EXHIBIT “A”

Final Program EIR/Appendices and Draft Program EIR/Appendices

FINAL PROGRAM EIR

City of Salinas Economic Development Element

State Clearinghouse No. 2015111036



City of Salinas

November 9, 2017

FINAL PROGRAM EIR

CITY OF SALINAS ECONOMIC DEVELOPMENT ELEMENT

State Clearinghouse No. 2015111036

PREPARED FOR

City of Salinas Community Development Department
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PREPARED BY

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November 9, 2017

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1.0
Introduction

The City of Salinas (City), acting as the lead agency, determined that the proposed City of Salinas Economic Development Element (EDE) (hereinafter "proposed project") could result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the City had a draft program environmental impact report (draft EIR) prepared to evaluate the significant adverse environmental impacts of the project. The draft EIR was circulated for public review to responsible and trustee agencies, and to local and regional agencies, organizations, and individuals from September 5, 2017 through October 19, 2017. The Notice of Completion and Notice of Availability showing the public review period are included in Appendix A. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This final EIR has been prepared to address comments received during the public review period and, together with the draft EIR, constitutes the complete City of Salinas Economic Development Element Program EIR. This final EIR is organized into the following sections:

- Section 1 contains an introduction to this final EIR.
- Section 2 contains written comments on the draft EIR, as well as the responses to those comments.
- Section 3 contains revisions to the draft EIR resulting from responses to comments on the draft EIR.

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2.0
Comments on the Draft EIR and Responses to Comments

2.1 CEQA Requirements

CEQA Guidelines section 15132(c) requires that the final EIR contain a list of persons, organizations, and public agencies that have commented on the draft EIR. A list of the correspondence received during the public review period is presented below. CEQA Guidelines sections 15132(b) and 15132(d) require that the final EIR contain the comments that raise significant environmental points in the review and consultation process, and that written responses to those comments be provided. A copy of each comment letter or other form of correspondence received during the public review period is provided. The number of each letter is included in the upper right hand corner of the first page of each letter. Numbers inserted along the margin of each comment letter identify individual comments for which a response is provided. Responses corresponding to the numbered comments are presented immediately following each letter.

Where required, revisions have been made to the text of the draft EIR based on the responses to comments. Responses that trigger changes to the draft EIR are so noted as part of the response. Revisions to the draft EIR are included in Section 3.0, Revisions to the Draft EIR.

2.2 Comments on the Draft EIR and Responses to Comments

The following correspondence/letters were received during the 45-day public review period on the draft EIR:

1. LandWatch Monterey County, Michael D. DeLapa, Executive Director (September 25, 2017, email);
2. LandWatch Monterey County, Michael D. DeLapa, Executive Director (September 25, 2017, email);
3. Scott Sweeney (October 2, 2017, email);
4. Ag Land Trust, Sherwood Darington, Managing Director (October 16, 2017, certified mail);

5. Local Agency Formation Commission of Monterey County (LAFCO), Kate McKenna, Executive Director (October 17, 2017, hand delivered);
6. LandWatch Monterey County, Michael D. DeLapa, Executive Director (October 19, 2017, email);
7. Monterey County Agricultural Commissioner, Robert Roach, Assistant Agricultural Commissioner (October 19, 2017, email);
8. Transportation Agency for Monterey County (TAMC), Debra L. Hale, Executive Director (October 19, 2017, email);
9. Gilles, Rosenthal, Johnson, Rovella & Retterer, L&G, LLP Attorneys at Law, Jason S. Retterer (October 19, 2017, email);
10. Building Healthy Communities Land Use & Economic Equity Action Team, Luis Juarez, Monica Gurmilan, Alfred Diaz-Infante, Juan Gomez, Cesar Lara (October 19, 2017, email);
11. County of Monterey Resource Management Agency (RMA), Jacqueline R. Onciano, RMA Chief of Planning (October 19, 2017, email);
12. Salinas City Center Improvement Association, Kevin Dayton, Government Affairs Director (October 19, 2017, email);
13. Salinas Planning and Research Corporation (SPARC), Peter Kasavan, President (October 19, 2017, email);
14. Salinas Valley Recycles, Patrick Mathews, General Manager/CAO (October 19, 2017, hand delivered and email); and
15. Ohlone/Coastanoan-Esselen Nation (OCEN), Louise J. Miranda Ramirez, Chairperson (October 19, 2017, email)

Table 2-1, Commenters and Environmental Issues, identifies agencies, organizations, and individuals that provided comments on the draft EIR. The topics of significant environmental comments raised in each comment letter are identified. In most cases, the comments are taken directly from the comment letters as a basis to identify comment topics. However, in cases where comments are lengthy, a good faith effort has been made to summarize the comments to identify the primary environmental topics raised.

Table 2-1 Commenters and Environmental Issues

	LandWatch Monterey County	LandWatch Monterey County	Scott Sweeney	Ag Land Trust	LAFCO	LandWatch Monterey County	Monterey County Agricultural Commissioner	TAMC	L&G, LLP	Building Healthy Communities	Monterey County RMA	Salinas City Center Improvement Association	SPARC	SVSWA	OCEN
Project Description	X	X		X	X	X	X	X	X		X				
Aesthetics															
Agriculture				X	X	X	X			X	X				
Air Quality						X				X					
Biological Resources									X						
Climate Change						X				X					
Cultural Resources															X
Geology and Soils															
Hazards and Hazardous Materials															
Hydrology and Water Quality									X						
Noise										X					
Public Services				X	X									X	
Transportation						X		X							
Wastewater															

Water Supply															
Cumulative Impacts															
Growth Inducing Impacts															
Energy Conservation															
Economic Effects/Urban Decay						X									
Alternatives		X		X		X	X		X			X			

SOURCE: EMC Planning Group

LETTER # 1

Dear Lisa:

I'm following up on our meeting about proposed Salinas Economic Development Element project and its Draft EIR. I would appreciate you responding to the following questions at your earliest convenience.

Based on that meeting, Janet and I understood the project was the development of the six Target Areas, which included annexation of 558 acres of ag land. However, based on our review of the DEIR, the project appears to include a much broader adoption of economic development programs, projects and policies, including constructing an extension of Blanco Road from Davis Road to State Highway 68 and southeast to the proposed new U.S. Highway 101/Eastside Expressway interchange at the south end of the City to function as a new Southside Expressway (Policy ED-C-2.9). Is this your right? 1

LandWatch's comments on the Notice of Preparation specifically requested that acreage within existing City boundaries be identified. Instead, the DEIR identifies acreage within City boundaries and Sphere of Influence (SOI) as follows: 2

31% - Residential (4,200 acres)
6% - Commercial Office (770 acres)
35% - Open space (4,670)
73% - TOTAL

Does "Open Space" include open space as designated in the general plan or is it vacant acreage? What land uses constitute the remaining 27%? Also, are data for land uses and total acreage within City boundaries, including vacant land available?

The DEIR (p. 6) describes a 2008 SOI amendment for the Future Growth Area of 3,400 acres with 2,388 acres. Are these acres included in the 4,670 acres of Open Space identified above or are they in addition?

From: Michael DeLapa <execdir@landwatch.org>
Sent: Friday, September 22, 2017 12:20 PM
To: Lisa Brinton; Megan Hunter
Cc: Ray Corpuz
Subject: Questions regarding DEIR for Salinas EDE

Table 2 describes Economic Development Opportunity Area Acreages and Locations. Of the total 14,728 acres, 6,634.50 acres are within city boundaries; 1,314 acres are within the existing SOI; and 6,768.11 acres outside the SOI. Do these acreage data represent vacant acreage? 3

Thanks for your assistance in addressing these questions.

Regards,

Michael

Michael D. DeLapa
Executive Director
LandWatch Monterey County
execdir@landwatch.org
650.291.4991 m

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Responses to Letter #1, LandWatch Monterey County

1. EDE includes policies and actions to construct an extension of Blanco Road from Davis Road to State Highway 68 and southeast to the proposed new U.S. Highway 101/Eastside Expressway interchange at the south end of the City to function as a new Southside Expressway (Policy ED-C-2.9). Is this your right?

Response: Revisions to EDE policy and actions related to the Southside Expressway referenced in the comment have been made to reflect that it is conceptual and will be revisited as part of the General Plan Update process. The changes are included in the errata to the draft EIE that will be considered by the City Council as part of its deliberations to adopt the EDE.

2. The DEIR identifies acreage within City boundaries and Sphere of Influence (SOI) as follows:

   31% - Residential (4,200 acres)

   6% - Commercial Office (770 acres)

   35% - Open space (4,670)

   73% - TOTAL

   Does "Open Space" include open space as designated in the general plan or is it vacant acreage? What land uses constitute the remaining 27%? Also, are data for land uses and total acreage within City boundaries, including vacant land available?

   The DEIR (p. 6) describes a 2008 SOI amendment for the Future Growth Area of 3,400 acres with 2,388 acres. Are these acres included in the 4,670 acres of Open Space identified above or are they in addition?

Response: The draft EIR provides a breakdown of the land uses within the SOI starting on page 2-5. "Open Space" includes open space as designated in the General Plan. Land uses constituting the remaining 27 percent include industrial (10 percent) and public/semi-public uses (17 percent). Data for land uses and total acreage within City boundaries can be calculated using Table LU-3 of the General Plan.

The 2008 SOI amendment included 3,400 acres, of which 2,388 was annexed with no General Plan land use changes. These acres are included in the Open Space acreage of 4,670.

3. Table 2 describes Economic Development Opportunity Area Acreages and Locations. Of the total 14,728 acres, 6,634.50 acres are within city boundaries; 1,314 acres are within the existing SOI; and 6,768.11 acres outside the SOI. Do these acreage data represent vacant acreage?

Response: The acreage provided in Table 2 includes total acreage within each EOA boundary, including vacant acreage. Acreage within EOAs that are located within the city is largely developed with existing urban uses. Table 8 in the draft EIR shows the estimated amount of vacant land acreage within the city limits based on parcel size. Acreage within the EOAs within the SOI but outside the city limits is largely vacant and available for development consistent with General Plan land use designations.

LETTER # 2

From: Michael DeLapa <execdir@landwatch.org>
Sent: Monday, September 25, 2017 5:10:00 PM
To: Lisa Brinton
Cc: Ray Corpuz; Megan Hunter; Janet Brennan; John Farrow
Subject: Re: Questions regarding DEIR for Salinas EDE

Dear Lisa,

Thank you for your reply. To clarify,

> The Salinas EDE DEIR addresses impacts of development within the six Target Areas.
> The DEIR does not address the EDE programs, policies and actions that you have described as the vision of the EDE.

Our concern is that these "programs, policies and action" are also subject to CEQA review. As noted in the DEIR (p. 2-14):

> Implementation of these policies and actions could result in physical developments that are defined as "projects" pursuant to CEQA Guidelines section 15378. Such projects would be subject to CEQA review.

Table 1 identifies Policies and Actions with Potential to Create Environmental Effects. Some of the actions and policies proposed for adoption would have significant impacts include:

> LU-1.2.1 Modify the boundaries of the Focused Growth overlay Areas ... consistent with the applicable Economic Opportunity Areas (O.S.R.U and X)...
> LU-1.92 Implement the Salinas Municipal Air Port Master Plan.
> ED-C-2.2 Fund and implement the Downtown Vibrancy Plan.
> C-2.2.2 Evaluate and pursue a new fully functional U.S. High 101 interchange.
> Ed-C-2.6 Plan, design, finance and construct an Eastside Expressway
> ED-C-2.9 Plan, design, finance and construct an extension of Blanco Road from Davis Road

---

We also note that Salinas Municipal Air Port Master Plan exists does not have an environmental document and that over 2,530 acres for the Eastern Expressway are identified in the Economic Development Opportunity Areas, making an initial impact assessment feasible.

The following case law related to the issue: "When an agency adopts a plan that will permit growth and development, it must actually evaluate the impacts that can be anticipated at that time, regardless of the expectation that there will be future review of specific plans or development proposals. Koster v. County of San Joaquin (1996) 47 Cal.App.4th 29, 39-40; see also Bozung v. Local Agency Formation Com. (1975)13 Cal. 3d 263, 281 (expansion of a sphere of influence and annexation in anticipation of development is clearly a project that requires analysis). That further governmental decisions need to be made before a land use measure's actual environmental impacts can be determined with precision does not necessarily prevent the measure from qualifying as a project subject to the California Environmental Quality Act (CEQA). Muzzy Ranch Co. v. Solano Cty. Airport Land Use Comm'n (2007) 41 Cal. 4th 372 (adoption of airport land use compatibility plan is a project subject to CEQA)."

Before engaging our attorney for further review (and costs) we would appreciate understanding the City's reasoning for not evaluating the significant environmental impacts of the EDE programs, policies and actions in the DEIR. **1**

Thank you.

Regards,

Michael

Responses to Letter #2, LandWatch Monterey County

1. The DEIR does not address the EDE programs, policies, and actions that are also subject to CEQA review. The commenter includes examples of policies contained in Table 1 of the draft EIR with potential to create environmental effects.

Response: Please refer to the responses to comments #38 and #44 in Letter #6 from LandWatch.

Stop urban sprawl for Salinas

LETTER # 3

Scott Sweeney <goscotty@msn.com>

Mon 10/2/2017 12:49 PM

To: Lisa Brinton <lisab@ci.salinas.ca.us>;

Hi Lisa,
Just a comment on the future of Salinas. I'm writing to keep Salinas in its current shape that it preventing urban sprawl and annexing hundreds of acres of farmland for development. If you can, encourage infill development and "taller" building to go forth rather than sprawl as I see in much of California today. 1

Please forward my message to the Mayor and Council members.

