

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2019-22**

Resolution recommending that the City Council adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed Salinas Airport Development Lease Project Located at 1341 Mercer Way (M 2019-015)

WHEREAS, on November 20, 2019, the City of Salinas scheduled a duly noticed public hearing before the Salinas Planning Commission to consider a recommendation that the City Council adopt a proposed Mitigated Negative Declaration (MND) and Mitigation and Monitoring Program (MMRP) for the proposed Salinas Airport Development Lease; and

WHEREAS, on November 20, 2019, the Planning Commission continued the item without public input to their December 18, 2019 public hearing date for consideration; and

WHEREAS, on December 18, 2019, the Planning Commission weighed the evidence presented at the public hearing, including the Staff Report which is on file at the Community Development Department together with the record of environmental review; and

WHEREAS, the Planning Commission reviewed and considered the information contained in the Initial Study and related environmental documents including the MND and Revised MMRP.

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission recommends that the City Council adopt the proposed MND and Revised MMRP attached as Exhibit 1; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following finding as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

Mitigated Negative Declaration:

The Planning Commission hereby finds that a Mitigated Negative Declaration (MND) has been prepared with respect to the project in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the guidelines promulgated thereunder. Further, this Commission has independently reviewed and considered the information contained in the Initial Study and related environmental documents, together with the comments received during the public review process. On the basis of the whole record before it, the Commission finds that, with the conditions of approval and the proposed mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Commission's independent judgment and analysis. On this basis, the Commission recommends that the City Council adopt the Mitigated Negative Declaration and Revised Mitigation Monitoring and Reporting Program.

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to

evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Revised Mitigation Monitoring Program dated December 18, 2019 have been included in the project (see attached Exhibit "1"). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on October 21, 2019 and the deadline for comments was November 20, 2019.

Correspondence was received from public agencies. Paraphrased comments from the agencies are shown below:

1. Transportation Agency of Monterey County (TAMC), dated November 13, 2019:
 - a. Mitigation measures should include efforts to maintain or improve bike and pedestrian facilities, such as connecting two segments of existing Class II Bike Lanes along eastbound Airport Boulevard.
 - b. Consider an alternative intersection alignment for Terven Avenue/Airport Boulevard & Southbound Highway 101 Ramps to maintain the slip ramp.

Staff Response:

- a. City staff supports bicycle and pedestrian enhancement projects and will continue to look for opportunities to implement bike lanes on Airport Boulevard in the future as appropriate and as consistent with the 2002 Salinas Bikeways Plan.
 - b. As noted in further detail below in the response to Caltrans comments, an Intersection Control Evaluation (ICE) will be performed on the Terven Avenue/Airport Boulevard & Southbound Highway 101 Ramps to determine the appropriate improvements to the intersection. The alternative mitigation concept proposed by TAMC may be evaluated as a part of the ICE. Caltrans and City staff will determine the appropriate intersection traffic control concept.
2. California Department of Transportation (Caltrans), dated November 19, 2019:
 - a. With regards to the Terven Avenue/Airport Boulevard & Southbound Highway 101 Ramps intersection, an ICE will be required to be performed as a part of the encroachment permit process.
 - b. The MND states that no mitigation will be required from this project at the Northbound Highway 101 & Roy Diaz Street intersection because a traffic signal will be installed – however Caltrans has not approved an ICE for that intersection determining that a traffic signal is the appropriate traffic control

measure. The MND should state that a traffic control signal or functional equivalent would be installed.

Staff Response:

- a. Mitigation Measure TRA-1 has been revised to reflect that an ICE analysis will be performed at the Terven Avenue/Airport Boulevard & Southbound US 101 Ramps prior to issuance of an encroachment permit by Caltrans.
 - b. The MND has been revised to indicate that a “traffic signal or functional equivalent” will be provided at the Northbound Highway 101 & Roy Diaz Street intersection as part of the Salinas Travel Center project.
3. Monterey Bay Air Resources District (MBARD), dated December 2, 2019:
- a. Require Mitigation Measures to control fugitive dust from construction activities.
 - b. Include a discussion in the Energy Section regarding solar arrays in combination with battery storage; the installation of electric vehicle (EV) charging stations; and the provision of publicly available Level 2 EV charging stations.
 - c. Perform an ICE for the Terven Avenue/Airport Boulevard & Southbound Highway 101 Ramps intersection and the Skyway Boulevard & Airport Boulevard intersection to determine the cost-effectiveness of signalization vs. a roundabout. If signalizing is selected, utilize an Adaptive Traffic Control System (ATCS).

