws or regulations or the regulations of such other governmental agency. Immediately after enactment of any such new law or regulation, the Parties shall meet and confer in good faith to determine the necessity of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Development Agreement. It is the intent of the Parties that any such modification or suspension be limited to that which is necessary, and to preserve to the extent possible the original intent of the Parties in entering into this Development Agreement. If the Parties are unable to reach agreement on the modification, then either party may submit the issue to dispute resolution pursuant to **Section 4.4** or may terminate this Agreement.

To the extent that any actions of federal or state agencies (or actions of other governmental agencies, including the City, required by federal or state agencies, or actions of the City taken in good faith to prevent adverse impacts upon the City by actions

of federal, state, or other governmental agencies) have the effect of preventing, delaying, or modifying the development of the Property or any portion thereof, the City shall not in any manner be liable for any such prevention, delay, or modification.

2.6 Processing and Development

2.6.1 The Tentative Map includes a condition as required by Government Code Section 66473.7(b)(1). Final maps shall comply with Section 66473.7. This provision is included in this Agreement to comply with Section 65867.5 of the Development Agreement Statute. City agrees that Developer may file and process tentative maps or vesting tentative maps, including Parcelization Maps, in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code, as the same may be amended from time to time, and the Applicable City Requirements. If final maps are not recorded for an entire parcel before such tentative map(s) would otherwise expire, the term of such tentative map(s) automatically shall be extended for the term of this Agreement or the term otherwise applicable to such map if this Agreement is no longer in effect. The term of any other permit (except building permits which shall not be extended), or other land use entitlements approved as a Project Approval or Subsequent Project Approval shall automatically be extended for the longer of the Term of this Agreement (including any extensions) or the term otherwise applicable to such Development Approval or Subsequent Project Approval if this Agreement is no longer in effect.

2.6.2 The City shall promptly accept, process, review and act upon all applications for permits and approvals for the Project, in a professional, timely manner including Subsequent Project Approvals under **Section 2.9** hereof. Upon request of the Developer, the City shall inform the Developer of the necessary application requirements for any requested City approval or requirement relating to the Project.

2.6.3 City and Developer shall cooperate in processing all applications for permits and approvals for the Project, provided, however, that such cooperation shall not include any obligation, on the City's part, to incur any un-reimbursed expense, and the City shall be entitled, subject to the terms of this Agreement and Developer's rights hereunder, to exercise all discretion to which it is entitled by law in processing and issuing any permits and approvals for the Project.

2.6.4 The Developers and the City shall comply with the time frames set forth in the Subdivision Map Act, and, if applicable, the Permit Streamlining Act (Government Code sections 65920 through 65963.1). The City shall endeavor to make sure that adequate staff is available to process the Developers' applications for permits and

approvals within the time periods required by the Permit Streamlining Act and the Developers shall pay the City Processing Fees with respect thereto. If requested by the Developers (or any of them), the City in its sole direction may retain additional staff and overtime staff assistance or staff consultants as may be necessary to timely process some or all applications for permits and approvals for the Project on an expedited schedule. If the Developers request that City pursue such expedited processing, City agrees to provide the Developers with reasonable prior notice of the amount and due date of the additional costs associated therewith. If the City determines to retain additional staff or to provide overtime staff assistance or staff consultants, the staff and the consultants shall be at the sole selection of the City and shall be paid for at the sole cost and expense of the Developers. Upon the City's written request, the Developers shall advance a deposit sufficient to cover the City's estimated costs. Such deposit shall be replenished, as necessary, from time to time, to assure that the City shall not bear any of the costs associated with additional staff, overtime, or staff consultants.

2.6.5 The Parties shall cooperate and diligently work to implement any zoning, tentative map, final development plan and/or land use, grading or building permits or approvals which are necessary or desirable in connection with the development of the Project in substantial conformance with the Vested Elements.

2.6.6 Notwithstanding any administrative or judicial proceedings, initiative or referendum concerning any of the Project Approvals, City shall process applications for permits and approvals as provided herein to the fullest extent allowed by law and Developer may proceed with development of the Project pursuant to the Project Approvals or Subsequent Project Approvals to the fullest extent allowed by law. City shall be entitled, subject to the terms of this Agreement and Developer's rights hereunder, to exercise all discretion to which it is entitled by law in processing and issuing any permits and approvals for the Project.

2.6.7 The term of any Permit Approval shall not include the period of time during which any moratorium, lawsuit, referendum, initiative or other legal challenge involving the Permit Approval was or is pending.

2.7 Development Timing.

The Parties acknowledge that Developer cannot at this time predict when or the rate at which the Property will be developed or the order in which each increment of the Project will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market conditions and demand, interest rates, absorption, and other similar factors. Buildout of the Project, and the resulting need for

public service facilities, will take many years. Development of the Project may be phased as homebuilding goes forward and creates the need for additional capacity. In particular, and not in any limitation of any of the foregoing, since the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the Parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' desire to avoid that result by acknowledging that, unless otherwise expressly so provided in this Agreement, Developer shall have the vested right to develop the Project in such order and at such rate and at such times as Developer deems appropriate in the exercise of its business judgment provided Developer is in compliance with the Project Approvals, provided, however, nothing herein shall override any phasing or timing for development set forth in a Parcelization Map conditions of approval, Mitigation Monitoring and Reporting Program (the Central Area Specific Plan, Salinas General Plan FEIR (2002), and Final Supplement to the Salinas General Plan Final Program FEIR 2007) mitigation measures, and Section 9.4 and other applicable sections of the Specific Plan.

2.8 Property Taxes; Processing Fees.

2.8.1 The Property shall remain subject to general property taxes, as well as special taxes, assessments, and fees, existing as of the Effective Date and to increases in such taxes, assessments, and fees permitted by law and Developer shall be obligated to incur Exactions in addition to those set forth in **Exhibit B** required to be imposed pursuant to State or Federal law, under the provisions of **Section 2.5**.

2.8.2 Developer shall be obligated to pay all applicable application and processing fees, permitting fees, including development review applications, plan check, map review, inspection and monitoring fees and fees of outside consultants, for land use approvals, grading and building permits, temporary use of land permits, and other administrative and ministerial permits, and other permits and entitlements("**Processing Fees**") in connection with the Project established and in effect at the time of application processing.

2.9. Subsequent Project Approvals. City may deny an application for a Subsequent Project Approval if such application is incomplete or otherwise does not comply with this Agreement or Applicable City Regulations or is materially inconsistent with the Project Approvals. The City may approve an application for a Subsequent Project Approval subject to any conditions reasonably necessary to bring the Subsequent Project Approval into compliance with this Agreement or Applicable City Regulations, or as necessary to make the Subsequent Development Approval consistent with the

Project Approvals or if an amendment has been previously approved by the City to allow the requested deviation. If City denies any application for a Subsequent Project Approval, City shall specify in writing the reasons for such denial.

2.9.1. Nothing herein shall limit the ability of the City to require the necessary reports, analyses, or studies to assist in determining whether any of the requested Subsequent Approvals are consistent with applicable law and this Agreement.

2.10 Streets and Related Improvements.

2.10.1 The City had adopted a Traffic Improvement Fee Program (TFO) in recognition that the traffic impacts of new development are not limited to the immediate vicinity of the new development, but have an impact upon the major streets throughout the city and in part to ensure that new development contributes toward offsetting the burden it imposes upon the City's traffic system.