Regards,
Scott Sweeney
Salinas, CA 93907

Response to Letter #3, Scott Sweeney

This comment is on the merits of the project, and recommends infill development. It does not raise environmental issues and therefore, no response is necessary.

cc: Ray, Jim, Chris, Megan, Lisa

LETTER # 4

AG LAND TRUST
Preserving Farm Land Since 1984

www.AgLandTrust.org
Location: 1263 Padre Drive | Salinas, CA
Mail Address: P.O. Box 1731 | Salinas, CA 93902
Tel.: 831.422.5868

October 12, 2017

TO: Mayor Gunter, Members of the City Council, Salinas Community and Economic Development Department; and City of Salinas Director of Planning

FROM: The Ag Land Trust

RE: Errors and oversights in the Draft Salinas General Plan ECONOMIC DEVELOPMENT ELEMENT

Gentlepersons:

On behalf of the Ag Land Trust of Monterey County, please accept these comments and objections to draft proposals of the City staff in the above referenced the "Draft Salinas General Plan ECONOMIC DEVELOPMENT ELEMENT". As you are aware, the Ag Land Trust is a 501©(3) non-profit corporation that currently owns over 30,000 acres of prime and productive farmland conservation easements and fee ownership within the Salinas Valley. Your city has entered into prior contractual agreements and affirmative approvals of our acquisitions of land and permanent easements outside of your current sphere of influence, in part to mitigate (so as to comply with CEQA and state and local farmland preservation mandates) the adverse impacts of your prior urban expansion and annexations which have resulted in permanent loss of prime and productive Salinas Valley farmlands.

The Ag Land Trust is also the designated recipient non-profit organization of statutorily designated state and federal funds that have been expressly granted to acquire and insure the permanent preservation of prime farmland, and the productivity of those lands, pursuant to adopted mandated policies and programs of both the State of California and the federal government. As a result of our acquisitions over the past three decades, we have acquired a number of permanent conservation easements affecting many areas and large acreages in the Salinas Valley. These acquisitions have been governmentally funded to advance and promote these state and federally mandated programs.

Unfortunately, two of our easements and the locations thereof, which have been previously agreed to by the City of Salinas and the County of Monterey and the State of California appear to have been overlooked by the parties preparing the Draft Salinas General Plan ECONOMIC DEVELOPMENT ELEMENT. City staff's expansion proposals in the Draft Plan for urban annexations into these permanently protected prime farmlands violate previously mandated mitigation actions and contractual commitments by the City of Salinas, including affirmative actions by the current City Council. 1

Of particular note are our existing Brunn Conservation Easement and Uni-Kool Buffer Easement that prohibits any further annexations by the city in the area south of the previously approved Uni-Kool annexation that added over 200 acres of currently vacant industrial land to the city. I have attached copies of those two easements that the city has previously agreed to and endorsed so as to advance the city's prior mitigation requirements for the adverse environmental impacts of its' annexations.

We respectfully request that the Draft plan be revised and re-written to acknowledge our conservation easements and the mandatory duties embodied therein that the City has obligated itself to perform. Any 2

staff proposal for annexation or urban expansion south of the previously approved Uni-Kool annexation is prohibited by the express language of the Uni-Kool easement. Our Trust is bound by state law and prior state and federal grant obligations to prohibit such a wrongful conversion of designated and protected prime farmlands. 2 Cont.

Should you wish to discuss this matter, the Trust's representatives are always available to meet with our city representatives. We respectfully request and hope that any potential dispute over these long-held and court adjudicated permanent easements, and the mandatory legal rights, duties, and requirements therein, be avoided.

Most Respectfully,

S Darrington

Sherwood Darington
Managing Director

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Filer

CRDAWN
7/27/2016
13:40:24

DOCUMENT: **2016042868**

Titles: 1/ Pages: 25

Fees.... 93.00
Taxes...
Other... 2.00
AMT PAID $95.00

Recording Requested By, and When Recorded, Mail To:

Ag Land Trust
P. O. Box 1731
Salinas, CA 939902

The undersigned grantor(s) declare(s) the Documentary Transfer Tax is $0.00 Conveyance of Easement for no consideration - R & T 11911

AGRICULTURAL BUFFER EASEMENT DEED

THIS AGRICULTURAL BUFFER EASEMENT DEED is made by and between **THE UNI-KOOL PARTNERS**, A California General Partnership ("Grantor"); and the Ag Land Trust, a non-profit corporation ("Grantee") on the dates opposite their respective signatures, with reference to the following facts and circumstances:

RECITALS:

A. Grantor are the owners in fee simple of that certain real property situated in the City of Salinas, County of Monterey, State of California, as described in **Exhibit A**, attached hereto (the Property).

B. Grantor and Grantee wish to preserve and conserve for the public benefit the agricultural capability/suitability of surrounding agricultural uses.

C. Grantor is willing and able to grant to Grantee an agricultural buffer easement over and across the portions of the Property as described in **Exhibit B** and shown on **Exhibit C** attached hereto.

D. The purpose and intent of this grant of easement to Grantee is to keep and maintain a buffer zone area encumbering 70 feet along the southwest line (adjacent to APN 177-133-006) and 20 feet along the southeast line (adjacent

to Harris Road) of the Property as an agricultural buffer easement to protect agriculture from impacts of incompatible development and to mitigate against the effects on adjacent agricultural operations from the proposed uses, and to utilize the buffer easement in a manner consistent with the protection and preservation of agricultural land adjacent to territory annexed to the City of Salinas. The sole purpose of this buffer easement is to restrict the uses to which the Buffer Easement Property may be put so that the adjacent agricultural properties may be kept in agricultural use with as little conflict as possible with uses on adjacent annexing and developing property.

NOW, THEREFORE, for the reasons set forth above and in consideration of their mutual promises and covenants, terms and conditions, and restrictions contained herein, Grantor does hereby voluntarily grant and convey to Grantee and Grantee hereby accepts the agricultural buffer easement over and across the southwest and the southeast sides of the Property as said southwest and southeast sides are described in **Exhibit B**, attached hereto, and shown on **Exhibit C** attached hereto ("the Buffer Easement Property"). To that end, and for the purposes of accomplishing the intent of the parties, Grantor covenant on behalf of itself, its successors and assigns, with Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Buffer Easement Property the acts mentioned below.

1. RESTRICTION ON BUFFER EASEMENT AREA. No improvements, buildings, or any other type of structure inconsistent with the use of the Buffer Easement Property as an agricultural buffer shall be erected, constructed or placed nor permitted to

be erected, constructed, or placed, on the Buffer Easement Property, subject to the following provisions:

a. Requirements.

1. That the Grantor, its successors and assigns, shall be responsible for maintenance, upkeep, and replacement of the required uses and the allowed uses that may be placed in the Buffer Easement Property.
2. The Buffer Easement Property shall be maintained in such a condition and manner that it may be used and preserved for agricultural buffer purposes as provided herein for the protection of agricultural uses on adjacent agricultural lands. For the purposes of this deed, the term "adjacent agricultural lands" shall mean the agricultural land between the Buffer Easement Property and the Salinas River and the agricultural land between the Buffer Easement Property and the former Firestone Plant.

b. Allowed uses.

1. Access streets or roadways within the Buffer Easement Property are allowed.
2. Utilities (including above-ground well apparatus and utility sub-station improvements) serving the Property within the Buffer Easement Property are allowed.
3. Parking areas are allowed within the Buffer Easement Property, subject to the zoning, rules and regulations of the City of Salinas.

4. Industrial-related storm runoff ponds or retention basins, as approved by those agencies with jurisdiction, are allowed within the Buffer Easement Property .
5. Landscaping is allowed within the Buffer Easement Property subject to the following provisions:
    a. A minimum 60-foot setback for tree planting shall be maintained from the edge of the Buffer Easement Property abutting the adjacent agricultural land being protected by this buffer.
    b. Other low-growing shrubbery, grasses, and earthen berms are allowed within the 60 foot setback described in "5-a" above.
    c. Irrigation systems to serve the allowed landscaping are allowed.
    d. Landscaping as allowed by these provisions is subject to approval by the City of Salinas.
6. A fence or wall for the purpose of preventing trespassing onto agricultural or agricultural industrial use land may be constructed and maintained at the sole option and sole cost of the Grantor, or successor and assigns, within the Buffer Easement Property.

c. Municipal uses.

1. Any easement or construction necessary for connections to the City of Salinas Wastewater Treatment facility shall be allowed.
2. No services, municipal or otherwise, shall be extended to serve the property that is currently in agricultural use as of the date of this Buffer Easement that is located to the southeast and/or to the southwest of the

Buffer Easement Property by the City of Salinas beyond or through the Buffer Easement Property for as long as this Agricultural Buffer Easement is in affect, with the exception of the property identified as Monterey County Assessors numbers 177-191-001, 177-191-002, 177-191-003, 177-191-004, 177-191-005, 177-191-011, 177-191-013, 177-191-014 and 177-191-015 and legally described in **Exhibit D**.

d. Uses not allowed in the Buffer Easement Property.

1. No use of the Buffer Easement Property that will or does materially alter the use and preservation of the property for agricultural buffer easement purposes shall be done or suffered.
2. No other uses except those enumerated and specifically allowed or required above shall be allowed.

2. RIGHT OF ENTRY. With reasonable advance written notice to Grantor, Grantee, at Grantee's risk, may enter upon the Buffer Easement Property for the purpose of inspecting for violations of the stated purposes, terms, conditions, restrictions or covenants of this easement.

3. ENFORCEMENT. The stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California, County of Monterey. Should Grantee believe Grantor is in violation of this easement, Grantee shall notify Grantor, in writing, of Grantee' findings and give Grantor at least thirty (30) days in which to respond or correct said violation before initiating legal action.

4. NO TRESPASS. The grant of this agricultural buffer easement does not authorize and is not to be construed as authorizing the public or any member thereof to trespass upon or use all or any portion of the Buffer Easement Property or as granting to the public or any member thereof any tangible rights in or to the Buffer Easement Property or the right to go upon or use or utilize the Buffer Easement Property in any manner whatsoever.

5. RESERVATION OF USE. Grantor reserves the right to use the Buffer Easement Property as specified in the Restrictions of Buffer Easement Area enumerated above. Should any public jurisdictions with authority be more restrictive in their zoning and other laws, rules and regulations, they shall prevail.

6. TRANSFER OF EASEMENT. Grantee shall not assign nor transfer this Agricultural Buffer Easement to a third party without prior written notice to Grantor, or Grantor's successor in interest, lessee, or assignee. Grantor shall be responsible for notifying Grantee, or any successor in interest, or assignee, of any transfer of property interest in accordance with Paragraph 7 below.

7. TRANSFER OF PROPERTY INTEREST. Grantor may dedicate, transfer, encumber, and/or lease the Buffer Easement Property to any third party without Grantee's respective permission; however, the document of conveyance, lease, or encumbrance shall expressly incorporate by reference this agricultural buffer easement. Failure of Grantor to do so shall not impair the validity of this agricultural buffer easement or limit its enforceability in any way. Grantor shall notify Grantee of any transfer of ownership.

8. CONDEMNATION. In the event the Buffer Easement Property or some portion thereof during the term of this easement is sought to be condemned for public use, the easement and each and every term, condition, restriction, and covenant contained herein shall terminate as of the time of filing of the complaint in condemnation as to that portion of the agricultural buffer easement property sought to be taken for public use only, but shall remain in effect relative to all other portions of the Buffer Easement Property. In the event of condemnation, no City services shall be extended beyond the Buffer Easement Property. Grantor, its successors and assigns, shall be entitled to such compensation for the taking as they would have been entitled had the Buffer Easement Property not been burdened by this easement; provided, however, that each and every stated term, condition, restriction, and covenant of this easement shall be observed by Grantor, its successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation relative to the Buffer Easement Property or some portion thereof or the Buffer Easement Property or some portion thereof is not actually acquired for a public use, the Buffer Easement Property shall, at the time of such abandonment, or at the time it is determined that such property shall not be taken for public use, once again be subject to this easement and to each and every stated purpose, term, condition, restriction and covenant of this easement.

9. AMENDMENT. This agricultural buffer easement shall not be rescinded, altered, amended, or abandoned in whole or in part as to the Buffer Easement Property or any portion thereof or as to any term, condition, restriction, or covenant of this buffer easement without the prior written consent of Grantee.

10. ENFORCEABLE RESTRICTION. This agricultural buffer easement and each and every term, condition, restriction and covenant contained herein is intended for the benefit of the public and constitutes an enforceable restriction and shall bind Grantor and its successors and assigns and each and all of them and shall run with the land.

11. NO SUBORDINATION. This easement shall be the senior encumbrance on the Buffer Easement Property and shall not be subordinated.

12. INDEMNIFICATION. Grantor, its successor in interest, lessee, or assignee agree to hold Grantee harmless against, and to indemnify it for, any liability resulting from injury to persons or damage to property arising out of any act or omission with respect to the use of the Buffer Easement Property, lawful or otherwise, by Grantor, its successor in interest, lessee, or assignee except for injury or damage proximately caused by the negligent or intentional acts of Grantee or its agents, successor in interest, or assignee. Grantor is not to be held responsible nor liable for the unauthorized actions of others over which Grantor has no control.

Grantee agree to hold Grantor, its successor in interest, lessee, or assignee harmless against, and to indemnify it for, any liability resulting from injury to persons or damage to property arising out of any act or omission with respect to the use of the Buffer Easement Property, lawful or otherwise, by Grantee, except for injury or damage proximately caused by the negligent or intentional acts of Grantor or its agents. Grantee is not to be held responsible nor liable for the unauthorized actions of others over which Grantee has no control.

13. NOTICES. Any notice required under this easement must be in writing, and may be given either personally, by facsimile, by registered or certified mail, return receipt

requested, or by overnight mail through United Parcel Service, Federal Express or the United States Postal Service. If by facsimile, a notice shall be deemed to have been given and received at the time and date the facsimile is received at the number provided below. If personally delivered, a notice shall be deemed to have been given and received when delivered to the party to whom it is addressed. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, property addressed, with postage prepaid, is deposited in the United States mail. If by overnight carrier, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) two (2) days after the notice properly addressed, with postage prepaid, is deposited with an authorized overnight carrier. Such notices or communications shall be given to the parties as their addresses set forth below:

To Grantor:	THE UNI-KOOL PARTNERS P.O. Box 3140 Salinas, CA 93912
To Grantee:	Ag Land Trust P. O. Box 1731 Salinas, CA 9 3902 Attn: Board President

14. RECORDATION. Upon execution of this buffer easement by both parties, Grantor shall record the same with the County Recorder's office.