Staff Response:

- a. Mitigation measure (AQ-1) has been added to address fugitive dust consistent with other projects.
- b. The Energy Section has been updated to reflect that the 2019 Green Building Standards Code includes requirements for EV Charging Stations, and solar panels, which are now required under the California Energy Code. As the proposed project would have a less than significant impact, further mitigation measures beyond the Code requirements are not necessary; however, the City will consider the appropriateness of installing publicly available charging stations during the design of its new facility.
- c. As noted above, Mitigation TRA-1 has been modified to reflect that an ICE analysis will be performed at the Terven Avenue/Airport Boulevard & Southbound US 101 Ramps prior to issuance of an encroachment permit by

Caltrans. The City is performing an ICE on the Skyway Boulevard & Airport Boulevard intersection; the MND has been modified to reflect this change. The City supports the implementation of ATCS where feasible. The use of ATCS may be considered in the future if deemed appropriate by the City and/or Caltrans.

Pursuant to Public Resources Section Code 21083.3.2, California Native American Tribes affiliated with the project area were provided with a certified written consultation request on August 30, 2019. On September 23, 2019, Louise J. Miranda Ramirez, Tribal Chairwoman of the Ohlone/Coastanoan-Esselen Nation requested a tribal consultation pursuant to Public Resources Code Section 21080.3.1. On October 8, 2019, City staff held a tribal consultation on the proposed project at the Salinas Permit Center with the Ohlone/Coastanoan-Esselen Nation. During the consultation, the Ohlone/Coastanoan-Esselen Nation requested that copies of all applicable archaeological reports and surveys concerning the proposed project, including subsurface testing and presence/absence testing should be provided to them for review. In addition, they requested that if any tribal cultural resource is discovered on the project site, that a monitor from the Ohlone/Coastanoan-Esselen Nation should be provided. In response, staff will provide copies of all applicable archaeological reports and surveys concerning the proposed project. In addition, the proposed Mitigation Measures require that in the event that any tribal cultural resources should be located on the project site, that a monitor from the Ohlone/Coastanoan-Esselen Nation shall be provided. Additional requests for tribal consultation were not received within the 30-day response timeline.

BE IT FURTHER RESOLVED that the Salinas Planning Commission hereby modifies Mitigation Measure “AQ-1” of the previously Revised Mitigation Monitoring and Reporting Program dated December 5, 2019 to remove both Subsections g) and n) and to modify Subsection k) to read the following (changes in strikethrough and underline format):

“k) Pave all roads, driveways, and parking areas at the earliest point feasible on the construction schedule. ~~sites.~~”

PASSED AND APPROVED this 18th day of December 2019, by the following vote:

AYES: Chairperson Griffin, Commissioners Anzo, Laguna, Nohr, Ottone, Rocamora

NOES: Vice-Chairperson Meeks

ABSTAIN: None

ABSENT: None

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a meeting held on December 18, 2019, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 12/20/19



Courtney Grossman
Secretary

Attach:

Exhibit 1: Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program dated December 18, 2019

SALINAS AIRPORT DEVELOPMENT LEASE PROJECT
REVISED MITIGATION MONITORING AND REPORTING PROGRAM
1341 Mercer Way (APN 003-862-001-000)

Dated: December 18, 2019
(Miscellaneous 2019-015)