The City last updated its Traffic Improvement Fee Program (TFO) on January 19, 2010 (Resolution No. 19802). The City intends to update the TFO when it updates its General Plan, which is anticipated to begin in early 2020 ("TFO Update"). The TFO Update will be comprehensive and while the City cannot commit to a particular date by which the General Plan update and TFO Update will be completed, to a particular result, or to a particular approach or methodology, the TFO Update may take into consideration a number of factors including, but not limited to, cost estimates and elimination of the two-tier fee structure. Except as otherwise specifically set forth in this Agreement, in their development of the Project the Developers shall comply with the TFO. However, when the TFO update is complete, the Developers may choose, at their discretion, to initiate an amendment to this Agreement pursuant to **Section 3** of this Agreement to reflect changes resulting from the TFO Update. The Developers may also, at their discretion, request that the City form an assessment district or adopt a plan area fee as additional mechanisms to finance construction of the roadways and related improvements necessary for the Project.

2.10.2 The City plans to complete the Congestion Relief Project along a portion of the frontage of the CASP as a four-lane expressway with landscaped median, turn lanes, bike lanes, roundabouts, and traffic signage. The Congestion Relief Project will also include a widened four-lane bridge over Gabilan Creek within the Central Area Specific Plan (CASP). The Congestion Relief Project will include roundabouts at the intersections of Boronda Road with Natividad Road and with Independence Boulevard. The Congestion Relief Project (which consists of four-lanes, landscaped median, turn lanes, bike lanes, roundabouts, and traffic signage) will be paid from a variety of sources

including TFO funds, supplemented with Measure X funds, Senate Bill 1, potential grant funds, and other City revenues. Developers' contribution to the cost of the Congestion Relief Project shall include payment of TFO fees. Developers shall also be responsible for related improvements along the Boronda Road frontage including the Frontage Improvements (curb and gutter, sound wall, sidewalk, landscaping, street lighting, and right-of-way dedication). The Developers' responsibility shall also include the landscaping, irrigation, and maintenance of the landscaping in the ultimate third lane (10-feet) buildout of Boronda Road. (Exhibit D)

The Parties understand and acknowledge that completion of the Congestion Relief Project along the frontage of the CASP is important to the completion of development within this Project Area. The Parties further understand and acknowledge that the City cannot predict when or the rate at which the Congestion Relief Project will be commenced or will be completed. When the Congestion Relief Project will begin and will be completed depend upon numerous factors, not all of which are within the control of the City, such as weather, cost, challenges to the project, and similar factors. Consequently, the City cannot commit to a date certain by which its work on the Congestion Relief Project will begin or will be completed; however, in acknowledgement of the importance of the Congestion Relief Project to the Project, notwithstanding what is otherwise provided in **Section 1.2.2** of this Agreement, in the event the City has not completed the Congestion Relief Project from McKinnon Street to Natividad Road within seven (7) years of the Effective Date, the Original Term of this Agreement and the deadline for the Developers to meet their Project improvement obligations under Section 1.2.2, shall automatically be extended for five (5) years for any of the Developers who are not at that time in default of this Agreement.

2.10.3 The following streets within the Central Area may by action of the City Council be designated as Major Thoroughfares: Collector Feature Street Section 3 (Road C), a segment of the Southerly Greenway, Collector Feature Street Section 4 (Road G), a segment of the Northerly Greenway, Boronda Road between McKinnon Street and Natividad Road, San Juan Grade Road between Boronda Road and the Russell Road Extension, Russell Road between San Juan Grade Road and Natividad Road, Rogge Road between the westerly boundary of the high school site and Natividad Road, and El Dorado Drive and McKinnon Street within the Project. Access to abutting lots and on-street parking are not allowed on these streets.

2.10.4 Improvements for other streets or street segments which are required by the Project EIR to mitigate cumulative impacts, but which are not included within the TFO shall be paid for by the Developers on a fair-share basis. These fair-share

payments shall be indexed annually and shall be paid by the Developers in the same manner and at the same time that TFO payments are made.

2.10.5 All of the other interior streets not designated as major thoroughfares within the CASP will be constructed and paid for by Developers in accordance with the street sections contained in **Section 5 and Appendix K** of the Specific Plan.

2.10.6 CASP streets shall be constructed in phases on a subdivision-by-subdivision basis in conjunction with the review and approval of individual tentative subdivision maps. Except for the streets within the VC-A and VC-B districts streets within the CASP shall be dedicated as part of the public street system, shall be accepted by the City upon completion, and shall be maintained by the City through an assessment district upon expiration of the Developer's one-year warranty period.

2.10.7 When a Developer applies for a building permit and there are still traffic impact fees due to the City after applying all traffic fee credits assigned to that Developer, the Developer shall pay the difference at the then applicable rate. If the traffic impact fee credits issued on all of the Developer's buildings in the Project exceed the total traffic impact fees due, the City shall repurchase the excess traffic impact fee credits from the Developer at the then current rate.

2.10.8 The City shall grant to Developer Rights of Access subject to City's standard conditions for such Right of Access as may be necessary across, under, and over the surface and subsurface of all City streets as may be required from time to time for construction and installation of the following improvements:

2.10.8.1 Gas, electricity, water, wastewater, drainage, telephone, cable media, computer, security, telecommunications, and all other utilities, facilities and like improvements (including without limitation their related conduits, wires, lines, pipes, mains, pumps, meters and other structures, stations and improvements) necessary or desirous to the Project; and

2.10.8.2 Construction, paving, striping, cleaning, and repairing streets within the Project.

2.11. Parks and Recreation Facilities

2.11.1 Public Parks Provided. As shown in **Exhibit A**, the Project shall provide a total of approximately 44.06 net acres of parkland ("the CASP Parkland") to

meet the General Plan and Subdivision Ordinance requirement of 3 acres of developed parkland per 1,000 residents assuming buildout with 3.67 people per dwelling unit. The City will determine the final design of public park facilities, including the number and the type of sports fields that can be accommodated within the park configuration and acreage in accordance with City standards. Neighborhood parks vary from ±2.0 acres to ±11.6 acres in size. Small parks are typically less than two acres in size, but in no case less than 0.5 acres in size. Net acreage of each park will be refined in connection with tentative subdivision map review. The location, size and type of each park shall be substantially as shown in **Table 4-1 and Figure 4-1** of the CASP. The design standards for the CASP's parks shall be substantially as described in **Section 2.6.5** of the CASP. No additional dedication or reservation of park land or open space, or the payment of any additional *in lieu* fee or exaction for park or open space land, shall be required of the Project.

2.11.2 Park Improvements. Improvements to dedicated parkland made by a Developer in accordance with the City's Park and Sports Facility Standards (May 2018) as approved by the Library and Community Services Director shall be deemed consistent with the General Plan, the Specific Plan, the City's park and sports facility standards and any other applicable standards adopted by the City.