15. NEGOTIATED AGREEMENT. The parties understand and agree that this agreement has been arrived at through negotiations and that neither party is to be deemed the party which prepared this agreement within the meaning of Civil Code Section 1654.

16. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the zoning and other laws, rules and regulations of those public jurisdictions with authority, as may be more restrictive and may hereafter from time to time be amended, regulating the use of land.

17. MAINTENANCE. Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the property or any interest or easement created by this grant of an agricultural buffer easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for any costs which may be incurred by Grantee for monitoring compliance with the terms of this Agricultural Buffer Easement.

18. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, restrictions and obligations, contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

19. CONSTRUCTION OF VALIDITY. If any provision of this agricultural buffer easement is held to be invalid or for any reason become unenforceable, no other provision shall be thereby affected or impaired.

20. TERMINATION OF BUFFER EASEMENT. This Agricultural Buffer Easement shall remain in force in perpetuity unless all Grantee voluntary agree to a termination and then termination shall be governed by a judicial process. The laws of the State of California shall govern termination of the easement by the judicial process. If the termination of this Agricultural Buffer Easement is approved pursuant to a judicial proceeding in a court of competent jurisdiction as a judicial process, the Grantee shall be

paid the value of the Agricultural Buffer Easement by the party or parties requesting the termination. The easement value will be determined as the difference, at that time, between the fair market value of the unrestricted fee interest and the fair market value of the property encumbered by this Agricultural Buffer Easement. That difference shall be determined by an appraisal approved by Grantee and conducted at the requester's expense. An independent qualified licensed appraiser approved by Grantee shall perform the appraisal.

Termination of the easement through condemnation is subject to the same requirements and procedure listed above

21. ACKNOWLEDGEMENT BY THE CITY OF SALINAS. The Buffer Easement Property is a portion of the territory that has been approved for annexation to the City of Salinas, and the City will have jurisdictional authority over the territory when annexed. The City of Salinas acknowledges and agrees with the provisions of this easement between the property owner, the County of Monterey, and the Ag Land Trust, as indicated on **Exhibit E** of this Easement, attached and incorporated by this reference.

EXECUTED by the parties as of the date set forth opposite the respective signatures below:

GRANTOR:

THE UNI-KOOL PARTNERS

Dated: 7-19-16

Stephen J. Kovacich, General Manager

GRANTEE:

AG LAND TRUST

Aaron P. Johnson, President

ACKNOWLEDGEMENTS

A notary public or other officer completing this certificate verifies the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA)
) ss
COUNTY OF MONTEREY)

On this 19 day of July, 2016, before me, Barbara Ann Gulley, Notary Public, personally appeared Stephen J. Kovacich, who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

BARBARA ANN GULLEY
Commission # 2141763
Notary Public - California
Monterey County
My Comm. Expires Feb 6, 2020

Barbara Ann Gulley
Notary Public in and for the
State of California

A notary public or other officer completing this certificate verifies the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA)
) ss
COUNTY OF MONTEREY)

On this 27 day of July, 2016, before me, _____ PETER BRAZIL _____, Notary Public, personally appeared _____ AARON P. JOHNSON _____, who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

PETER BRAZIL
Commission # 2098254
Notary Public - California
Monterey County
My Comm. Expires Feb 25, 2019

_____
Notary Public in and for the
State of California

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 177-133-004, 177-133-005 and 177-133-007

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

That certain Parcel of land conveyed by Spreckels Sugar Company, a Corporation, to M.P. Johansen and Cora Johansen, his wife, by Deed dated December 13, 1934 and recorded December 29, 1934 in Volume 421 of Official Records at Page 144, Monterey County Records, and being particularly described as follows:

Beginning at a 4" x 4" post painted white, and marked 25, 26, set in the fence on the Eastern bank of San Jon Del Alisal Slough, from which the Southeastern corner of that certain 400 acre parcel of land conveyed by John D., Lillie C., and Adolph B. Spreckels to Spreckels Sugar Company, by Deed dated the 8th Day of November, 1897 and recorded November 13, 1897 in Volume 54 of Deeds, at Page 1, Records of Monterey County, California, bears South 66° 22' East, 3809.50 feet; thence North 23° 44' East. 3226.20 feet to a 4" x 4" post painted white and marked NJP, 1, SH, standing in the Western boundary of the State Highway leading Southeasterly from the city of Salinas; thence along said Western boundary of the State Highway, South 62° 10' East, 907.00 feet to a 4" x 4" post painted white and marked NPJ, 2, SH; thence leaving said State Highway boundary, South 23° 44' West, 3160.40 feet to a 4" x 4" post painted white and marked NPJ, 3, standing in the fence on the Western boundary of the above mentioned 400 acre parcel of land; thence along said Western boundary, North 66° 22' West, 904.70 feet to the point of beginning, being a portion of Rancho Llano De Buena Vista.

Excepting therefrom the following three (3) Parcels:

FIRST

Commencing at a 2 x 4 survey stake standing on the Southeast side the said Johansen 66.323 acre tract of the Southwest side of the California State Highway, also known as U.S. Highway No. 101, as widened to width of 110 feet, by that certain 0.21 acre tract conveyed by N.P. Johansen and Cora Johansen, to State of California, by Deed dated January 14, 1943 and recorded March 2, 1943 in Volume 792 of Official Records at Page 113, therein, Records of Monterey County, California, and from which a 4"x 4" survey post marked NPJ, 2, SH, standing at the most Easterly corner of the said Johansen 66.323 acre tract bears North 23° 44' East, 10.47 feet distant, as shown on State of California, Department of Public Works Plans, Dist. V, County of Monterey, Route 2, Section B, Sheet No. 4 approved September 25, 1944, and running thence along the Southeast side of said Johansen 66.323 acre tract.

(1) South 23° 44' West, 363.94 feet to a 2 x 4 survey post; thence leave the Southeast side of the said 66.323 acre tract, and running,

(2) North 62° 7' West, 120 feet to a 2 x 4 survey post; thence

(3) North 23° 44' East, 363.94 feet to a 2 x 4 survey post standing on the Southwest side of said 0.21 acre widening strip of said State Highway,

(4) South 62° 7' East, 120 feet to the place of beginning.

SECOND

All that portion conveyed by N.P. Johansen and Cora Johansen, his wife, to State of California, being a portion of the State Highway, by Deed dated January 14, 1943 and recorded March 2, 1943 in Volume 792 Official Records,

EXHIBIT "A"

Legal Description
(continued)

at Page 113, Monterey County Records.

THIRD

All that portion conveyed to Salinas Valley Memorial Hospital Foundation by Deed recorded October 4, 1991 in Reel 2701 at Page 517, Monterey County Records.

PARCEL II:

That portion of the Rancho Llano De Buena Vista which is designated on Record of Survey of Land belonging to Spreckels Sugar Company recorded in Monterey County Records on March 13, 1951 in Volume 4 of Surveys, at Page 85 as "Parcel D".

Excepting and reserving therefrom 50% of all oil, gas and other hydrocarbons substance and all other minerals of very kind, together with the right of entry, as reserved in the Deed from Spreckels Sugar Company, a California Corporation, recorded April 12, 1951 in Book 1295 of Official Records, at Page 186.

Also excepting therefrom that portion of land conveyed to the County of Monterey by Deed recorded May 22, 1970 in Reel 848 of Official Records, at Page 669.

EXHIBIT B

THE BUFFER EASEMENT PROPERTY

EXHIBIT "B"

LEGAL DESCRIPTION
FOR AN AGRICULTURAL BUFFER EASEMENT

An easement over that certain real property situate in the City of Salinas, County of Monterey, State of California, being a portion of the Lands described in a deed to Uni-Kool Partners, recorded September 23, 2005, Document Number 2005099784, Monterey County Records, more particularly described as follows:

BEGINNING at the southeasterly corner of said Lands, said Point also being the southwesterly corner of the parcel described in a deed to the City of Salinas recorded May 22, 1970 in Reel 848, Page 669, Official Records of Monterey County; thence from said Point along the southerly line of said Lands, North 65°57'28" West, 3,783.86 feet to the southwesterly corner of said Lands; thence along the westerly line of said Lands, North 24°09'02" East, 70.00 feet; thence along a line drawn parallel with and distant 70.00 feet, measured at right angles to said southerly line, South 65°57'28" East, 3,778.47 feet; thence along a line drawn parallel with and distant 20.00 feet westerly, measured at right angles to the easterly line of said Lands, the following three courses: North 36°17'49" East, 891.32 feet; thence North 37°55'49" East, 529.96 feet; thence North 36°17'49" East, 732.36 feet to the northerly line of said Lands; thence along said northerly line, South 47°35'13" East, 20.11 feet to the northeasterly corner of said lands; thence along the easterly line of said Lands the following three courses: South 36°17'49" West, 730.50 feet; thence South 37°55'49" West, 529.96; thence South 36°17'49" West, 958.33 feet to the **POINT OF BEGINNING.**

As shown on Exhibit "C" attached hereto and made a part hereof.

END OF DESCRIPTION

This description was prepared by me in conformance with the requirements of the Professional Land Surveyor's Act.

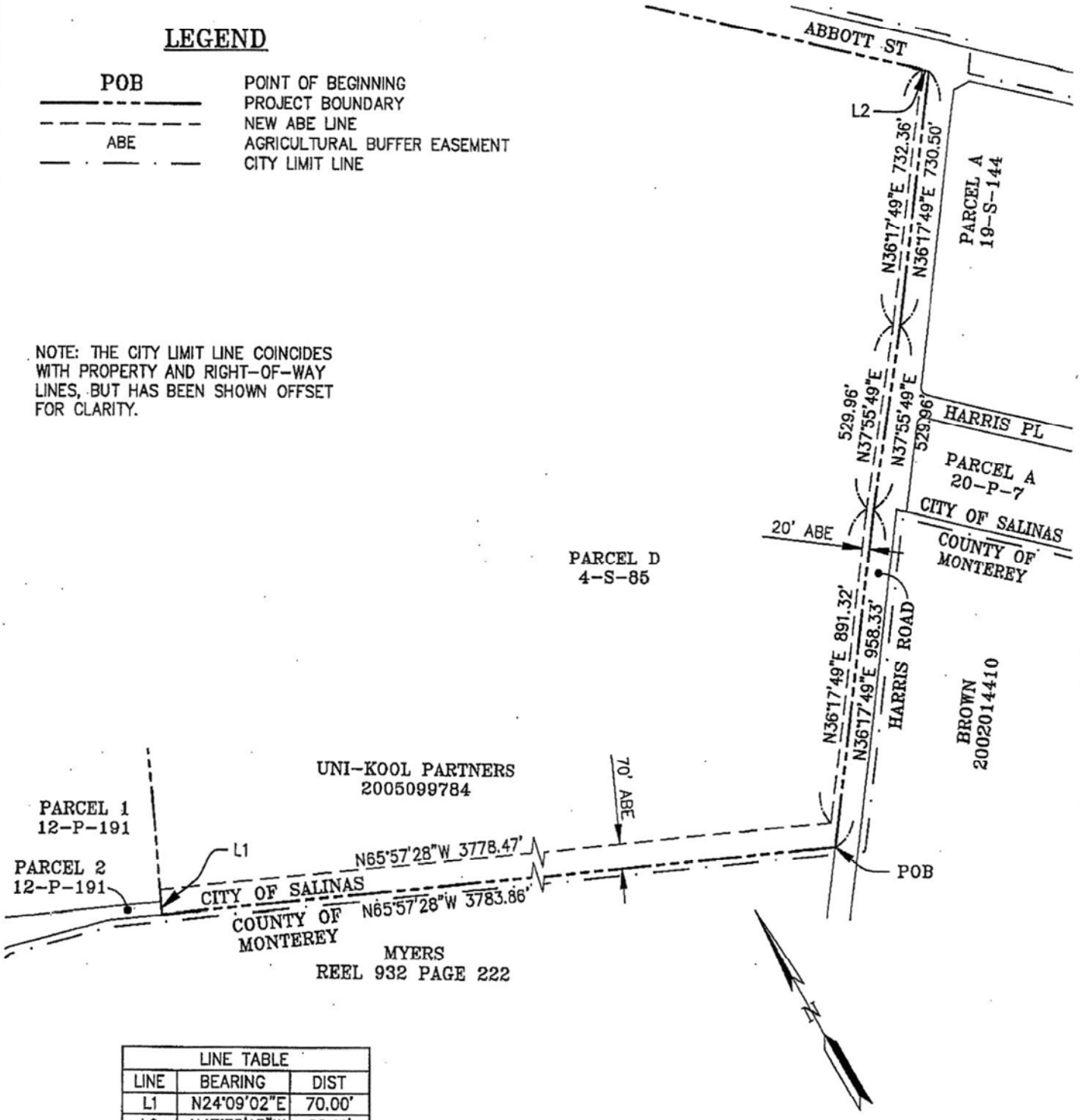
Andrew S. Chafer, PLS 8005
Expires 12/31/2010

12/10/09
Date

LEGEND

POB	POINT OF BEGINNING
———	PROJECT BOUNDARY
- - - -	NEW ABE LINE
ABE	AGRICULTURAL BUFFER EASEMENT
— · — · —	CITY LIMIT LINE

NOTE: THE CITY LIMIT LINE COINCIDES WITH PROPERTY AND RIGHT-OF-WAY LINES, BUT HAS BEEN SHOWN OFFSET FOR CLARITY.