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
AQ-1 Air Quality	During construction, the applicant or successor in interest shall: a) Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. b) Prohibit all grading activities during periods of high wind (over 15 mph). c) Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four (4) consecutive days). d) Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cur and fill operations and hydro seed area. e) Haul trucks shall maintain at least 2'0" of freeboard. f) Cover all trucks hauling dirt, sand, or loose materials. g) ~~Plant tree windbreaks on the windward perimeter of construction projects adjacent to open land.~~ h) Plant vegetative ground cover in disturbed areas as soon as possible. i) Cover inactive storage piles. j) Install wheel washers at the	To minimize air quality impacts.	Applicant, or Successor in Interest.	Community Development Department – Permit Services Division	During construction phase.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
	entrance to construction sites for all exiting trucks. k) Pave all roads, <u>driveways</u>, and <u>parking areas</u> at the <u>earliest point feasible</u> on <u>the</u> construction <u>schedule</u> sites. l) Sweep streets if visible soil material is carrier out from the construction site. m) Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action with 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance). n) ~~Limit the area under construction at any one time.~~				
BIO-1 Biological Resources	Prior to commencement of ground disturbance required for project construction, a focused survey for Congdon's tarplant shall be conducted by a qualified biologist in areas of the project site where the construction is to occur, as the site is developed in portions under the proposed lease. The survey shall be conducted during the species' blooming period (May to November), and findings of the survey shall be submitted to the City of Salinas for review and approval.	To minimize impacts to biological resources.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	Prior to construction phase.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
	If a population of Congdon's tarplant is found within the planned construction area, mitigation for the loss of individuals shall be conducted. Mitigation shall be achieved by establishing a new population of Congdon's tarplant in an area approved by the USFWS and CDFW. This area shall not be developed and shall contain suitable habitat types for establishing a new population. Mitigation shall be a 1:1 ratio (impact to mitigation) of plant establishment on an acreage basis.				

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
BIO-1 (cont'd) Biological Resources	Monitoring of the new mitigation population shall occur annually. Annual monitoring shall include quantitative sampling of the Congdon's tarplant population to determine the number of plants that have germinated and set seed. This monitoring shall continue annually or until success criteria have been met; once annual monitoring has documented that a self-sustaining population of this annual species has been successfully established on site, this mitigation measure shall be determined to have been met and the project applicant released from further responsibility. Establishment of the plant population shall be subject to a Habitat Mitigation and Monitoring Plan. To ensure the success of mitigation sites required for compensation of permanent impacts on Congdon's tarplant, the project applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan. The Habitat Mitigation and Monitoring Plan shall be submitted to the City of Salinas for review and approval prior to the start of construction. The Habitat Mitigation and Monitoring Plan shall include, at a minimum, the following information:	To minimize impacts to biological resources.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	Prior to construction phase. HMMP-annual monitoring, three years post-construction

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
BIO-1 (cont'd) Biological Resources	-A summary of impacts to Congdon's tarplant and the proposed mitigation -A description of the location and boundaries of the mitigation site(s) and description of existing site conditions -A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for Congdon's tarplant Identification of an adequate funding mechanism for long-term management -A description of management and maintenance measures intended to maintain and enhance habitat for the Congdon's tarplant (e.g., weed control, fencing maintenance) -A description of Congdon's tarplant monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. Monitoring shall document compliance with each element requiring habitat compensation or management. At a minimum, performance criteria shall include a minimum 1:1 mitigation ratio for the number of plants in the impacted population (at least one plant preserved for each plant impacted). -A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific				

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
BIO-1 (cont'd) Biological Resources	triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur -A requirement that the project proponent shall be responsible for monitoring, as specified in the Habitat Mitigation and Monitoring Plan, for at least three (3) years post-construction; during this period, annual reporting will be provided to the City's Project Manager. At the request of the CDFW or USFWS, the annual reporting shall also be provided to these agencies.				
BIO-2 Biological Resources	If project construction activities occur between February 15 and September 1, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance of the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. The qualified biologist shall monitor the nesting birds and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed	To minimize impacts to biological resources	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	Prior to construction phase.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
BIO-2 (cont'd) Biological Resources	behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm includes, but is not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist should have authority, authority to order the cessation of all project activities if the nesting birds exhibit atypical behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged as confirmed by the qualified biologist. The monitoring biologist, in consultation with the project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.				