2.11.3 Park Improvement Fees. The City shall adopt, and Developers shall pay, a new Central Area Park Improvement Fee ("CAPIF") in an amount sufficient to fund the acquisition of designated CASP parkland, the cost of street improvements abutting such designated parkland, and the cost of park improvements to equip such parklands within the CASP in accordance with adopted park improvement standards. Developers who construct park improvements in accordance with adopted park improvement standards shall receive Park Improvement Fee credits in the amount of the actual cost of such improvements as constructed (hard and soft costs), not to exceed the per acre cost as calculated in the Park Facilities Development Impact Fee Update Study (Willdan, November 5, 2019) referred to herein as he CAPIF Fee Study, by type of park constructed. The fee credit for land will be $250,000 per acre and will be adjusted annually by the construction cost index change as published by the Engineering News Record in April along with all of the other development impact fees. The fee credits for the construction soft cost will be limited to the percentages of each category that were used in the CAPIF Fee Study, provided however, that costs actually be incurred but assigned to a "contingency" category may be converted to hard costs at the option of the Developer. CAPIF fees collected will be accounted for in a separate fund with Park Impact Fees so that, to the extent feasible, sufficient funds are available to pay fee credits as accrued. If sufficient funds are not available in the CAPIF fund to reimburse the Developer as provided herein, reimbursement will not occur until such time as sufficient funds become available. In the case of parkland purchased by the City from third parties,

or park improvements constructed or installed by the City, the cost recovered by the City from CAPIF Fees or from the CAPIF fund shall be limited to the acquisition cost and park improvement costs (hard and soft costs) calculated in the CAPIF Fee Study by type of park constructed, and any cost overage shall not be charged to the Developers.

2.11.4 Timing of Park Dedications and Improvements. Dedications of CASP parkland and improvements to CASP parkland shall be coordinated on a subdivision-by-subdivision basis with the development of the overall CASP to the extent feasible to assure the availability of recreational facilities to serve the residents of the area. Developers shall not be required to dedicate or improve designated park land until such park land is included in a recorded final subdivision map. The City shall coordinate its acquisition of parklands and construction of park improvements funded with Park Impact Fees so that, to the extent feasible, such improved parklands are available for use at the time of issuance of the first certificate of occupancy for residential development for which Park Impact Fees have been paid. **2.12. School Sites.**

2.12.1. The Project shall include sites for two (2) new elementary schools (±12 acres each) and one (1) new middle school (± 18 acres).

2.12.2. Sites for new schools within the Central Area may be provided pursuant to a written agreement between Project Developers and the school districts. In the absence of such agreement, school sites shall be reserved by the Developer and acquired by the school district in accordance with **Section 31-804** ***et seq***. of the Salinas Municipal Code.

2.12.3. Responsibility for development of public schools, including the acquisition of school sites and the construction of school facilities, lies with the respective school districts.

2.12.4. Project Developers and the City shall cooperate with school districts to facilitate joint use of school sites and facilities.

2.12.5. If not needed for school purposes, as determined by the applicable school district, school sites may be developed for residential use up to a maximum of fifteen (15) units per net residential developable acre.

2.12.6. The Project Developers shall be responsible for the payment of school impact fees pursuant to Government Code Section 65996 as specified by the Project EIR as full and complete school facilities mitigation.

2.13. Inclusionary Housing.

2.13.1 Inclusionary Housing Ordinance. All residential development within the Project shall comply with the City's Inclusionary Housing Ordinance embodied in Ordinance No. 2594, as adopted June 6, 2017, and Resolution No. 2567 (collectively the "Inclusionary Ordinance") and the Guidelines adopted pursuant thereto. For those Developers that choose to pay in lieu fees (for sale and rental) the in-lieu fees shall be set at the amount pursuant to the Inclusionary Housing Ordinance as of the Effective Date of this Agreement. The housing in lieu fees and/or rental housing impact fees will be adjusted by the percentage increase in the Engineering News Record (ENR) cost index, based on the most current April edition. The Inclusionary Ordinance is attached hereto as **Exhibit E**.

2.14. Infrastructure Financing.

2.14.1 Level of Municipal Services. In determining the level of improvement and service to be applied to and required by the Project, the City, the City's consultants, the FGA Developers and their consultants shall apply the factors and assumptions set forth in the City of Salinas Public Facilities Impact Fee Study (February 2014, adopted April 8, 2014) (the "Nexus Study") and in the Fiscal Impact Report.

2.14.2 City Development Impact Fees. Except as provided in **Sections 2.14.2.1 or 2.14.2.2** of this Agreement, the Developers shall be obligated to pay only those City Development Impact Fees as set forth in **Exhibit B** attached and incorporated herein by this reference. The City may not impose or exact additional or increased City Development Impact Fees on the Developers or the Project.

2.14.2.1 State and Federal Fees; Permits and Approvals. Notwithstanding **Section 2.14.2**, Developer shall be obligated to pay fees that may be imposed pursuant to State or Federal law (subject to **Section 4.6** of this Agreement). The Developers shall also comply with lawful requirements of, and obtain all permits and approvals required by other local, regional, state, and federal agencies having jurisdiction over the Developers' activities in furtherance of this Agreement. The Developers shall pay all required fees when due to federal, state, regional, or other local government agencies other than the City and acknowledge that the City does not control the amount of such fees.

2.14.2.2 Subsequent Project Approvals and City Processing Fees. This Development Agreement shall not limit the authority of the City to charge any and all lawfully enacted City Processing Fees required for Subsequent Project Approvals, including application, inspection and monitoring fees, fees for staff and consultants used by the City in connection with processing permit and other approvals, and fees for

preparation of environmental analysis under CEQA, which are in force and effect on a city-wide basis and are in compliance with Government Code Section 66014.

2.14.2.3 Other Agency Impact Fees. Notwithstanding the provisions of **Section 2.14.2**, Developer shall be obligated to pay school impact fees imposed pursuant to the provisions of Government Code 65995 through 65996 and Education Code sections 17620 through 17626 and traffic impact fees imposed by the Transportation Agency for Monterey County (TAMC), in addition to whatever other agency impact fees may be imposed and applicable to the Project through the Term of this Agreement. Such fees shall be payable upon issuance of building permits, or at such other time as may be negotiated with the applicable agency.

2.14.2.4 Exactions. Except as expressly provided in this Agreement or mandated by state or federal law, the City shall not impose any additional development impact fees or charges or require any additional dedications or improvements through the exercise of the police power or otherwise, with the following exception: The City may impose reasonable additional fees, charges, dedication requirements as conditions of the City's approval of an amendment to the (i) Project Approvals, (ii) Subsequent Project Approvals, or (iii) this Agreement, which amendment is either requested by the Developers or agreed to by the Developers; and

2.14.3 Mitigation Measures. Nothing contained in this Agreement shall relieve Developer of the obligation to implement feasible mitigation measures identified in the Project EIR for the purpose of mitigating or avoiding significant environmental effects of the Project; provided, however, that City retains the authority to adopt substituted measures or findings of overriding circumstances as provided by CEQA and the CEQA Guidelines.

2.14.3.1. Agricultural Mitigation. The City's Agricultural Land Preservation Program (ALPP) was adopted on April 8, 2008 (Resolution No. 19422). The CASP, as part of the Salinas Future Growth Area Annexation and Sphere of Influence (SOI) Area, is a "GSA-MOU identified growth area" as defined in the ALPP. Developers shall comply with the ALPP as described in Section 9.5 of the Specific Plan. As set forth in Section 9.3 of the Specific Plan, the Developers will not be required to establish agricultural mitigation easements for the lands within the Project area and will be required to pay an agricultural land mitigation fee in the amount of $750 per acre of converted land designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as "Prime" or "of Statewide Importance" (Designated Farmland).