LINE TABLE		
LINE	BEARING	DIST
L1	N24°09'02"E	70.00'
L2	N47°35'13"W	20.11'

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR AN AGRICULTURAL BUFFER EASEMENT

OVER A PORTION OF THE LANDS DESCRIBED IN THE DEED RECORDED SEPTEMBER 23, 2005, DOCUMENT NO. 2005099784, RECORDS OF MONTEREY COUNTY, CALIFORNIA

SALINAS, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:	DATE:	JOB NO.:
1"=400'	12/10/2009	072067

EXHIBIT C

THE BUFFER EASEMENT PROPERTY LOCATION MAP

FIGURE 4-1
LANDSCAPE & AGRICULTURAL BUFFER EASEMENT
LOCATION MAP

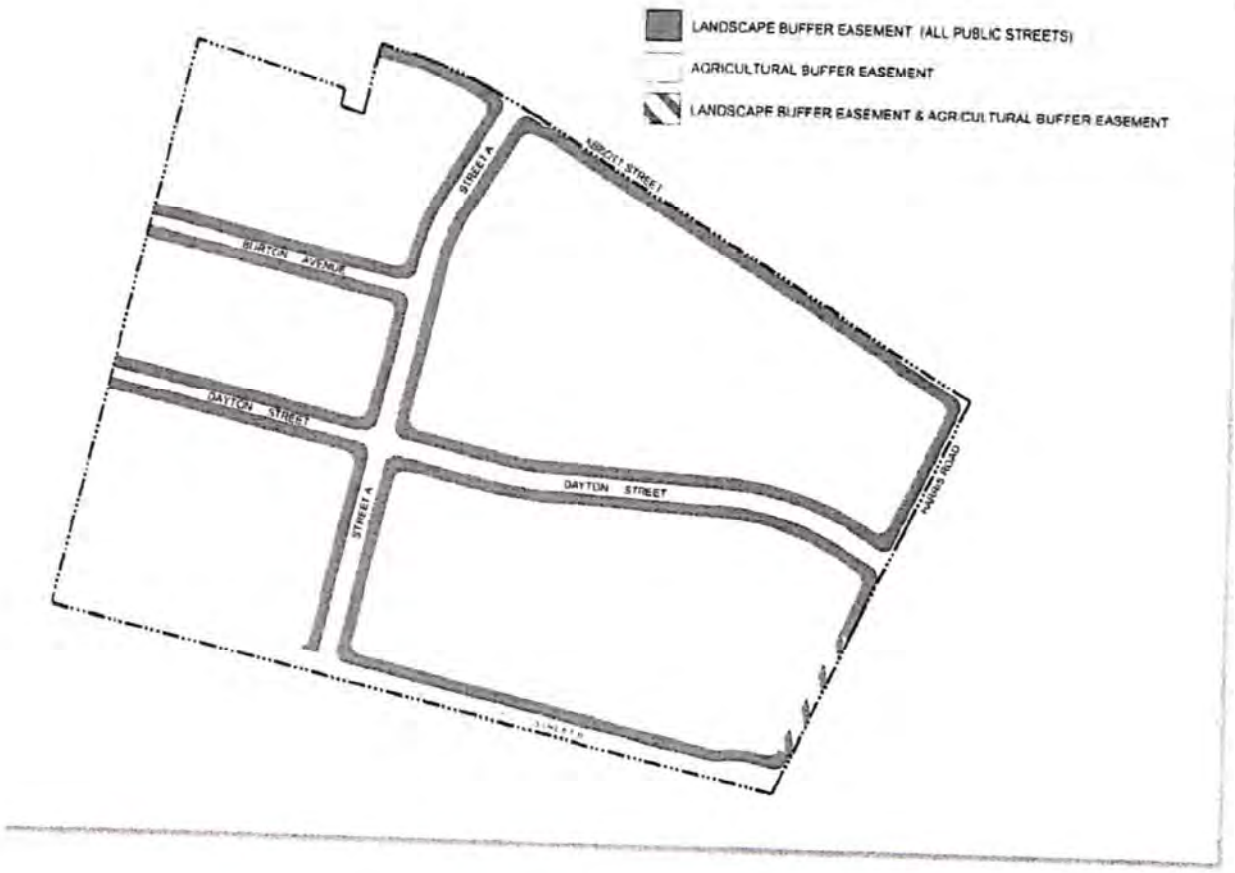


EXHIBIT D

EXCEPTION PROPERTY

EXHIBIT "D"

Exception Property

Real property located in the County of Monterey, California, described as follows"

Parcel 1

Parcels A as shown on that certain map entitled "Record of Survey for Lot Line Adjustment" filed for record on January 24, 1996, in Volume 19 of Surveys at Page 144.

APN 177-191-011

Parcel 2

Parcels 1, 2, 3, 4, 5 and 6 and Remainder Parcel 7, as said parcels are shown on that certain parcel map filed December 23, 1993, in Volume 19 of Parcel Maps, at Page 62, in the office of the County Recorder of the County of Monterey, State of California.

APN 177-191-001
APN 177-191-002
APN 177-191-003
APN 177-191-004
APN 177-191-005
APN 177-191-015

Parcel 3

Parcels A and B as said parcels are shown on that certain parcel map filed December 19, 1996, in Volume 20 of Parcel Maps, at Page 7, in the office of the County Recorder of the County of Monterey, California.

APN 177-191-013
APN 177-191-014

EXHIBIT E

CITY ACKNOWLEDGEMENT

EXHIBIT E

CITY ACKNOWLEDGEMENT

The Buffer Easement Property specified in this agricultural buffer easement deed is a portion of the territory that has been approved for annexation to the City of Salinas by the Local Agency Formation Commission (Resolution No. 10-06), and the City now has jurisdictional authority over the territory. The City of Salinas acknowledges and agrees with the provisions of this easement between the property owners and the Ag Land Trust.

Dated: July 20, 2016

City Representative

END OF DOCUMENT

Recording requested by:

Robert C. Taylor, Jr.
Attorney at Law
955 Blanco Circle, Suite B
Salinas, CA 93901

APN: 177-132-007

Joseph P. Pitta
Monterey County Recorder
Recorded at the reques f
Old Republic Title

CRROBERTA
9/24/1999
8:00:00

DOCUMENT: **9971102**

0009971102

Titles: 1/ Pages: 15

Fees.... 50.00
Taxes...
Other...
AMT PAID $50.00

DEED OF CONSERVATION EASEMENT

This Deed of Conservation Easement is granted on this 23RD day of SEPTEMBER, 1999, by The Brun Family Limited Partnership, a California Limited Partnership, by Marilyn A. Quadros and Sallie M. Brun as General Partner ("Grantor"), to the Monterey County Agricultural and Historical Land Conservancy, Inc., a California nonprofit corporation ("Grantee"), for the purpose of forever conserving the open space character and agricultural productivity of the subject property.

Witness that:

The Grantor is the sole owner in fee simple of the farm property ("Property") legally described in Exhibit A ("Legal Description"), attached to and made a part of this Deed, which consists of approximately 150 acres of land, together with irrigation lines and other improvements, located in Monterey County, California. The existing improvements on the property are shown in Exhibit B ("Existing Improvements"), also attached to and made a part of this Deed.

The Property is entirely open farmland, the majority of whose soils have been classified as prime farmland by the Natural Resource Conservation Service, U.S. Department of Agriculture, and by the California Department of Conservation Farmland Mapping and Monitoring Program, because of the fertility of its soils.

The agricultural and other characteristics of the Property, its current use and state of improvement, are described in a *Present Conditions Report*, prepared by the Grantee with the cooperation of the Grantor, and acknowledged by both to be complete and accurate as of the date of this Deed. Both the Grantor and Grantee have copies of this report. It will be used by the Grantee to assure that any future changes in the use of the Property will be consistent with the terms of this Deed. However, this report is not intended to preclude the use of other evidence to establish the present condition of the Property if there is a controversy over its use.

The Grantor intends to grant this Deed of Conservation Easement for valuable consideration to the Grantee for the exclusive purpose of assuring that, under the Grantee's perpetual stewardship,

the open space character and agricultural productivity of the Property will be conserved and maintained forever, by permitting only those land uses on the Property that do not significantly impair or interfere with such character and productivity. The parties agree that the current agricultural use of, and improvements to, the Property are consistent with the conservation purposes of this Deed. The Grantor and Grantee further acknowledge that the California Department of Conservation has made a grant to the Grantee to provide the financial consideration for this Deed of Conservation Easement.

The conservation purposes of this Deed are recognized by, and the grant of this Deed will serve, the following clearly delineated governmental conservation policies:

The Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. Section 4201, *et seq.*, whose purpose is "to minimize the extent to which Federal programs and policies contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government and private programs and policies to protect farmland;"

Section 815, et seq. of the California Civil Code, which defines perpetual conservation easements and which, at Section 815, states "the preservation of land in its natural, scenic, agricultural, historical, forested or open-space condition is among the most important environmental assets of California" ;

Division 10.2 of the California Public Resources Code, which creates California's Agricultural Land Stewardship Program;

Section 51220 of the California Government Code which declares a public interest in the preservation of agricultural lands;

The Monterey County General Plan, as amended in 1982, which includes as one of its goals to protect all viable farmlands designated as prime, of statewide importance, unique, or of local importance from conversion to and encroachment of non-agricultural uses;

Resolution No.: 99-286, approved by the Board of Supervisors of Monterey County on July 27, 1999 which expresses support for the acquisition of an agricultural conservation easement on the Property, and finds that such protection is consistent with the County's General Plan.

The Grantee is a "qualified conservation organization," as defined by the Internal Revenue Code, and, as certified by a resolution of its Board of Directors, accepts the responsibility of enforcing the terms of this Deed and upholding its conservation purposes forever.

The Grantor acknowledges that the Property is now operated in reference to a Natural Resource Conservation Service conservation plan in a manner conducive to the long-range pro-

tection of the Property's agricultural and environmental resources, and that it intends to continue to operate the Property in such a manner.

The Grantor owns the entire fee simple interest in the Property, including the entire mineral estate.

Now, therefore, for the reasons given, and in consideration of their mutual promises and covenants, the Grantor voluntarily grants and conveys to the Grantee, and the Grantee voluntarily accepts, a perpetual Conservation Easement, as defined by Section 815, et seq. of the Civil Code of California, and of the nature and character described in this Deed, exclusively for the purpose of conserving and forever maintaining the open space character and agricultural productivity of the Property.

1. *Prohibited Acts*

Grantor promises that it will not perform, nor knowingly allow others to perform, any act on or affecting the Property that is inconsistent with the covenants below. It also authorizes the Grantee to enforce these covenants in the manner described below. However, unless otherwise specified below, nothing in this Deed shall require the Grantor to take any action to restore the condition of the Property after any Act of God or other event over which it had no control. Grantor understands that nothing in this Deed relieves it of any obligation or restriction on the use of the Property imposed by law.

2. *Construction of Buildings and Other Structures*

The construction of any building or other structure, except those existing on the date of this Deed as shown in Exhibit B, is prohibited except in accordance with paragraphs (a) through (e) below. Before undertaking any construction or reconstruction that requires advance permission, the Grantor shall notify the Grantee and obtain written permission.

(a) *Fences* -- Existing fences may be repaired and replaced, and new fences may be built anywhere on the Property for purposes of reasonable and customary agricultural operations and management of livestock and wildlife, without any further permission of the Grantee.

(b) *Agricultural Structures & Improvements* -- Existing agricultural structures and improvements as shown in Exhibit B may be repaired, reasonably enlarged and replaced at their current locations without further permission from the Grantee. New buildings, irrigation systems and other structures and improvements to be used solely for agricultural production on the property, or the processing or sale of farm products predominantly grown or raised by the Grantor on the Property may be built on the Property, without further permission of the Grantee. Any other agriculture-related structures may be constructed only with the written permission of the Grantee.

The establishment or maintenance of any commercial feedlot is prohibited.

(c) *Single-Family Residential Dwellings* – No new residential dwellings may

be constructed on the Property. However, Grantor reserves the right to maintain, renovate, expand or replace the existing residence and related buildings, structures and improvements in substantially their present location as shown on Exhibit B; provided that any such renovation, expansion or replacement of an existing building, structure or improvement may not substantially alter its character or function or increase its present height, or the land surface it occupies, as shown on Exhibit B, by more than 50% without the prior approval of Grantee. Grantor expressly reserves the right to conduct any home-based business within the boundaries shown on Exhibit B as the residential compound, provided, however, that no such business shall involve the use of any materials which could adversely affect the conservation purposes of this easement, nor shall such business involve an intensity of use (such as customer visits) which the Grantee reasonably considers inconsistent with the conservation purposes stated herein. Nothing contained herein shall prevent Grantor from renting the said residence, buildings, structures and improvements for residential use.

(d) *Farm Labor and Tenant Housing* -- No farm labor or new tenant housing may be constructed on the Property. However, Grantor reserves the right to maintain, renovate, expand or replace the existing rental unit and related buildings, structures and improvements in substantially their present location as shown on Exhibit B; provided that any such renovation, expansion or replacement of an existing building, structure or improvement may not substantially alter its character or function or increase its present height, or the land surface it occupies, as shown on Exhibit B, by more than 50% without the prior approval of Grantee.

(e) *Energy Sources* – Facilities for the development and utilization of energy resources including but not limited to, wind, solar, hydro electric, methane, wood, alcohol, and fossil fuels, for use principally on the Property may be placed or constructed with the written permission of the Grantee.

3. *Subdivision*

The subdivision of the Property, whether by physical or legal process, is prohibited without the advance written permission of the Grantee. The Grantee shall not give such permission, unless the Grantor demonstrates to Grantee that the additional parcels created by the proposed subdivision will not be used for development inconsistent with the Easement, including, but not limited to the construction of any additional residential dwellings, and that the proposed subdivision will not diminish or impair the open space character and agricultural productivity of the Property.