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
CR-1 Cultural Resources	If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be eligible for listing in the CRHR, additional work such as data recovery excavation may be warranted. In the event the Archaeological Resources are determined to be of Native American origin, Mitigation Measure TCR-1 shall be applicable as well.	To minimize impacts to cultural resources.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Plan Check Services	During construction phase.
GEO-1 Geology and Soils	In the event an unanticipated fossil discovery is made during the course of project development, then in accordance with SVP (2010) guidelines, it is the responsibility of any worker who observes fossils within the project site to stop work in the immediate vicinity of the find and notify a qualified professional paleontologist who shall be retained to evaluate the discovery, determine its significance and if additional mitigation or treatment is warranted. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work. Any significant paleontological resources found during construction monitoring shall be prepared, identified,	To minimize impacts to paleontological resources.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Plan Check Services	During construction phase.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
GEO-1 (cont'd) Geology and Soils	analyzed, and permanently curated in an approved regional museum repository.	To minimize impacts to paleontological resources.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Plan Check Services	During construction phase.
HAZ-1 Soil Management Plan	Prior to grading, the project applicant shall prepare a Soil Management Plan establishing provisions for the disturbance of contaminated materials (known and undocumented). The SMP shall include, but is not limited to, the following elements: -A detailed discussion of the site background and presence of elevated levels of arsenic, chromium and cobalt in soils. -Procedure for handling and disposal of excavated soil stockpiles, including dust and runoff control measures. -Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, etc.) is discovered during excavation or demolition activities. -A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work	To minimize impacts related to soil contaminants present at the project site.	Applicant, or Successor in Interest.	Community Development and Environmental Maintenance Services	Prior to grading during the construction phase.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
HAZ-1 (cont'd) Soil Management Plan	and public exposure to hazardous materials during construction. The SMP shall be submitted to the Monterey County Environmental Health Bureau for review and approval. A copy of the documentation shall be submitted to the City of Salinas Community Development Department and the Environmental Maintenance Services Division of the Salinas Public Works Department for approval prior to the issuance of grading permits. Additionally, if reuse of impacted soil is planned, the contractor shall prepare a Soil Reuse Management Plan establishing provisions for the reuse of impacted soils. Proper management and disposition of impacted soils shall be determined in consultation with appropriate regulatory agencies and in accordance with applicable federal and/or state guidance.	To minimize impacts related to soil contaminants present at the project site.	Applicant, or Successor in Interest.	Community Development and Environmental Maintenance Services	Prior to grading during the construction phase.
TRA-1 Transportation	To address the following short-term, project-level impacts, encroachment permit improvements shall be implemented at the Terven Avenue/Airport Boulevard & Southbound Highway 101 Ramps to improve level of service operations. The following improvements have been identified as sufficient to improve service operations; -Eliminate the Airport eastbound slip ramp onto the Airport Boulevard	To minimize impacts to traffic operations.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Development and Traffic Engineering	Prior to issuance of a building permit.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
	overpass and convert the intersection into a typical standard intersection with dual northbound right turn lanes to the eastbound receiving approach of the intersection. -Restripe southbound off ramp approach from the main line to include a shared through and right turn lane, and dual left turn lanes. -Widen northbound approach for two receiving lanes onto the Airport Boulevard overcrossing. -Widen the northbound approach to include a left-turn pocket and a shared through and right-turn lane. -Restripe the southbound approach to include one left-turn pocket and one shared thru-right lane. -Eliminate split signal phasing. <u>However, an Intersection Control Evaluation (ICE) consistent with the process defined by Traffic Operations Policy Directive 13-02 will be performed to evaluate potential intersection alternatives.</u>				
TRA-2 Transportation	If development of the Salinas Airport Development Lease Project occurs prior to implementation of Phase 2 of the Salinas Travel Center project, the applicant shall pay a fair share of the cost of a traffic signal or roundabout at the Skyway Boulevard & Airport Boulevard intersection. The fair share fee shall be paid prior to issuance of a	To minimize impacts to traffic operations.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Development and Traffic Engineering and Plan Check Services	Prior to issuance of a building permit.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
TCR-1 Tribal Cultural Resources	building permit. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups prior to continuation of any earth disturbing work within the vicinity of the find. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the archaeologist and the appropriate Native American tribal representative and/or a representative from the Ohlone/Coastanoan-Esselen Nation, as appropriate. Treatment of the resource could include but not limited to the examples provided below. (1) Avoidance and preservation of the	To ensure that impacts to archaeological resources are reduced to a level of insignificance.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	During construction.
TCR-1 Tribal Cultural Resources		To ensure that impacts to archaeological resources are reduced to a level of insignificance.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	During construction.

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
TCR-1 (cont'd) Tribal Cultural Resources	resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: (A) Protecting the cultural character and integrity of the resource. (B) Protecting the traditional use of the resource. (C) Protecting the confidentiality of the resource. (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places. (4) Protecting the resource. Earth-disturbing work within the vicinity of the find shall not be restarted until all requirements of the mitigation plan have been adequately addressed pursuant to CEQA.	To ensure that impacts to archaeological resources are reduced to a level of insignificance.	Applicant, or Successor in Interest.	Development and Engineering Services Department – Community Development Department	During construction.

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