2.14.4. Drainage/Stormwater. The City and the Developers acknowledge and agree that the analysis, plans, polices and design of the drainage and stormwater management facilities of the Specific Plan conform with or exceed the requirements of the (stormwater management plan in effect as of the Effective Date). The City and the Developers further acknowledge that the storm water requirements and stormwater fees imposed upon development and redevelopment projects, as well as to individual properties, in the city change from time-to-time and that the Project will be subject to whatever storm water requirements, storm water programs and utilities, and stormwater fees are in effect as of the date of application for a Project Approval or a Subsequent Project Approval. Developer shall implement the drainage and stormwater management policies of the Specific Plan in phases as provided in **Section 8.3** of the Specific Plan.

2.14.5. Reimbursement Ordinance. On June 3, 2014, the City adopted an ordinance to provide for the establishment of one or more zones of benefit and the reimbursement for costs incurred in connection with the annexation and entitlement of lands in the North of Boronda Future Growth Area (Ordinance No. 2549, the "Reimbursement Ordinance").

2.14.6. Installation of Improvements; Inspections. In any instance where a Developer is required to install improvements that are subject to inspection and approval by the City, Developer shall obtain City approval of the plans and specifications, and provided Developer has supplied all information required by the City, the City shall promptly review and act on the application for such approval in a diligent manner in accordance with law. The commentary on plans shall specify the changes required to comply with City regulations. Developer shall correct the plans as requested or shall explain in writing why any changes were not made, or deviated from the changes requested by the City.

2.15. Significant Actions by Third Parties Necessary for Approval. At Developer's sole discretion, but consistent with the Project Approvals, Developer may apply for such other permits, grants of authority, agreements, and other approvals from other private, public and quasi-public agencies, organizations, associations or other public entities as may be necessary to the development of, or the provision of services and facilities to, the Project. The City shall cooperate with Developer in its endeavors to obtain such permits and approvals.

2.16. Cooperation of Parties. Each of the Parties shall act toward each other and the tasks necessary or desirous to the Project in a fair, diligent, expeditious and reasonable manner (except in those cases where a Party is given sole discretion under this Agreement), and no Party shall take any action that will unreasonably prohibit, impair

or impede the other Party's exercise or enjoyment of its rights and obligations secured through this Agreement. This agreement to cooperate shall not require either Party to incur any un-reimbursed expenses.

2.17. Developer's Right to Rebuild. City agrees that Developer may renovate or rebuild portions of the Project within the Term of this Agreement should it become necessary due to fire, earthquake, or other natural disaster or changes in seismic requirements. Such renovations or reconstruction shall be processed as a . Any such renovation or rebuilding shall be subject to all design, density and other limitations and requirements imposed by this Agreement, and shall comply with the Project Approvals, the building codes existing at the time of such rebuilding or reconstruction, and the requirements of CEQA.

2.18. Fiscal Neutrality. The Fiscal Impact Report was prepared to summarize, among other things, estimated costs associated with providing required public services to, and the revenues generated by, the Project. Based upon the findings of the Fiscal Impact Report, the City has determined that the economic impact of the Project on the City will be fiscally positive. The conclusions of the Fiscal Impact Report are predicated among other things on the following assumptions regarding the shared responsibilities for ownership and maintenance of infrastructure between the City and the Central Area of the Future Growth Area:

2.18.1 Construction and Dedication of Streets. The Developer shall construct or install all improvements within the City-maintained areas described in **Section 2.18.1** above. If Developer installs landscaping within the City-maintained areas, Developer shall maintain such landscaping in a healthy weed-free condition for one year following the City acceptance of the Project improvements. Developer shall dedicate such landscaped areas to the City.

2.19 Landscaping and Lighting Maintenance District. A Landscaping and Lighting Maintenance District ("LLMD") will be established by the City in connection with the development of the Central Area to reimburse the City for the costs of maintenance performed by the City within the public areas of the Project, including but not limited to the following maintenance tasks:

(a) Maintenance of public parks less than two (2) acres in size.

(b) Operation and maintenance (including replacement as needed) of all street path lighting.

(c) Maintenance of all low-impact development (LID) areas within public streets,

parcels, and rights-of-way, and in supplemental detention and retention basins (open space).

(d) Slurry coating of all interior streets and alleys every 5-7 years, depending on the deterioration of the asphalt as determined by the Public Works Director or his designee.

(e) Maintenance of all traffic calming devices, such as the center median islands, roundabouts, bulb-outs, and traffic circles, including landscaping.

(f) Maintenance and replacement of the public paths, street trees, decorative street furniture, and traffic/street signs.

(g) Maintenance of the landscaping and the walls within the abutting half of the right-of-way of the arterial streets surrounding the Central Area.

(h) Maintenance of alleys (including paving) and the adjacent landscaping within alley rights-of-way and/or easements.

(i) Maintenance of landscaping located within the public right-of-way of the southerly greenway street/path and landscape easement.

The LLMD shall be established in phases on a subdivision-by-subdivision basis in conjunction with the review and approval of individual tentative subdivision maps. Prior to establishment of the LLMD the Developers shall provide all of such maintenance work. Developers shall maintain all areas of the LLMD until such time as the City reasonably determines there is sufficient residential development within the Project to support the City's costs of such maintenance no more than one year after improvements are accepted with a subdivision map.

2.20 Completion of Improvements. The City generally requires that all improvements necessary to service new development be completed prior to issuance of building permits (except model homes). However, the Parties acknowledge that some of the backbone improvements associated with the development of the Property may not need to be completed to adequately service portions of the Property as such development occurs. Therefore, as and when portions of the Property are developed, all backbone infrastructure improvements required to service such portion of the Property in accordance with the Project Approvals and Subsequent Project Approvals shall be completed prior to issuance of any building permits within such portion of the Property (except permits for model homes). Provided, however, the Community Development Director may approve the issuance of building permits prior to completion of all such

backbone improvements if the improvements necessary to provide adequate service to the portion of the Property being developed are substantially complete to the satisfaction of the City Engineer or the Developer has entered into an agreement with the City as provided in Section 66462 of the California Government Code, and that the Developer's performance to complete all of the backbone infrastructure is secured in the manner provided in Chapter 5 of the Subdivision Map Act (beginning with Section 66499).

2.21 Obligations of the Developers. The Developers shall develop the Property in accordance with and subject to the terms and the conditions of this Agreement, the Project Approvals, and the Subsequent Project Approvals, if any, and any amendments to the Project Approvals or this Agreement as may, from time to time, be approved pursuant to this Agreement. The failure of a Developer to comply with any term or condition of or fulfill any obligation of the Developers under this Agreement, the Project Approvals or the Subsequent Project Approvals or any amendments to the Project Approvals or to this Agreement as may have been approved pursuant to this Agreement, shall constitute a default by that Developer under this Agreement. An individual Developer's default under this Agreement shall not affect the rights or the obligations of the other non-defaulting Developers who have entered into this Agreement.

Except as otherwise provided herein, the Developers shall be responsible, at their sole cost and expense, to make the contributions, improvements, dedications, and conveyances set forth in this Agreement and the Project Approvals.

SECTION 3
AMENDMENT OF AGREEMENT
AND SUBSEQUENT APPROVALS

3.1. Amendment of This Agreement. This Agreement may be amended from time to time in accordance with the Development Agreement Statute, only upon the mutual written consent of the City and Developer.