The Grantor agrees that no additional, separate legal parcels currently exist within the Property that may be recognized by a certificate of compliance pursuant to California Government Code Section 66499.35 based on previous patent or deed conveyances, subdivisions, or surveys. Grantor will not apply for or otherwise seek recognition of additional legal parcels within the Property based on certificates of compliance.

4. *Development Rights*

Grantor hereby grants to Grantee all development rights except as specifically reserved herein, that are now or hereafter allocated to, implied, reserved or inherent in the Property, and the

parties agree that such rights are terminated and extinguished, and may not be used on or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise, nor used for the purpose of calculating permissible lot yield of the Property or any other property.

5. *Conservation Practices*

All farming operations shall be conducted in reference to a Natural Resource Conservation Service conservation plan that addresses soil and water conservation, pest management, nutrient management and habitat protection. This plan shall be updated periodically, and in any event at the time the basic type of agricultural operation on the property changes or at the time ownership of the property changes.

6. *Mining*

The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel or any other mineral substance, using any method that disturbs the surface of the land, is prohibited without the advance written permission of the Grantee. The Grantee shall not give such permission, unless the Grantor demonstrates to Grantee that the proposed mining or extraction will not substantially diminish or impair the open space character and agricultural productivity of the Property. Notwithstanding any other provision of this Deed, not more than two (2) surface acres of the Property may be disturbed by mining or other extractive activities, and such activities are permitted only to the extent allowed by Internal Revenue Code Sections 170(h)(5) and (6) and Treasury Regulation Section 1.170A-14(g)(4).

7. *Paving and Road Construction*

Existing paved roads may be repaved without further permission of the grantee. No portion of the Property presently unpaved shall be paved or otherwise be covered with concrete, asphalt, or any other paving material, nor shall any road for access or other purposes be constructed without the advance written permission of the Grantee except that the Grantor may pave the existing, unpaved driveway to the residential compound and such portions of the residential compound as Grantor may choose. The Grantee shall not give such permission, unless the Grantor demonstrates to Grantee that the proposed paving or covering of the soil, or the location of any such road, will not substantially diminish or impair the open space character and agricultural productivity of the Property. Unpaved farm roads that presently exist may be relocated as unpaved roads as required by agricultural operations, provided that abandoned roads will be returned to agriculture.

8. *Trash*

The dumping or accumulation of any kind of trash, refuse, or hazardous waste on the Property, other than farm-related trash and refuse produced on the Property, is strictly prohibited. However, this shall not prevent the storage of agricultural products and byproducts on the Property, so long as it is done in accordance with all applicable government laws and regulations.

9. *Recreational Uses*

Golf courses, non-residential swimming pools, airstrips and helicopter pads are strictly prohibited on the Property. Other buildings and facilities for any other public or private recreational use may not be built on the Property without the advance written permission of the Grantee. The Grantee shall not give such permission, unless the Grantor demonstrates to Grantee that the proposed use or facilities will not substantially diminish or impair the open space character and agricultural productivity of the Property.

10. *Water Rights*

Grantor shall retain and reserve the right to use water rights sufficient for use in present or future agricultural production or residential activities on the Property, and shall not transfer, encumber, lease, sell, or otherwise separate such quantity of water rights from title to the Property itself. Grantor may transfer, encumber, lease, sell, or otherwise separate from the Property water rights which are not necessary for present or future agricultural production on the Property.

11. *Rights Retained by Grantor*

Subject to interpretation under paragraph 19, as owners of the Property, the Grantor retains the right to perform any act not specifically prohibited or limited by this Deed. These ownership rights include, but are not limited to, the right to exclude any member of the public from trespassing on the Property, the right to all rents from use of the Property and the right to sell or otherwise transfer the Property to anyone it may choose.

12. *Responsibilities of Grantor and Grantee Not Affected*

Other than as specified herein, this Deed is not intended to impose any legal or other responsibility on the Grantee, or in any way to affect any existing obligation of the Grantor as owner of the Property. Among other things, this shall apply to:

(a) *Taxes* -- The Grantor shall continue to be solely responsible for payment of all taxes and assessments levied against the Property. If the Grantee is ever required to pay any taxes or assessments on its interest in the Property, the Grantor will reimburse the Grantee for the same.

(b) *Upkeep and Maintenance* -- The Grantor shall continue to be solely responsible for the upkeep and maintenance of the Property, to the extent it may be required by law. The Grantee shall have no obligation for the upkeep or maintenance of the Property.

(c) *Liability and Indemnification* -- If the Grantee is ever required by a court to pay damages resulting from personal injury or property damage that occurs on the Property, the Grantor shall indemnify and reimburse the Grantee for these payments, as well as for reasonable attorneys fees and other expenses of defending itself, unless the Grantee or any of its agents have committed a deliberate act that is determined by a court to be the sole cause of the injury or damage.

13. *Enforcement*

The Grantee shall have the right to prevent and correct violations of the terms of this Deed. With reasonable advance notice to the Grantor, the Grantee may enter the Property for the purpose of inspecting for violations. If the Grantee finds what it believes is a violation, it may at its discretion take appropriate legal action. Except when an ongoing or imminent violation could irreversibly diminish or impair the open space character and agricultural productivity of the Property, the Grantee shall give the Grantor written notice of the violation and thirty (30) days to correct it, before filing any legal action. If a court with jurisdiction determines that a violation may exist or has occurred, the Grantee may obtain an injunction to stop it, temporarily or permanently. A court may also issue an injunction requiring the Grantor to restore the Property to its condition prior to the violation. In any case where a court finds that a violation has occurred, the Grantor shall reimburse the Grantee for all its expenses incurred in stopping and correcting the violation, including but not limited to reasonable attorney's fees. The failure of the Grantee to discover a violation or to take immediate legal action shall not bar it from doing so at a later time.

Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including but not limited to, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

In the event the Grantee fails to enforce any of the terms of this easement, as determined in the sole discretion of the Director of the California Department of Conservation, the Director of the Department and his or her successors and assigns shall have the right to enforce the terms of this easement, including limits on significant impairment of agricultural productivity and multiple uses created by incidental activities as specified in Public Resources Code Section 10262. Multiple uses shall be those as defined in Public Resources Code Section 10252(b).

14. *Emergency Enforcement*

If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under Section 13 without prior notice to Grantor or without waiting for the period provide for cure to expire.

15. *Transfer of Easement*

If the Grantee should desire to transfer the easement created by this deed, the Grantee shall submit a written request for permission to make such a transfer to the Director of the California Department of Conservation (or any successor agency) and the Brun Trustee. This request shall state the name of the agency, entity, or organization to which the transfer is proposed, the reasons therefore, and such other information as the Director or the Brun Trustee may request. If written consent is given for the proposed transfer by the Director and the Brun Trustee, the Grantee may transfer the easement created by this Deed to: 1) any public agency authorized to hold interests in

real property as provided in section 815.3(b) of the Civil Code of California; or 2) a private nonprofit organization that, at the time of transfer, is a "qualified organization" under Section 170(h) of the U.S. Internal Revenue Code and under Section 815.3(a) of the Civil Code of California. Such a transfer may proceed only if the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this Deed.

If the Grantee ever ceases to exist or no longer qualifies under Section 170(h) of the U.S. Internal Revenue Code, or applicable state law, a court with jurisdiction shall, upon consultation with the Brun Trustee, transfer this easement, pursuant to the California Public Resources Code Section 10235(b), to another qualified organization, as defined in Section 815.3 of the Civil Code of California, and having similar purposes that agrees to assume the responsibility imposed by this Deed.

16. *Transfer of Property*

Any time the Property itself, or any interest in it, is transferred by the Grantor to any third party, the Grantor shall notify the Grantee in writing prior to the transfer of the property, and the document of conveyance shall expressly refer to this Deed of Conservation Easement.

17. *Amendment of Easement*

This easement may be amended only with the written consent of the Grantee, the Director of the California Department of Conservation (or any successor agency) and the Brun Trustee. Any such amendment shall be consistent with the purposes of this Deed and with the Grantee's easement amendment policies, and shall comply with Section 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section, and with Section 815 et seq. of the Civil Code of or any regulations promulgated thereunder.

18. *Termination of Easement*

Subject to any more stringent requirements under the Internal Revenue Code and Regulations governing qualification of this Deed as a charitable contribution, termination of the easement shall be governed by Sections 10270-10277 of the Public Resources Code of California. Termination of the easement through condemnation is subject to the requirements of Section 10261 of the Public Resources Code.

If condemnation of a part of the Property or of the entire Property by public authority renders it impossible to fulfill any of these conservation purposes, the easement may be terminated through condemnation proceedings. If the easement is terminated through condemnation and the Property is sold or taken for public use, or terminated by any other method, then, as required by Section 1.170A14(g)(6) of the IRS regulations, the Grantee shall be entitled to receive a 12.5% share of the condemnation award or gross sales proceeds, which percentage is calculated as the appraised value of the easement at the time of this grant divided by the appraised unencumbered fair market value of the property at the time of this grant. Grantee shall use its proceeds consistently with the conservation purposes of this Deed.

The parties agree that if a subsequent amendment to IRS regulations permits an allocation of the said award or proceeds which is more favorable to the Grantee, the allocation shall be as provided in the amended regulations.

19. *Interpretation*

This Deed shall be interpreted under the laws of California, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes and to preserve the qualifications of this Deed as a charitable contribution under the Internal Revenue Code and Regulations.

20. *Perpetual Duration*

The easement created by this Deed shall be a servitude running with the land in perpetuity. Every provision of this Deed that applies to the Grantor or Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear.

21. *Notices*

Any notices required by this Deed shall be in writing and shall be personally delivered or sent by first class mail, to Grantor and Grantee respectively at the following addresses, unless a party has been notified by the other of a change of address:

To Grantor:

The Brun Family Limited Partnership
P.O. Box 7491
Spreckles, CA 93962-7491

To the Grantee:

Monterey County Agricultural and Historic Land Conservancy, Inc.
P.O. Box 1731
Salinas, California 93902
Attn: President

Grantor agrees to notify Grantee prior to undertaking any activity that may have a material adverse impact on the conservation values of the Property.

22. *Brun Trustee*

As used herein, the term "Brun Trustee" shall mean Sallie Brun, or her designee. At any time, and from time to time, a person serving as the Brun Trustee may designate one or more persons to serve serially, but not together, as his or her successor. Such designee need not hold an interest

in the property other than as the Brun Trustee. It shall be the obligation of each successor Brun Trustee to notify the Grantee of his or her current address and phone number. Grantee's obligation to obtain consent of the Brun Trustee as required under paragraphs 15, 17 and 18 herein shall be met by sending a written request to the most recent Brun Trustee address on file. Consent will be deemed to have been provided if no response is forthcoming from the Brun Trustee within thirty (30) days of submitting such notice.

23. *Grantor's Title Warranty*

The Grantor warrants that it has good and sufficient title to the Property, free from all encumbrances except those set forth in Exhibit C, attached to and made a part of this Deed, and hereby promises to defend the same against all claims that may be made against it.

24. *Grantor's Environmental Warranty*

The Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous or toxic substances or wastes on the Property and hereby promise to defend and indemnify Grantee against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with any release of hazardous or toxic waste or violation of federal, state or local environmental laws.

Nothing in this easement shall be construed as giving any right or ability of the Grantee to exercise physical or managerial control of the day to day operations of the Property, or any of the Grantor's activities on the property, or otherwise to become an operator with respect to the property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended or the Carpenter Presley Tanner Hazardous Substance Account Act, California Health and Safety Code Sections 25300-25395 and any other federal, state, or local law or regulation making operators of property responsible for remediation of contamination.

25. *Subsequent Liens on Property*

No provisions of this Deed of Conservation Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided that any mortgage or lien arising from such a borrowing would be subordinated to this Deed of Conservation Easement.

26. *Pending Litigation*

Grantor represents that Grantor has no knowledge of any pending or threatened litigation in any way affecting, involving, or relating to the Property.

27. *Acceptance*

As attested by the signature of the Grantee's President affixed hereto, in exchange for

consideration, the Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Deed of Conservation Easement.

28. *Recordation*

Grantee shall cause this deed to be recorded in a timely fashion in the official records of Monterey County, California, and may re-record it at any time as may be required to preserve its rights in this Easement.

29. *Authority*

Grantor and Grantee represent and warrant that the undersigned individuals are authorized to sign this instrument and to bind the respective partnership and corporation.

To Have and To Hold, this Deed of Conservation Easement unto the Grantee, its successors and assigns, forever.