3.1.1. Major Amendments and Minor Amendments. Any amendments to this Agreement which affects or relates to (a) the Term of this Agreement, (b) permitted uses of the Property, (c) provisions for the reservation or dedication of land, (d) conditions, terms, restrictions, or requirements for subsequent discretionary action, (e) the density or the intensity of use of the Property or the maximum height or gross square footage of proposed non-residential buildings, or (f) monetary contributions by the Developers, shall be deemed a "Major Amendment" and shall require giving notice and a public hearing before the Planning Commission and the City Council. Any amendment which is not a Major Amendment shall be deemed a "Minor Amendment."

The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment, they shall effectuate such clarifications, minor changes, or minor adjustments through a written Minor Amendments approved in writing by the Developers and the City Manager. Unless otherwise required by law, no such Minor Amendment shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement.

The City Attorney shall have the authority to determine if an amendment is a Major Amendment or a Minor Amendment. The City Attorney's determination may be appealed to the City Council.

3.2 Amendment of Project Approvals. The Project Approvals from time to time, may be modified in the following manner:

3.2.1. Amendment to this Agreement Not Contemplated. Subsequent Project Approvals and (except as expressly provided below) modifications to Project Approvals shall not require an amendment to the terms of this Agreement, and the terms of this Agreement shall apply to all Subsequent Project Approvals and amendments to modifications to Project Approvals, without any further action of the Parties.

3.2.2. Determination of Need for an Amendment. Upon the written request of the Developer, the City Attorney shall determine whether any requested modification of the Project Approvals requires an amendment to the terms of this Agreement. If the City Attorney finds that the proposed modification does not result in a material change to the terms of this Agreement, the modification shall be approved administratively as a Minor Revision as provided in **Section 9.7.1** of the Central Area Specific Plan without amendment of this Agreement.

3.2.3. Processing of Amendments. Any request by the Developer for a modification of the Project Approvals that is determined by the City Attorney to require an amendment to this Agreement shall be processed as an amendment to this Agreement in accordance with the Development Agreement Statute and **Section 9.7.2** of the Central Area Specific Plan.

3.2.4. Administrative Approval of Minor Revisions. Minor modifications to Project Approvals that do not materially change the character of the Project, such as

minor adjustments in location or area that do not increase the overall size of the Project site, minor changes in the location of buildings, substitution of custom homes in the place of pre-designed homes, or the area designated for year-round outdoor/sidewalk/parking lot display by the anchor tenant, design and architectural details, floor plan or landscaping, as well as modifications listed in **Section 9.7.1** of the Central Area Specific Plan, do not require amendment of this Agreement, and shall be approved administratively through the building permit process without the necessity of notice, hearing, CEQA review, separate application or process.

3.2.5. CEQA Review. The City has conducted extensive environmental review of the Project Approvals and has certified the Central Area Specific Plan Final Environmental Impact Report (the "Project EIR") pursuant to the requirements of CEQA. To the maximum extent permitted by law, the City shall process Subsequent Project Approvals under the existing CEQA approvals (or as an addendum or supplement to the existing CEQA approvals) and shall not require further CEQA action unless such additional review is legally mandated under the CEQA Guidelines. The Parties acknowledge that certain discretionary Subsequent Project Approvals, if any, may be legally required to be subject to additional review under CEQA. The City shall process all documents required under CEQA for the Project. Notwithstanding any other provision of this Agreement, nothing contained in this Agreement is intended to limit or restrict the discretion of the City to take any appropriate action as may be required by CEQA with respect to any such discretionary Subsequent Project Approvals. The Developers are responsible for all costs associated with any additional CEQA review required for Subsequent Project Approvals, including the payment of recording fees (if any) and the Notice of Determination Fee or Notice of Exemption Fee, as applicable.

SECTION 4
DEFAULT, REMEDIES, TERMINATION

4.1 Defaults.

4.1.1 Except for Non-curable Defaults, any failure by the City or Developer to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other Party (unless such period is extended by written mutual consent), shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure may be satisfactorily cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure

thereafter, shall be deemed to be a cure, provided that if the cure is not diligently prosecuted to completion, the default shall continue and no additional cure period shall be provided. If the alleged failure is cured, then no default shall exist and the noticing Party shall take no further action. If the alleged failure is not cured, then a default shall exist under this Agreement and the non-defaulting Party may exercise any of the remedies available under **Section 4.3**.

4.1.2 Any Assignment or other transfer in violation of **Section 5** shall be considered a Non-curable Default.

4.1.3 No failure or delay in giving notice of default shall constitute a waiver of default; provided, however, provision of notice and opportunity to cure shall nevertheless be a prerequisite to the enforcement or correction of any Default.

4.2 Actions During Cure Period. During any cure period specified under **Section 4.1.1** and during any period prior to delivery of any notice of default, the Party charged shall not be considered in default for purposes of this Agreement. If there is a dispute regarding the existence of a default, the Parties shall otherwise continue to perform their obligations hereunder, to the maximum extent practicable in light of the disputed matter and pending its resolution or formal termination of the Agreement as provided herein.

4.3 Remedies for Non-Defaulting Party.

4.3.1 In the event either Party is in default under the terms of this Agreement, subject to any applicable requirements of **Section 4.4**, the other Party may elect to pursue any of the following courses of action: (i) waive such default; (ii) pursue administrative remedies as provided in this Agreement; and (iii) pursue any judicial remedies available.

4.3.1.1 Developers' Default; Enforcement. No building permit shall be issued or building permit application accepted for the building shell of any structure on the Property if the permit applicant owns or controls any property subject to this Agreement and if such applicant or any entity or person controlling such applicant is in default under the terms and the conditions of this Agreement unless such default is cured or this Agreement is terminated. The Developer shall cause to be placed in any covenants, conditions, and restrictions applicable to the Property, or in any ground lease or conveyance thereof, express provision for an owner of the Property, lessee or City acting separately or jointly to enforce the provisions of this Agreement and to recover reasonable attorneys' fees and costs for such enforcement.

4.3.2 Unless otherwise provided in this Agreement, either Party, in addition to any other rights or remedies, may institute legal action to cure, correct, or remedy any default by the other Party to this Agreement, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation hereunder or to seek specific performance.

4.4 Dispute Resolution; Legal Action.

4.4.1 Mediation. Except as otherwise provided herein, no action or proceeding with respect to any dispute, claim or controversy arising out of or relating to this Agreement ("**Dispute**") may be commenced until the matter has been submitted to mediation. Either Party may commence mediation by providing to the other Party a written request for mediation, setting forth the subject of the Dispute and the relief requested. The Parties shall cooperate with one another in selecting a mediator and in scheduling the mediation proceedings in Monterey County (unless otherwise agreed by the Parties). The Parties covenant that they will participate in the mediation in good faith, and that they will share equally in its costs. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the Parties, their agents, employees, experts and attorneys, and by the mediator are confidential, privileged and inadmissible for any purpose, including impeachment, in any litigation or other proceeding involving the Parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Either Party may seek equitable relief prior to the mediation to preserve the status quo pending the completion of that process. Except for such an action to obtain equitable relief, neither Party may commence a civil action or proceeding with respect to the matters submitted to mediation until after the completion of the initial mediation session, or 45 days after the date of filing the written request for mediation, whichever occurs first. Mediation may continue after the commencement of a civil action or proceeding, if the Parties so desire. The provisions of this **Section 4.4.1** may be enforced by any court of competent jurisdiction, and the Party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including attorneys' fees, to be paid by the Party against whom enforcement is ordered.

4.4.2 If the mediation required under the provisions of this Agreement has not resolved the Dispute any Party to this Agreement may then commence an action or proceeding relating to a Dispute. Jurisdiction over any such dispute(s) shall be had in Monterey County or in the appropriate federal court with jurisdiction over the matter.

4.5 Annual Review.

4.5.1 Each year during the Term of this Agreement beginning on or about the first anniversary date of the execution of this Agreement, the City shall review the extent of good faith compliance by Developers with the terms of this Agreement. This review shall be conducted by the Community Development Director and shall be limited in scope to compliance with the terms of this Agreement pursuant to the Development Agreement Statute.

4.5.2 A finding by the Community Development Director of good faith compliance by Developers with the terms of this Agreement, or a lack of a finding to the contrary, shall conclusively determine such good faith compliance up to and including the date of such review.

4.5.3 The burden of proof, by substantial evidence, of good faith compliance shall be upon the Developers. The Developers shall provide the evidence determined to be necessary by the City Attorney to demonstrate good faith compliance with the provisions of this Agreement. The Community Development Director may conduct the annual review notwithstanding the Developers' failure to submit the written request or to provide substantial evidence of compliance. Costs reasonably incurred by the City in connection with the annual review and any related hearing shall be paid by the Developers in accordance with the City's schedule of fees in effect at the time of the review. If, following such review, the Community Development Director is not satisfied that the Developers have demonstrated good faith compliance with all the terms and the conditions of this Agreement, the Community Development Director may refer the matter along with her or his recommendation to the City Council. Similarly, in the event the Developers disagree with the Community Development Director's determination of non-compliance with all the terms and the conditions of this Agreement, the Developers may appeal the Community Development Director's determination to the City Council to determine whether the Developers are in compliance.

4.5.4 With respect to each year for which an annual review of compliance with this Agreement is conducted, upon request of Developers (or any of them), the City shall provide Developer with a written "**Notice of Compliance**," or, based on substantial evidence of a material failure of Developer to comply in good faith with the terms of this Agreement after notice and a reasonable opportunity to Developer to cure such failure, "**Notice of Non-compliance**," as applicable, duly executed and acknowledged by the City. Either Party shall have the right to record any such notice.

4.5.5 Failure by the Developers (or any of them) to request review under this **Section 4.5** or failure of City to initiate review under this **Section 4.5** shall not invalidate any provisions of this Agreement or constitute a default hereunder.

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4.6 Force Majeure Delay, Extension of Times of Performance.

4.6.1 In addition to specific provisions of this Agreement, performance by any Party hereunder shall not be deemed to be in default where delays or defaults are due to a Force Majeure Event.

4.6.2 Any Party claiming a delay as a result of a Force Majeure Event shall provide the other Party with written notice of such delay, the reason for the delay and an estimated length of delay. Upon the other Party's receipt of such notice, the period of time for performance of any obligation or duty shall be automatically extended for the period of the Force Majeure Event, unless the other Party objects in writing within thirty (30) days after receiving the notice. In the event of such objection, the Parties shall meet and confer within thirty (30) days after the date of objection to arrive at a mutually acceptable solution to the disagreement regarding the delay. If no mutually acceptable solution is reached at the conclusion of the meet and confer session(s), either Party may initiate dispute resolution proceedings as set forth in **Section 4.4** of this Agreement. During the period of any Force Majeure Event extension, the Parties shall use their best efforts to minimize potential adverse effects resulting from the Force Majeure Event.

4.7 Legal Challenge by Third Party.

4.7.1 It is specifically understood and agreed by the Parties that the Project contemplated by this Agreement is a private development, that the City has no interest in or responsibility for or duty to third persons concerning any of said improvements, except for those improvements that are accepted by the City for maintenance and responsibility, and that the Developers shall have the full power over and exclusive control of the Property subject only to the limitations and the obligations of the Developers under this Agreement.

4.7.2 In the event of any administrative, legal or equitable action or other proceeding instituted by any person, entity or organization (not a Party to this Agreement) challenging the validity or enforceability of this Agreement, the Parties shall cooperate with each other in the defense of any such challenge, provided such cooperation shall not extend to payment of funds or expenses in defending such challenge unless agreed by the cooperating Party.

4.7.3 Developer shall indemnify, defend and hold harmless the City, its officers, agents, employees, from any claim, action or proceeding brought by a third party within the applicable statute of limitations (i) challenging the validity of this Agreement or seeking to attack, set aside, void or annul any action, decision or approval taken by the City pursuant to this Agreement, (ii) relating to any development of the Property during

the term of this Agreement or the Project Approvals, (iii) relating to any actions or inactions by the Developers (or any of them) or their contractors, subcontractors, agents, or employees in connection with construction of the improvement of the Property and the Project, or (iv) seeking damages which may arise directly or indirectly from the negotiation, formation, execution, enforcement or termination of this Agreement. Nothing in this Section shall be construed to mean that Developer shall hold the City harmless or defend it to the extent that such claims, costs or liability arise from, or are alleged to have arisen from, the sole negligence or willful misconduct of the City. The City shall cooperate with Developer in the defense of any matter in which Developer is defending or holding the City harmless and for such purpose Developer shall retain competent legal counsel approved by the City, which approval shall not be unreasonably withheld or delayed; provided, however, that the City and the Developers shall each bear their own respective costs, if any, arising from such defense. The City shall promptly notify the Developers of any such claim, action or proceeding. If the City fails to promptly notify the Developers of any such claim, action or proceeding, or if the City fails to cooperate fully in the defense, the Developer shall not thereafter be responsible to defend, indemnify or hold harmless the City. Nothing contained in this Agreement prohibits the City from participating in the defense of any claim, action or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

4.8 Estoppel Certificate.

4.8.1 Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party:

4.8.1.1 This Agreement is in full force and effect, and unless otherwise indicated has not been amended.

4.8.1.2 To best of knowledge, the Party requesting such certificate is not in default of the performance of its obligations under this Agreement, or alternatively, if a default exists or notice of default has been given, the nature and amount of any such defaults.

4.8.2 A Party receiving a request hereunder shall execute and return such certificate within twenty (20) business days following the receipt thereof. The Parties acknowledge that any certificate given hereunder may be relied upon by any governmental agency, any assignee, and other persons having an interest in the Project, including holders of any deed of trust. The City Manager shall be authorized to execute any such certificate for the City, unless otherwise directed by the City Council.

4.9 Termination of Agreement. This Agreement is terminable by mutual written consent of the Parties, and such termination shall not require or be contingent upon the approval or consent of any other person or entity. Any obligations of indemnification and defense relating to matters arising before termination of this Agreement shall survive termination of this Agreement. Any unused fees, fee credits or deposits shall be refunded to Developers forthwith. Any one or more of the Developers may terminate this Agreement upon the City's mutual written consent. In the event any one or more of the Developers so terminates this Agreement with respect to their portion of the Property, the rights and obligations of the remaining Developers under this Agreement shall not be effected and this Agreement shall remain in full force and effect as to those remaining Developers.

4.9.1 Except as otherwise set forth in this Agreement, if this Agreement is terminated by mutual written consent of the Parties, neither Party shall have any further rights or obligations under this Agreement. Subject to **Section 4.9.3**, each Party understands that it may have sustained damages that arise, or may arise out of, or relate to the termination of this Agreement that may not be apparent and that are presently unknown. Each Party waives, with respect to termination of this Agreement by mutual written consent of the Parties, any claims for all such damages. The waivers and releases in this Agreement include waivers and releases of any claims for unknown or unanticipated injuries, losses, or damages arising out of or relating to termination of this Agreement by mutual written consent of the Parties.