In Witness Whereof, the Grantor and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

Brun Family Limited Partnership
"Grantor"

By _____
Marilyn A. Quadros, General Partner

By _____
Sallie M. Brun, General Partner

Accepted:

Monterey County Agricultural and Historic Land Conservancy, Inc..
"Grantee"

By _____
Brian Rianda, President

Acknowledgments

County of Monterey)
) ss.
State of California)

On this 23RD day of ~~December~~ SEPTEMBER, ~~1998~~ 1999, before me, G. KEN SIVERTSON, personally appeared MARILYN A. QUADROS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

G. Ken Sivertson
Comm #1153230
NOTARY PUBLIC CALIFORNIA
MONTEREY COUNTY
Comm Exp. Sept 22. 2001

Notary Public
My commission expires: 9-22-01

Exhibit A (Legal Description) Attached
Exhibit B (Existing Improvements) Attached
~~Exhibit C (Prior Encumbrances) Attached~~

After recording, please return to:

Robert C. Taylor, Jr.
Attorney at Law
955 Blanco Circle, Suite B
Salinas, CA 93901

C:\QuadrosBrun\ConservationEasement.91799.wpd

Order No. : 208688-S

EXHIBIT "A"

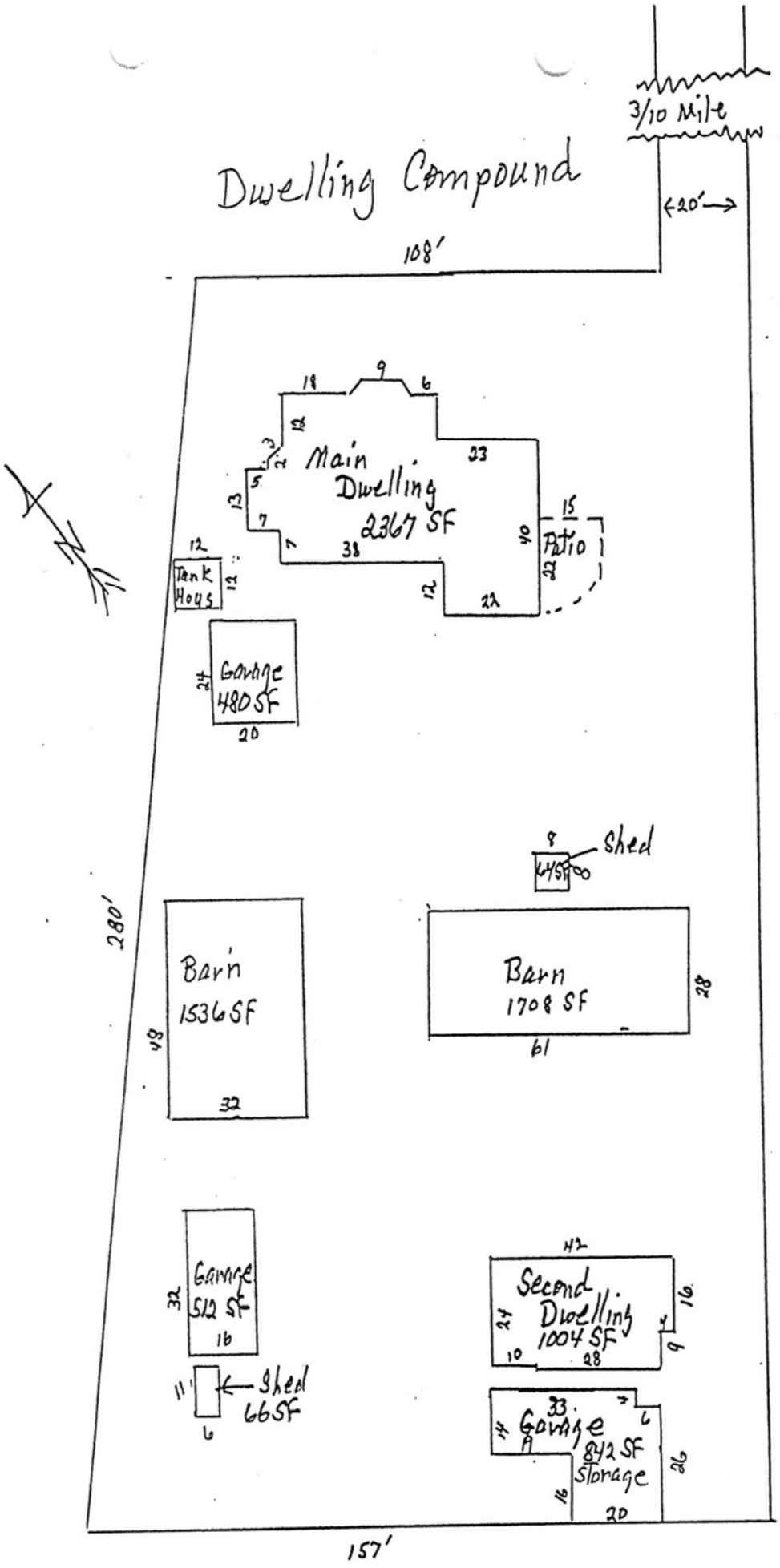
The land referred to is situated in the State of California, County of Monterey, in the unincorporated area, and is described as follows:

A part of Lot IV of the Spence Partition of the Easterly Half of the Rancho Llano de Buena Vista, which Lot IV is so designated on the partition map accompanying the final decree of partition made November 19, 1878, in the District Court of the 20th Judicial District of the State of California, in and for the County of Monterey, in the action for partition brought by Refugio M. Fatjo et al, plaintiffs, against Rodolfo B. Spence, defendant, and recorded in Volume B of Decrees of District Court at Page 47, in the office of the Recorder of Monterey County, described as follows, to wit:

Beginning at a 4" x 4" post marked IV, 120, A, standing in fence in Southwesterly line of the California State Highway, from which a 4" x 4" Post in fence at the intersection of the said line of State Highway with the Southeasterly line of said Lot IV bears S. 47° 51' E., 1301.8 feet distant; thence on a line parallel to the said Southeasterly line of Lot IV, (1) S. 22° 45' W, 4528.0 feet to a 4" x 4" post marked IV, 120, B, standing on top of bank of Salinas river; thence along top of said bank with the following three courses and distances (2) N. 77° 46' W., 295.3 feet to a 4" x 4" post marked D6, (3) N. 87° 10' W., 300.0 feet to a 4" x 4" post marked D7, and (4) S. 83° 38' W., 219.0 feet to a 4" x 4" post marked II, IV, D8, WP, standing in middle of a ditch on the line between said Lot IV and Lot II; thence along said lot line and middle of ditch with the following three courses and distances, (5) N. 23° 18' W., at 217.4 feet, a 4" x 4" post marked II, IV, 200, A, 422.0 feet to station; (6) N. 44° 18' W., 396.0 feet to station, and (7) N. 41° 03' W, 147.1 feet to a 4" x 4" post marked IV, 80, B; thence leave middle of ditch and along a line parallel to the Northwesterly line of said Lot IV, (8) N. 27° 15' E., 4712.9 feet to a 4" x 4' post marked IV, 80, A, standing in fence on said Southwesterly line of California State Highway; thence along said line of State Highway, (9) S. 47° 51' E., 1268.2 feet to the place of beginning.

EXCEPTING THEREFROM all that portion thereof conveyed by Celestino Sargenti and Josephina Sargenti, his wife, also known as Josephine Sargenti and Carlo Sargenti and Alice Sargenti, his wife, to State of California, by Deed dated July 29, 1929, and recorded September 13, 1929, in Volume 207 Official Records, Monterey County, Page 166.

APN: 177-132-007


3/10 Mile
Dwelling Compound
20'
108'
Main Dwelling 2367 SF
Patio
Tank House
Garage 480 SF
Shed 64 SF
280'
Barn 1536 SF
Barn 1708 SF
Garage 512 SF
Shed 66 SF
Second Dwelling 1004 SF
Garage 842 SF Storage
157'

(Single Form)
Effective 1/1/91

STATE OF CALIFORNIA
COUNTY OF MONTEREY } SS.

On SEPTEMBER 23, 1998 before me, the undersigned, a Notary Public in and for said State, personally appeared SALLIE M. BRUH

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Name G. KEN SIVERTSON
(typed or printed)

FTG-3197

G. Ken Sivertson
Comm #1153230
NOTARY PUBLIC CALIFORNIA
MONTEREY COUNTY
Comm Exp Sept 22 2001

(This area for official notarial seal)

(Single Form)
Effective 1/1/91

STATE OF CALIFORNIA
COUNTY OF MONTEREY } SS.

On SEPTEMBER 23, 1998 before me, the undersigned, a Notary Public in and for said State, personally appeared BRIAN RIANDA

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Name G. KEN SIVERTSON
(typed or printed)

FTG-3197

G. Ken Sivertson
Comm #1153230
NOTARY PUBLIC CALIFORNIA
MONTEREY COUNTY
Comm Exp. Sept 22 2001

(This area for official notarial seal)

END OF DOCUMENT

Responses to Letter #4, Ag Land Trust

1. The Bruin Conservation Easement and the Uni-Kool Buffer Easement and the locations there of have been overlooked in preparing the EDE. The draft EDE proposed expansions for urban annexations violate previously mandated mitigation actions and contractual commitments by the City of Salinas. It is requested that the Draft plan be revised and re-written to acknowledge Ag Land Trust conservation easements and associated mandatory duties the City has obligated itself to perform.

Response: The two easements noted in the comment are not directly addressed in the draft EIR, as they are not material to evaluating the proposed project's potential conflicts with agricultural conservation zoning. Draft EIR Figure 10 recognizes that Williamson Act contracts exist on land within Target Areas B and V and that a portion of Target Area B is within an agricultural conservation easement. These conflicts are identified as significant impacts in the draft EIR. Mitigation measures AG-2 and AG-3 provide options to avoid these conflicts.

Please also refer to the responses to comments #57 and #58 in Letter #6 from LandWatch.

2. Any staff proposal for annexation or urban expansion south of the previously approved Uni-Kool annexation is prohibited by the express language of the Uni-Kool Buffer Easement.

Response: The Uni-Kool Buffer Easement creates a buffer zone (a strip of land) area around the perimeter of the Uni-Kool project site (EOA "A" as shown in draft EIR Figures 4 and 5) to protect adjacent farmlands from the industrial operations proposed for the Uni-Kool site. As stated in the agreement, "The sole purpose of this buffer easement is to restrict the uses to which the Buffer Easement Property may be put so that the adjacent agricultural properties may be kept in agricultural use with as little conflict as possible with uses on adjacent annexing and developing property." This easement agreement does not prevent annexations of land located south of the Uni-Kool property.

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LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

132 W. Gabilan Street, #102
Salinas, CA 93901

P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838
Fax: 831-754-5831

www.monterey.lafco.ca.gov

October 24, 2017

Lisa Brinton, Senior Planner
Community Development Department
City of Salinas
65 West Alisal Street
Salinas, California 93901

RE: Draft Program Environmental Impact Report (EIR) for the Proposed City of Salinas Economic Development Element of the General Plan

Dear Ms. Brinton:

This is a follow-up to my October 18, 2017 letter to you commenting on the subject Draft Program EIR, and contains the official comments of the Local Agency Formation Commission of Monterey County (LAFCO). LAFCO is a CEQA Responsible Agency, with regulatory authority for future local government boundary and service applications in the proposed development areas outside the City's existing jurisdiction. It is in this role that the Commission is commenting on the Draft Program EIR for a Draft Economic Development Element (EDE) to be added to the City's General Plan.

On behalf of the Commission, I would like to first of all thank you for your participation at the October 23rd LAFCO meeting. Also at that meeting, the Commission authorized my initial comment letter with the inclusion of a letter from the Monterey County Regional Fire District (MCRFD) as an additional attachment. In the letter addressed to the LAFCO Executive Officer, the MCRFD expands upon LAFCO comments about the potential impacts of the proposed economic development proposals on special districts.

By commenting on the proposed economic development program at this early stage of the City's planning process, it is LAFCO's respectful intention that the City may anticipate and address the issues prior to future submittal of any growth applications to LAFCO. Our comments pertaining to the Draft EIR are also intended to be of assistance in preparing a revised and expanded CEQA document at this time.

Overview

The Draft Economic Development Element of the Salinas General Plan is an initial step toward significant City growth in the future. Consisting of over 14,700 acres, the proposed growth areas would significantly expand the City's boundaries in all directions. Nearly 50 percent of the future growth would take place outside the existing City limits and adopted Sphere of Influence. Another ten percent is outside of the existing City limits but inside the adopted Sphere of Influence. Most of the proposed growth would take place on prime farmland or farmland of statewide importance. To put this proposal in context, a current development capacity of more than 13,000 acres is already available to the City, per the adopted Salinas General Plan. The current development capacity includes more than 3,500 acres added to the City's Sphere of Influence in 2008, and more than 2,600 acres annexed to the City in 2008 and 2010 – almost all of which is still unbuilt to date. In summary, the proposed Economic Development Element would add significantly to the City's current development capacity. 1

The proposed economic development expansion areas raise substantial concerns relating to conformance with LAFCO's legislative purposes (which include discouraging urban sprawl, preserving prime agricultural lands, encouraging the orderly growth and development of local agencies, and ensuring the efficient delivery of municipal services). The proposal also raises issues of inconsistency with various LAFCO-related State mandates and locally adopted policies for Sphere of Influence amendments and annexations. One concern is the justification for major outward expansion when substantial development capacity is already available per City documents. The Draft Economic Development Element also appears to be inconsistent with several existing Salinas General Plan policies including those related to infill development, agricultural land preservation, etc. In addition, the proposal is inconsistent with key provisions of the adopted Greater Salinas Area Memorandum of Understanding between the City of Salinas and the County of Monterey.

LAFCO's concerns pertain not only to the proposed development reserve areas for which there is no development timeframe, but also to five of the identified six target areas proposed for development in the foreseeable future. The target areas represent the proposed first phase of economic development. Five of the proposed target areas, encompassing 443 acres, are currently in unincorporated County territory and outside the City's existing Sphere of Influence. All five are located on prime farmland or farmland of statewide importance. For example, Target Area N, south of Blanco Road, is on farmland that is among the most distinguished in the nation. Target Area B includes farmlands already in conservation easements and with a Williamson Act contract. While their acreage is a relatively small part of the 14,700+ acre proposed development reserve areas, all five target areas contribute to the high economic value of the local agricultural industry. As such, their development would also be inconsistent with LAFCO's state mandates, LAFCO's adopted local policies, various policies of the existing City General Plan, and with the adopted City/County Memorandum of Understanding. 2

The Draft Environmental Impact Report for the proposed EDE contains very limited LAFCO conformance-related information. It defers the identification and analysis of most LAFCO policies and mandates to the future. In its present draft form, the EIR contains inadequate information for use by LAFCO in our role as a Responsible Agency under CEQA. While LAFCO recognizes the inherently general nature of a program-level EIR, the City is nonetheless encouraged to revise the Draft EIR to address how the EDE does or does not conform to the full range of LAFCO's adopted policies and related State laws, to the extent such analysis is possible based on information currently available about potential long-term future development of currently unincorporated lands. The City should also anticipate that significant additional, more detailed, CEQA review will be necessary to support any future project-specific applications for LAFCO approval of actions related to the EDE.