4.9.2 Subject to **Section 4.9.3**, each Party waives, with respect to termination of this Agreement by mutual written consent of the Parties, all rights or benefits that it has or may have under Section 1542 of the California Civil Code to the extent it would otherwise apply. Section 1542 reads as follows:

> A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

4.9.3 Nothing herein contained shall release or excuse Developer in the performance of its obligations to indemnify and defend the City as provided in this Agreement.

4.10 Limitation on Legal Actions. In no event shall the City, or its officers, employees, or agents be liable in damages for any breach or violations of this Agreement, it being expressly understood and agreed that the Developers' sole legal remedy for a

breach or a violation of this Agreement by the City shall be a legal action in mandamus, specific performance, or other injunctive or declaratory relief to enforce the provisions of this Agreement.

SECTION 5
ASSIGNMENTS

5.1 Limitation As To Assignment. Except as permitted by **Section**s 5.2 and 5.3 of this Agreement, Developer shall not assign, or attempt to assign or otherwise transfer this Agreement or any right herein (each referred to as an "**Assignment**") in whole or in part, without the prior written approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed. The City may refuse to give its consent only if, in light of the proposed assignment and financial resources, such assignee would not in the City's reasonable opinion be able to perform the obligations proposed to be assumed by such assignee. The Developers acknowledge that the identity, make-up and proposal of the Developers are of particular concern to the City and it is because of these matters that the City has entered into this Agreement.

5.2 Permitted Assignment. The prior written approval of the City shall not be required for the following Assignments:

5.2.1 Any Assignment to one or more Affiliates of Developer; or

5.2.2 The merger, consolidation, restructuring or sale of substantially all of the assets of Developer or of any Affiliate; or

5.2.3 The assignment to any trustee by way of a deed of trust in favor of holder or beneficiary under such deed of trust, or the absolute or collateral assignment, pledge, grant or transfer to such holder, of the Developer's right, title and interest in, to and under this Agreement for the purpose of creating an encumbrance on or security interest in such interest, or to or by any such holder or other purchaser in connection with its acquisition of the Project Site by foreclosure or deed in lieu of foreclosure; or

5.2.4 The sale of individual parcels to third parties (provided, however, that such parcels shall be subject to the Specific Plan and Project Approvals).

5.3 Assumption of Assigned Obligations. As a condition to any Assignment under this Agreement, any person or entity accepting such Assignment ("**Assignee**") shall assume all of the obligations of this Agreement as they pertain to the portion of the Property being transferred to the Assignee. The assumption shall be in a form acceptable to the City and following the Assignment shall be recorded on the

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portion of the Property transferred. This requirement shall apply whether or not the transfer requires approval of the City.

5.4 Release of Developer. Upon the effectiveness of any Assignment and assumption of Developer's obligations by any Assignee, the Developer shall be fully relieved and released of each of its duties and obligations with respect to the portion of the Property transferred to the transferee from and after the date of such transfer, except as to those obligations of Developer under this Agreement, Project Approvals or Applicable City Regulations that affect more than the portion of the Property being transferred.

5.5 Successive Assignment. In the event of any Assignment under the provisions of this **Section 5**, the provisions of this **Section 5** shall apply to each successive Assignment and Assignee. The Developer's obligations under this Agreement with respect to the portion of the Property transferred which are to be assumed by the Assignee shall be set out in substantially the form of the Assignment and Assumption Agreement.

5.6 Unapproved Transfers Void. Any Assignment, or attempted Assignment, that is not approved by the City as required under this **Section 5**, or that is inconsistent with the provisions of this **Section 5,** shall be unenforceable and void and shall not release Developer from any rights or obligations hereunder.

SECTION 6
GENERAL PROVISIONS

6.1 Notice of Default to Mortgage, Deed of Trust or Other Security Interest Holders; Right to Cure. The Developer's breach of any of the covenants or restrictions contained in this Agreement shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Project, or any part thereof or interest therein, whether or not said mortgage or deed of trust is subordinated to this Agreement, but, the terms, conditions, covenants, restrictions and reservations of this Agreement shall be binding and effective against the holder of any such mortgage or deed of trust or any owner of the Project, or any part thereof, whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

6.2 Covenants Binding on Successors and Assigns. This Agreement and all of its provisions, agreements, rights, powers, standards, terms, covenants and obligations, shall be binding upon the Parties and their respective successors (by merger, consolidation, or otherwise) and assigns, and all other persons or entities acquiring the

Property, or any interest therein, and shall inure to the benefit of the Parties and their respective successors (by merger, consolidation or otherwise) and assigns.

6.3 Covenants Run With Land. The provisions of this Agreement shall be enforceable during the Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to Section 1468 of the Civil Code of the State of California. Each covenant to do or refrain from doing some act on the Property which is for the benefit of the Property or shall constitute a burden upon the Property, as applicable, shall run with the land, and is binding upon each Party and each successive owner during its ownership of the Property, or any portion thereof.

6.4 Bankruptcy. The obligations of this Agreement shall not be dischargeable in Bankruptcy.

6.5 Reimbursement of Development Agreement Costs and Fees. Prior to the City's issuance of any Subsequent Project Approvals, the Developers shall reimburse the City for all its reasonable and actual costs, fees, and expenses incurred in drafting, reviewing, revising, and processing this Agreement, including, but not limited to, recording fees, ordinance publication fees, staff time in preparing staff reports, and staff time, including legal counsel and special counsel fees, for preparation and review of this Agreement and changes requested by the Developers (or any of them). Exhibit F.

6.6 Reimbursement of Annexation Costs and Fees. Prior to the City's issuance of any Subsequent Project Approvals, the Developers shall reimburse the City for all its reasonable and actual costs, fees, and expenses incurred in relation with the annexation of the Property into the City including, but not limited to, staff time, legal counsel fees, consultant fees, and publication fees. Exhibit G.

6.7 Preamble, Recitals, Exhibits. References herein to "**this Agreement**" shall include the Preamble, Recitals and all of the exhibits of this Agreement.

6.8 Attorneys' Fees. Should any legal action or proceeding be brought by either Party regarding any matter arising out of or relating to this Agreement, the prevailing Party in such action shall be entitled to recover reasonable attorneys' fees actually incurred, court costs, and such other costs as may be determined by the court.

6.9 Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Project is a separately undertaken private development and Developer shall have full power over and exclusive control of the Project subject only to the limitations and obligations of Developers under this Agreement and the Project Approvals and Subsequent Project Approvals. No

partnership, joint venture, agency or other association of any kind between Developers and the City is formed by this Agreement. The only relationship between the City and Developer is that of a governmental entity regulating development and the owner of the Project.

6.10 Construction. As used in this Agreement, and as the context may require, the singular includes the plural and vice versa, and the masculine gender includes the feminine and neuter and vice versa.

6.11 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered, mailed by certified mail, return receipt requested, or delivered by reliable overnight courier, to the respective Party as follows:

If to City:
City of Salinas
200 Lincoln Avenue
Salinas, CA 93901
Attn: City Manager

With a Copy To:
City Attorney
City of Salinas
200 Lincoln Avenue
Salinas, CA 93901
Attn: City Attorney

And

Community Development Director
City of Salinas
65 West Alisal, 2nd Floor
Salinas, California 93901

If to Developer:

Richardson.
(Need contact information)

Mannina

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(Need contact information)
Scagliotti, Pura
(Need contact information)
Probert & Codiroli
(Need contact information)

Hartnell College Foundation
(Need contact information)

With a Copy To:

Anne Secker
Christine Kemp
Attorneys at Law
P. O. Box 2510
Salinas, CA 93902

A notice shall be effective on receipt. Any Party may change the address stated herein by giving written notice to the other Party, and thereafter notices shall be addressed and transmitted to the new address. Any notice given to the Developer as required by this Agreement shall also be given to any lender which provides written request to City for notice.

6.12 Invalidity of Agreement; Severability. If this Agreement shall be determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, or unenforceable, in whole or in part for any reason, the remaining terms and provisions of this Agreement shall continue in full force and effect unless an essential purpose of this Agreement would be defeated by loss of the invalid or unenforceable provisions, in which case either Party may terminate this Agreement by providing written notice thereof to the other. In the event of such termination, the provisions of **Section 4.9** relating to termination of the Agreement by mutual written consent of the Parties shall apply. Without limiting the generality of the forgoing, no judgment determining that a portion of this Agreement is unenforceable or invalid shall release Developer from its obligations to indemnify the City under this Agreement.

6.13 Applicable Law; Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in Monterey County. The Developers acknowledge and agree that the City has approved and has entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or the meaning of this Agreement shall be that accorded legislative acts of the City.

6.14 Waivers. No waiver of any obligations under this Agreement shall be enforceable or admissible unless set forth in a writing signed by the Party against which enforcement or admission is sought. No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted shall apply solely to the specific instance expressly set forth in such writing. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

6.15 Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Developer and the City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

6.16 Exhibits. The following exhibits are attached to this Agreement and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

A	Ownership Table and Planning Subarea Map
B	Exactions Applicable to the Project E
Table 1 to Exhibit B	Development Impact Fees
C	Regulations Applicable to the Project
D	Boronda Road (CASP Project Buildout)
E	Inclusionary Housing Ordinance and Guidelines
F	Development Agreement Costs and Fees
G	Annexation Costs and Fees

6.17 Interpretation. This Agreement has been drafted jointly, and reviewed by the Parties and their attorneys and, therefore, shall not be construed in favor of or against

a Party that may have drafted any particular term or provision. Prior versions or drafts of this Agreement shall not be used to interpret the meaning or intent of this Agreement or any provision hereof.

6.18 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the Parties concerning the subject matter hereof. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiation or previous agreements between the Parties with respect to all or any part of the subject matter hereof. To the extent that there are conflicts or inconsistencies between this Agreement and any prior agreement, the provisions of this Agreement shall prevail.

6.19 Further Assurances and Acts. Each Party shall perform all acts and execute all documents and instruments that may be necessary or convenient to carry out its obligations under this Agreement.

6.20 Signatures; Signature Pages; Execution in Counterparts. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective individuals or legal entities of the Developers and of the City. This Agreement shall inure to the benefit and be binding upon the Parties hereto and their respective successors and assigns. For convenience, the signatures of the Parties to this Agreement may be executed and acknowledged on separate pages in counterparts which, when attached to this Agreement, shall constitute this as one complete Agreement.

6.21 Time of the Essence. Time is of the essence in the performance of each Party's respective obligations under this Agreement.

6.22 No Third Party Rights. Nothing in this Agreement, whether express or implied, is intended to or shall do any of the following:

(a) Confer any benefits, rights or remedies under or by reason of this Agreement on any persons other than the express Parties to it;

(b) Relieve or discharge the obligation or liability of any person not an express Party to this Agreement;

(c) Give any person not an express party to this Agreement any right of subrogation or action against any Party to this Agreement.

IN WITNESS WHEREOF, the City and Developers have executed this Agreement

as of the date first hereinabove written.

"City":

CITY OF SALINAS,

a municipal corporation

By: _____
Mayor

APPROVED AS TO FORM:

_____
City Attorney

ATTEST:

_____
City Clerk

"Developers":

Richardson

By: _____
Its: _____

By: _____
Its: _____

_____
Mannina

_____

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Scagliotti, Pura

_____
Probert & Codiroli

_____
Hartnell College Foundation

PPROVED AS TO FORM:

_____

Anne Secker
Noland, Hamerly, Etienne & Hoss
Attorneys at Law

_____
Christine Kemp
Noland, Hamerly, Etienne & Hoss
Attorneys at Law

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Exhibit A Ownership Table and Planning Subarea Map

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EXHIBIT B

EXACTIONS APPLICABLE TO THE PROJECT

[Subject to conforming and clarifying changes prior to execution and recordation]

1. **Development Impact Fees.** City and Developer agree that the development impact fees payable with respect to the specific land uses developed in the Project shall those listed in **Table 1** to this **Exhibit B**. The Development Impact Fees shall be the cost/rate in effect on the Effective Date of this Agreement. The Development Impact Fees set forth in Table 1 shall be automatically adjusted based on the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31 of the preceding calendar year. Fees paid after the date of such adjustment shall be paid at the adjusted rate.

2. **Traffic Mitigation Measures.** City agrees not to impose on the Project any traffic mitigation measures other than those specifically set forth in the Project EIR.

3. **Environmental Mitigation and Implementation Measures.** The Parties understand that the Project EIR was intended to be used in connection with the Project Approvals and the Subsequent Project Approvals needed for the Project. Consistent with the CEQA streamlining policies applicable to specific plans, including but not limited to California Code of Regulations, Title 14, Section 15182, the City agrees to use the Project EIR in connection with the processing of any Subsequent Project Approval to the maximum extent allowed by law.

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TABLE 1 TO EXHIBIT B

DEVELOPMENT IMPACT FEES

Street Tree Fee

Public Utility Impact Fee
- **Storm Drain Fee**
- **Sanitary Sewer Fee**

Park Fee (CAPIF)

Traffic Impact Fee

Public Facilities Impact Fee

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EXHIBIT C

CITY REGULATIONS APPLICABLE TO THE PROJECT

To the extent not in conflict with or not inconsistent with the Central Area Specific Plan, Parcel Map, and other Project Approvals, and except as otherwise provided for in this Agreement, the following rules, regulations and official policies in effect as of the Effective Date shall apply to the Project and Property:

A. City of Salinas General Plan, adopted September 17, 2002, in effect as of the Effective Date.

B. City of Salinas Subdivision Ordinance, Chapter 31 of the City of Salinas Municipal Code in effect as of the Effective Date.

C. City of Salinas Zoning Ordinance, Chapter 37 of the City of Salinas Municipal Code in effect as of the Effective Date.

D. City of Salinas Inclusionary Housing Ordinance (Ordinance No. 2594, June 6, 2017) and City of Salinas Inclusionary Housing Guidelines (Resolution No. 21175, June 6, 2017).

E. All other ordinances, resolutions, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the Property subject to a development agreement in effect as of the Effective Date.

F. Exactions (see Exhibit B)

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EXHIBIT D
(Boronda Road CASP Project Buildout)

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EXHIBIT E

Inclusionary Housing Ordinance and Guidelines
(Ordinance No. 2594, June 6, 2017; Resolution No. 2567)

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EXHIBIT F
Development Agreement Costs and Fees

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EXHIBIT G
Annexation Costs and Fees

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