LAFCO Authority

LAFCO's statutory authority to regulate local government boundaries and services is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.). Among the purposes of the Local Agency Formation Commission are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation, growth and development of local agencies based upon local conditions and circumstances (Government Code Section 56301).

The Cortese-Knox-Hertzberg Act further provides that "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities, the [LAFCO] commission shall develop and determine the Sphere of Influence of each city and special district within the county and enact policies designed to promote the logical and orderly development of areas within the sphere" (Government Code Section 56425a). The Draft EDE provides a basis for future city decisions including local land use designations, transportation planning and funding, expansion of municipal service provisions and other public service infrastructure that are necessary to meet the anticipated long-term employment needs and support overall future development. Many of these city decisions will involve action by LAFCO.

Under the California Environmental Quality Act (CEQA), LAFCO is a Responsible Agency for this proposal, and will have regulatory authority for future applications involving sphere amendments and annexations. It is in this role that LAFCO is commenting on the EIR.

Comments on Project Description

It is our understanding that the Draft EDE considered by the City of Salinas covers almost 15,000 acres (approximately 23 square miles). Over half of these lands are outside current city limits (8,652 acres; 13.5 square miles). Approximately 7,000 acres of unincorporated territory, representing 49% of the City's entire future development area, is outside the City's existing Sphere of Influence, as designated by the Local Agency Formation Commission of Monterey County (LAFCO). **Attachment A** provides a more detailed overview of the entire future development areas identified in the Draft EDE. Development of currently unincorporated areas would be subject to LAFCO's approval of future Sphere amendments and annexation proposals at a future date. 3

The following table summarizes the location of the future development areas identified in the Draft EDE.

Table A: Location of EDE's Proposed Future Development Areas

Future Development Areas	Acreage	%
Within Existing City Limits	6,075.44	41.3%
Within Adopted City Sphere of Influence (SOI)	1,505.74	10.2%
Outside Existing City Limits & Adopted SOI	7,146.82	48.5%
Total Acreage	**14,728.00**	**100%**

It is also our understanding that the City's initial phase of the EDE's future development involves six non-contiguous "Target Areas." Five of the six target areas, encompassing 443 acres, are currently unincorporated County territory and outside the City's existing Sphere of Influence. These target areas were derived from the Draft EDE's Economic Opportunity Areas (EOAs): lands identified by the City as potential future economic development within areas located adjacent to, but outside its existing sphere which total approximately 15,000 acres. **Map 1** depicting the EOAs and target areas in relation to the City's sphere is attached to this letter for further illustration. While the Draft EDE only focuses on development within the target areas at this time, the remainder of each EOA outside the City's existing sphere, which are defined as "Economic Development Reserve Areas," suggests a potential long-term intent to annex territory for the City to ultimately respond to long-term land demand requirements.

As discussed below, please expand the project description and analysis of impacts, to include all anticipated Sphere of Influence amendments, annexations, and detachments related to the Draft EDE, including long-term, Economic Opportunity Area-related actions beyond the time horizon of the initial six Target Areas.

Infill Development Capacity

The Draft EIR on page 2-5 states that only 31% of land (approximately 4,200 acres) within the city limits and sphere boundary is developed with residential uses including single-family homes, condominiums, apartments, senior housing, and mobile homes. The current City General Plan on page LU-37 further indicates that over 13,000 acres are available for development capacity: 555 acres for Focused Growth Areas, 3,525 acres for Future Growth Areas, and 9,248 in the Remaining City limits. LAFCO actions, following the review of the existing and planned capacity of City of Salinas, have contributed to the City's planned development by approving a 3,347-acre "Future Growth Area" expansion of the Salinas Sphere of Influence and an annexation of 2,388 acres to the City in 2008 and approval of another 246-acre annexation to the City's sphere and jurisdictional boundary in 2010. These annexed areas contain a wide variety of urban land uses but remain currently undeveloped as shown in **Map 2**. These undeveloped areas within the City's existing limits and sphere boundary should be used to address the City's future development needs before consideration of additional unincorporated territory, most of which is prime farmland. 4

The Draft EIR should further analyze a preferred city infill development scenario that relies on the existing General Plan direction and adopted Spheres of Influence. Based on the Draft EDE, the City currently has over 7,580 acres of land for potential economic development within its existing city limits and Sphere of Influence (refer to Table A on page 2 of this letter). As previously mentioned, State Law directs LAFCOs to foster a balance between compact growth with efficient service provisions by discouraging urban sprawl and preserving prime agricultural lands. Furthermore, LAFCO is tasked to encourage the conversion of agricultural lands within the jurisdiction or Sphere of Influence of the City of Salinas before approving any future proposal that would lead to such conversion outside the existing city limits or sphere boundary [LAFCO Policies and Procedures, section E.I and Government Code Section 56337(b); 56668(d)] 5

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, 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 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.

Consistency with 2006 Greater Salinas Area Memorandum of Understanding (MOU)

For over 30 years, the City and County have worked collaboratively to preserve the best agricultural land located to the south and west of Salinas, and to provide certain areas for future urban growth. This future growth is to be predominantly in a northeasterly direction, between San Juan Grade Road to the northwest

and Williams Road to the southeast. The City initially entered into the Boronda Memorandum of Understanding (MOU) with the County in 1986. The joint effort continued with the City and County replacing the Boronda Area MOU with the Greater Salinas Area MOU in 2006 establishing a broad policy framework to govern and facilitate land use decisions and assure orderly development in their respective jurisdictions. The primary objective of the latest MOU has been and continues to be threefold: (1) preservation of certain agricultural lands, (2) provision of future growth areas, and (3) establishment of adequate financing for the services and facilities of benefit to the residents of the Greater Salinas Area Plan area and the City. **Map 3** illustrates the direction of future growth agreed upon by the City and County as outlined in the MOU.

Pursuant to CEQA Guidelines, the Draft EIR addressed a "range of reasonable alternatives to the project" including two alternatives involving the adopted MOU between the City of Salinas and the County of Monterey. Alternative 2 (GSA MOU Amendment) removes Target Area N (refer to Map 1) located outside of the City's sphere from the proposed project in light of the County's concern that its development would result in loss of high value agricultural land to the south of the City. Conservation of prime agricultural land south and west of the City is a topic that is addressed in the existing MOU. Alternative 3 (GSA MOU Consistency) includes further modifications to the proposed project that maximize its consistency with the MOU. This alternative would eliminate four of the five Target Areas located outside the City's SOI. These two alternatives, if considered, would reduce many LAFCO concerns outlined in this letter.

The Draft EDE, in its current form, will require revisions to the adopted MOU. Because such revisions would involve the potential for future sphere amendments and annexation proposals, and would directly pertain to LAFCO's legislative purposes, LAFCO should be consulted during the City/County negotiations process and in the course of any future modifications to the adopted MOU. 6

Consistency with the 2002 General Plan

As described in CEQA Guidelines section 15125(d), an EIR must discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. The Draft EIR on page 2-52 indicates that the Draft EDE contains only one inconsistency with the existing General Plan: Land Use Element Policy LU-2.1 which states "Minimize disruption of agriculture by maintaining a compact city form and directing urban expansion to the North and East, away from the most productive agricultural land." As shown in **Map 4**, proposed EOAs B, F, L1/L2, M, and N as well as Target Areas B, F, L2, and N are located to the south and west of the City and are located on productive farmland. The Draft EDE proposes to modify Policy LU-2.1 as follows: 7

> Policy LU-2.1: Minimize disruption of agriculture by maintaining a compact city form and directing urban expansion generally to the North and East, away from the most productive agricultural land. except for employment generating development within Target Areas identified in the EDE. The EDE Target Areas represent new Future Growth Areas.

LAFCO has concerns with this section. The City has a long history of preserving prime agricultural lands and directing development away from such areas located south and west of city limits. The existing City General Plan states "The history of Salinas, and the region as a whole, is based on the importance of agriculture....Approximately 16 percent of Salinas jobs are agriculturally-related (i.e. agricultural activities ranging from food processing and distribution to a variety of agricultural support services)...While agriculture is important to the economy of Salinas, agriculture also depends on Salinas for support." The existing General Plan recognizes the importance of agriculture to the City and clearly states that it will "continue to preserve agricultural lands to the extent possible." Page LU-46 of the General Plan also states that "The Future Growth Area has been designed to direct future growth away from the most productive agricultural areas in the south and west of the City. In addition, growth within the Future Growth Area is designed to provide compact development, minimizing the amount of agricultural land that will be needed to meet future growth within the community. Additional growth in the Focused Growth Areas within the urbanized city limits will also help reduce the pressure to convert agricultural lands."

One of the overall themes throughout the City General Plan focuses on not negatively affecting the viability of the most productive agricultural lands and minimizing conflicts on agricultural productivity. Therefore, LAFCO disagrees that the Draft EDE only has one inconsistency within the General Plan. The Draft EIR should reexamine the inconsistencies, not only Policy LU-2.1, but other General Plan policies including but not limited to the Community Design Element, Land Use Element, Housing Element, and the Conservation/Open Space Plan. 7Cont.

Comments on Proposed EDE Policies

The Draft EIR on page 3-32 indicates that the implementation of certain policies and actions may serve as mitigation for significant impacts including:

> **Action LU-1.7.1:** Work with LAFCO, the County of Monterey, the Monterey County Agricultural Land Trust and other affected agencies and stakeholders to expand the City's Sphere of Influence and Urban Service Area, as well as annex land areas to the City, for Economic Opportunity Areas B, F, K, L, and N. 8
>
> **Action LU-1.7.3:** Work with Monterey County to revise the Greater Salinas Area Memorandum of Understanding and other related agreements such as tax transfer agreements, to address development on Economic Opportunity Areas located outside the City's Sphere of Influence as identified in the Economic Opportunity Areas map.
>
> **Action LU-1.7.4:** Through a local Agricultural Land Preservation Program, require agricultural conservation easements, where feasible, to protect the most productive agricultural lands such as but not limited to those adjacent to Economic Opportunity Areas B, F and N.
>
> **Action LU-1.12.2:** Work with the County of Monterey to update the Greater Salinas Area Memorandum of Understanding in order to implement the direction of Policy ED-LU-1.12.

LAFCO disagrees that these action items would mitigate significant impacts to prime farmland and other agricultural lands within the EOAs and Target Areas. As shown in **Map 4**, all five target areas include prime farmland and farmland of statewide importance. Specifically, Target Areas B, F, and N have historically been identified as notable prime farmland. As stated throughout this letter, the Draft EDE in its current form is inconsistent with the Cortese-Knox-Hertzberg Act, LAFCO's adopted policies, the existing City General Plan and the adopted City/County MOU. Such inconsistencies and negative impacts to agricultural lands should be addressed through conservation plans, joint efforts with the County and city infill development strategies.

Comments on Coordination of City and LAFCO Processes

Formal submittal, by the City, of applications to LAFCO for consideration of City sphere amendment and annexation actions is anticipated to occur after the City of Salinas completes its environmental review, planning, and prezoning actions. However, the City is encouraged to begin preliminary coordination steps while the Draft EIR is under preparation.

The Draft EDE's identifies annexation of other areas for development in addition to the five target areas in the foreseeable future. Action Item LU-1.7.1 discusses working with LAFCO to annex EOAs D, G, H (portion of) and M which are currently within the City's sphere boundary (refer to **Map 5**). These additional annexation areas encompass the majority of territory currently within the City's sphere. The Draft EDE does not analyze or consider the annexation of two other areas within the City's existing sphere: the Bolsa Knolls neighborhood and the Settrini property. Both areas are located north of the existing city limits. **Map 5** shows the proposed annexation areas including the two additional communities. Please note that a more detailed review of the Settrini property within the Proposed Salinas Central Area Specific Plan will be discussed during the October 23rd Commission Hearing (Agenda Item 8b). LAFCO requests that the Draft EDE include an explanation of why these areas within the City's already-designated sphere do not appear to be planned for annexation in the foreseeable future, while other significant expansions of the City's sphere are being planned. 9

Whether the target areas and/or the additional annexation areas are considered as part of the Draft EDE, a highly recommended early step is a pre-application meeting between City and LAFCO staff to review issues, processes and application requirements. Items to be discussed would include policy issues; the required City-County Consultation prior to submitting any Sphere of Influence applications to LAFCO (Government Code section 56425); any plans for the phasing of annexations; information on the ability of local agencies to provide needed public services; proposed public services and public facilities financing plans; coordination with special districts; the required City-County Tax Transfer Agreement; EIR status; application processing costs for staff, counsel and other LAFCO expenses; City-LAFCO schedules; coordination with LAFCO Municipal Service Reviews as may be required; indemnification agreements, etc. 10

Potential Impacts on Affected Special Districts

LAFCO's future consideration of the City's proposed sphere amendment and annexation applications will necessarily include consideration of related actions for special districts. The Draft EIR does not discuss or analyze the negative impact to affected special districts regarding the proposed annexations and subsequent detachments. If a sphere amendment and annexation application is considered, these proposals will also require detachments from various special districts including but not limited to: 11

- County Service Area #9 (Oak Park)
- County Service Area #41 (Gabilan Acres/Boronda)
- Monterey County Regional Fire District
- Resource Conservation District of Monterey County

The Monterey County Regional Fire District (MCRFD) has also prepared a response to the Draft EIR (refer to **Attachment B**). The District identifies several issues pertaining to the adverse effects of any future annexations resulting in subsequent detachments from the MCRFD. These issues include potential loss or cumulative loss of property tax revenue and significant effects on anticipated service demand. The MCRFD letter also highlights upcoming deadlines regarding the "Master Tax Transfer upon Annexation" agreement between the City of Salinas and the County. This agreement remains in effect until January 1, 2023, however, the agreement requires that both parties meet and confer on possible continuation or amendments of its terms no later than January 1, 2018. The District requests to participate during negotiation of any tax transfer agreements.

This example further illustrates the need for the Draft EIR to adequately analyze such impacts to affected agencies. Therefore, the analysis and any proposed action should be reflected within the project description. If the Draft EIR does not adequately analyze impacts related to future LAFCO approvals, it may be necessary for LAFCO to require supplemental environmental analysis from the City at the time of future LAFCO applications.

Comments on Potential Environmental Effects

As authorized by the Cortese-Knox-Hertzberg Act, LAFCO of Monterey County has adopted local "Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization." In considering applications for local government boundaries or services, LAFCO considers both the State law and the adopted local policies and procedures. The State law and local policies are available on the LAFCO website at http://www.monterey.lafco.ca.gov/.

The Cortese-Knox-Hertzberg Act and LAFCO's Policies and Procedures are relevant to the Draft EIR. The proposed EDE will result in outcomes or recommendations whose implementation would require LAFCO consideration or approvals (such as annexations or sphere amendments) in the future.

As discussed in the Project Description comments above, the Draft EIR should analyze a preferred city infill development scenario that relies on the adopted Sphere of Influence. In addition, the EIR should evaluate the proposed project, as well as project alternatives in the Draft EIR, for consistency with all relevant sections of 12 13

the Cortese-Knox-Hertzberg Act and LAFCO Policies and Procedures, to the extent such analysis is possible based on information currently available about potential long-term future development of currently unincorporated sites. Listed below are some of the local LAFCO policies that should be addressed in this consistency analysis: **13 Cont.**

1. "LAFCO intends that its Sphere of Influence determinations will serve as a master plan for the future organization of local governments within the County. The spheres shall be used to discourage urban sprawl; limit proliferation of local governmental agencies; encourage efficiency, economy and orderly changes in local government; promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture." [LAFCO Policies and Procedures, section C.II.1]

   All cities, independent special districts and dependent special districts in Monterey County have an adopted Spheres of Influence. The spheres are often tied to the capability to provide public services. Generally, LAFCO requires territory to be included within a Sphere of Influence if that area will need urban services within the next 15 to 20 years. The Draft EIR considers the annexation of five target areas which have been outside the city's sphere since the initial adoption of a sphere boundary by the Commission in 1981.

   The City's long-range planning processes and the current Draft EIR should analyze not only the potential environmental effects of future urban development within the Target Areas, but also within the Economic Development Reserve Areas. If the Draft EDE encourages future urban development outside of the City's adopted Spheres of Influence, the resulting "ripple effect" of such development would adversely impact the existing prime agricultural lands.

2. "LAFCO discourages proposals which will facilitate development that is not in the public interest due to topography, isolation from existing developments, premature intrusion of urban-type developments into a predominantly agricultural area, or other pertinent economic or social reason." [LAFCO Policies and Procedures, section D.VII.6]

   State law grants LAFCO the authority to consider and provide for the preservation of open space and agricultural lands. These types of lands are rated by soil quality and irrigation status by the California Department of Conservation (DOC). The DOC defines Prime Farmland as "irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops." Based on the DOC's Farmland Mapping and Monitoring Program, the majority of the EOAs and Target Areas are designated as Prime Farmland[1]. **Map 4** illustrates the prime farmland surrounding the City's jurisdictional and existing Sphere of Influence. As shown in Map 4, the City of Salinas is surrounded by rich soil, with the lands to the south and west of the City being the most productive. Subsequently, the City has in place an adopted Agricultural Land Preservation Program which contains measures to preserve agricultural lands to the south and west. This conservation approach is aligned with the existing Greater Salinas Area Memorandum of Understanding.

3. "LAFCO, in furtherance of its objectives of preserving prime agricultural land, containing urban sprawl, and in providing a reasonable assurance of a city/district's ability to provide services shall consider the appropriateness of phasing annexation proposals which include territory that is not within a city/district's urban service area and has an expected build-out over a period longer than five to seven years." [LAFCO Policies and Procedures, section D.VIII.1]

[1] Data retrieved from the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California's agricultural resources.

4. "It is the policy of LAFCO to encourage and to seek to provide for planned, well-ordered, efficient urban development patterns while at the same time remaining cognizant of the need to give appropriate consideration to the preservation of open space and agricultural land within such patterns." [LAFCO Policies and Procedures, section D.IX.1]

5. "For annexations and Sphere of Influence applications, LAFCO shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns." [LAFCO Policies and Procedures, section D.XIII.1]

   A proposal may be denied if it fails to demonstrate to the satisfaction of LAFCO that it guides 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 and/or development of existing vacant or nonprime agricultural lands for urban uses within a local agency's existing jurisdiction or Sphere of Influence will occur prior to the development of existing open-space lands for non-open space uses which are outside of a local agency's existing jurisdiction or Sphere of Influence.

6. Regarding potential impacts to agricultural lands:
   a. "A Proposal must discuss how it balances the State interest in the preservation of open space and prime agricultural land against the need for orderly development." [LAFCO Policies and Procedures, section E.II.1]

   b. "A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands." [LAFCO Policies and Procedures, section E.II.2]

   c. "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." [LAFCO Policies and Procedures, section E.II.3]

   The Draft EDE does include an action item (Action LU-1.7.4) requiring agricultural conservation easements, where feasible, to protect the most productive agricultural lands adjacent to EOAs outside the city's limits and sphere boundary. However, the action item does not address the conversion of prime agricultural land within the EOAs or Target Areas. Pursuant to state mandates, LAFCO must consider guiding such conversion away from prime agricultural land towards non-prime lands.

   Additionally, the following mitigation measures proposed in the Draft EIR should not be exclusive to the Target Areas but also the entire Future Development Areas:

   - Mitigation Measure (AG-1): mitigation shall include payment of an agricultural land conservation in-lieu fee in effect at the time individual projects are proposed within the Target Areas or dedication of a permanent conservation easement to a qualified third party farmland conservation entity on off-site agricultural land of equal or better quality at a ratio of 1:1.

   - Mitigation Measure (AG-2): To avoid conflict, one of the following mitigation options will be implemented by the City:

     1. Development defined as incompatible with a Williamson Act contract pursuant to Government Code Section 51201(e) will be prohibited within the portions of Target

Areas B and V that are under Williamson Act contract until the applicable Williamson Act contracts are terminated through cancellation or non-renewal; or

2. The boundaries of Target Areas B and V will be modified to exclude the acreage within a Williamson Act contract.; or

3. The portions of Target Areas B and V located on land within a Williamson Act contract will be removed from the Target Area. The equivalent acreage of land to be removed may be relocated to a different Target Area. A general plan amendment and additional CEQA compliance may be required for such a change.

- Mitigation Measure (AG-3): To avoid potential conflicts with a permanent agricultural conservation easement resulting from future development within Target Area B, one of the following mitigation options will be implemented by the City:

1. Development will be prohibited within parcels under permanent agricultural conservation easement; or

2. Coordinate with the Ag Land Trust to exchange the existing agricultural conservation easement with which development of Target Area B could be in conflict with one or more new conservation easements placed on agricultural land in an alternative location such that conflicts are eliminated.

7. Regarding jobs and housing:
   a. "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." [LAFCO Policies and Procedures, section F.II]

The existing General Plan on page H-24 states that "The City will continue to work with the Monterey County Local Agency Formation Commission, Association of Monterey Bay Area Governments, and regional service providers to ensure that sufficient land for residential development is available, agricultural land is preserved, and appropriate infrastructure and services are available to meet the City's future housing needs." As previously mentioned, the Draft EDE is inconsistent with several General Plan Elements including the Housing Element.

   b. "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)." [LAFCO Policies and Procedures, section F.II]

LAFCO requests that the Draft EIR address how the EDE does or does not conform to the full range of LAFCO's adopted policies and related State laws, as discussed above, to the extent such analysis is possible based on information currently available about potential long-term future development of currently unincorporated sites. 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 future Sphere amendments or annexation proposals for areas within the EDE are submitted to LAFCO. **14**

We appreciate this opportunity to provide comments on the Draft EIR. Please continue to keep us informed throughout your process. I would be happy to meet with you and your consultants for more detailed discussions.

Sincerely,

Kate McKenna, AICP
Executive Officer

Attachments:
A) City of Salinas Proposed Economic Development Reserve Areas
B) Monterey County Regional Fire District Comment letter dated October 23, 2017

Maps:
1) Draft EDE's Proposed Future Development Areas
2) 2008 and 2010 Annexation and Sphere Expansion Areas
3) Direction of Future Growth Agreed Upon by the City and County per MOU
4) Prime Farmland Within Proposed Growth Areas
5) Proposed Annexation Areas Within City's Sphere of Influence

Attachment A
City of Salinas – Draft Economic Development Element
Overview of Proposed Future Development Areas

Proposed Future Development Areas Within Existing City Limits	Acres	Proposed Land Use	Includes Prime Farmland
A: Uni-Kool	259.35	Industrial	Yes
C: Airport Industrial Park	86.16	Industrial	No
E: Airport East/Hartnell	175.98	Business Park	Yes
H: East Future Growth Area*	838.60	Not Disclosed in DEIR	Yes
I: West/Central Future Growth Area	1,541.43	Not Disclosed in DEIR	Yes
O: Valley Center Corridor	145.49	Not Disclosed in DEIR	No
P: Vibrancy Plan Area	223.67	Not Disclosed in DEIR	No
Q: TOD Rail Infill	74.55	Not Disclosed in DEIR	No
R: Chinatown	29.17	Not Disclosed in DEIR	No
S: North Main Street	292.80	Not Disclosed in DEIR	No
T: Alisal Market Place	132.26	Not Disclosed in DEIR	No
U: East Alisal/East Market	309.82	Not Disclosed in DEIR	No
V: Carr Lake	989.89	Park, Retail	Yes
W: West Market	153.72	Not Disclosed in DEIR	Yes
X: Abbott	204.32	Not Disclosed in DEIR	No
Y: Lower Abbott	618.23	Not Disclosed in DEIR	No
Total Acreage	**6,075.44**	**41.3% of the entire future development areas**	
Proposed Future Development Areas Within Existing City SOI	**Acres**	**Proposed Land Use**	**Includes Prime Farmland**
D: Airport West	343.04	Industrial	Yes
G: Alisal/Airport East	395.63	Industrial	Yes
H: East Future Growth Area*	559.07	Not Disclosed in DEIR	Yes
M: Boronda South	208.00	Not Disclosed in DEIR	Yes
Total Acreage	**1,505.74**	**10.2% of the entire future development areas**	
Proposed Future Development Areas Outside Existing City Limits & SOI	**Acres**	**Proposed Land Use**	**Includes Prime Farmland**
B: Abbott Industrial Park	167.65	Industrial, Retail	Yes
F: Eastern Expressway	2,530.04	Retail	Yes
J: North Future Growth Area	2,155.76	Future Study Area	Yes
K: North Entrance	1,190.48	Business Park, Residential	Yes
L1: Westside Expressway	431.05	Retail	Yes
L2: Westside Expressway	378.61	Retail	Yes
N: Highway 68 Gateway	293.23	Business Park, Retail	Yes
Total Acreage	**7,146.82**	**48.5% of the entire future development areas**	
Total Acreage for Entire Proposed Future Development Areas	**14,728.00**		

**The western portion of EOA H is within the city limits, while the eastern portion is outside the city limits, but within the SOI*

Attachment B

MONTEREY COUNTY REGIONAL FIRE DISTRICT

19900 Portola Drive Salinas, California 93908 (831) 455-1828 FAX (831) 455-0646 www.mcrfd.org

October 23, 2017

Ms. Kate McKenna, Executive Officer
LAFCO of Monterey County
P O Box 1369, Salinas, CA 93902

Re: Draft Program Environmental Impact Report (EIR) for the Proposed City of Salinas Economic Development Element of the General Plan.

Dear Ms. McKenna:

The Monterey County Regional Fire District (MCRFD) has reviewed the Draft Program Environmental Impact Report (EIR) for the Proposed City of Salinas Economic Development Element of the General Plan for the City of Salinas and respectfully offers the following:

LAFCO Monterey County has prepared a letter in response to the City of Salinas Draft EIR. This includes some well-reasoned comments pertaining to the adverse effects the proposed annexations and subsequent detachments from the MCRFD could have pointing to the fact that the Draft EIR does not adequately analyze these effects.

Our main concern is that detachments from the MCRFD inevitably result in the loss of property tax dollars. As part of its review of any proposed annexations by the City of Salinas, or any neighboring jurisdiction, MCRFD requests LAFCO determine the loss or cumulative loss of property tax revenue and its effect on the level of service provided by our District. We also request a "seat at the table" during the negotiation of any tax transfer agreements between Monterey County and the annexing jurisdiction.

In addition, LAFCO and the City of Salinas will need to evaluate the impact to the District in terms of increased service demands caused by regional area growth into our District as inevitably the acquiring entity will call upon our District for assistance with their newly-assimilated area of responsibility.

The District continues to forecast fiscal constraints with regard to annexations and detachments through issues such as: In the late 1970's and early 1980's areas were annexed into the District (Chualar Rural Fire) with no portion of the property tax base provided to the District. Currently with annexations the County will only allow a portion of growth to be shared with the District but none of the base.

It is in the interest of our constituents to ensure that the MCRFD does not continue to lose tax revenue through detachments at full value while receiving land through annexations with only growth applied and none of the existing tax base. This will continue to degrade the financial stability of the District with an inevitably deleterious effect on our ability to provide the very best fire protection to unincorporated areas of Monterey County.

We would also call to your attention Section 7 of the "Master Tax Transfer upon Annexation" agreement between the City of Salinas and Monterey County (Salinas City Council Resolution #19423, approved April 8, 2008/Monterey County Board of Supervisors Resolution #80-249, passed April 9, 2008). This agreement remains in effect until January 1, 2023. Please note the agreement requires that both entities meet and confer on possible continuation or amendment of its terms **no later than January 1, 2018**, and provide notice of such meetings to the MCRFD. Excerpt below:

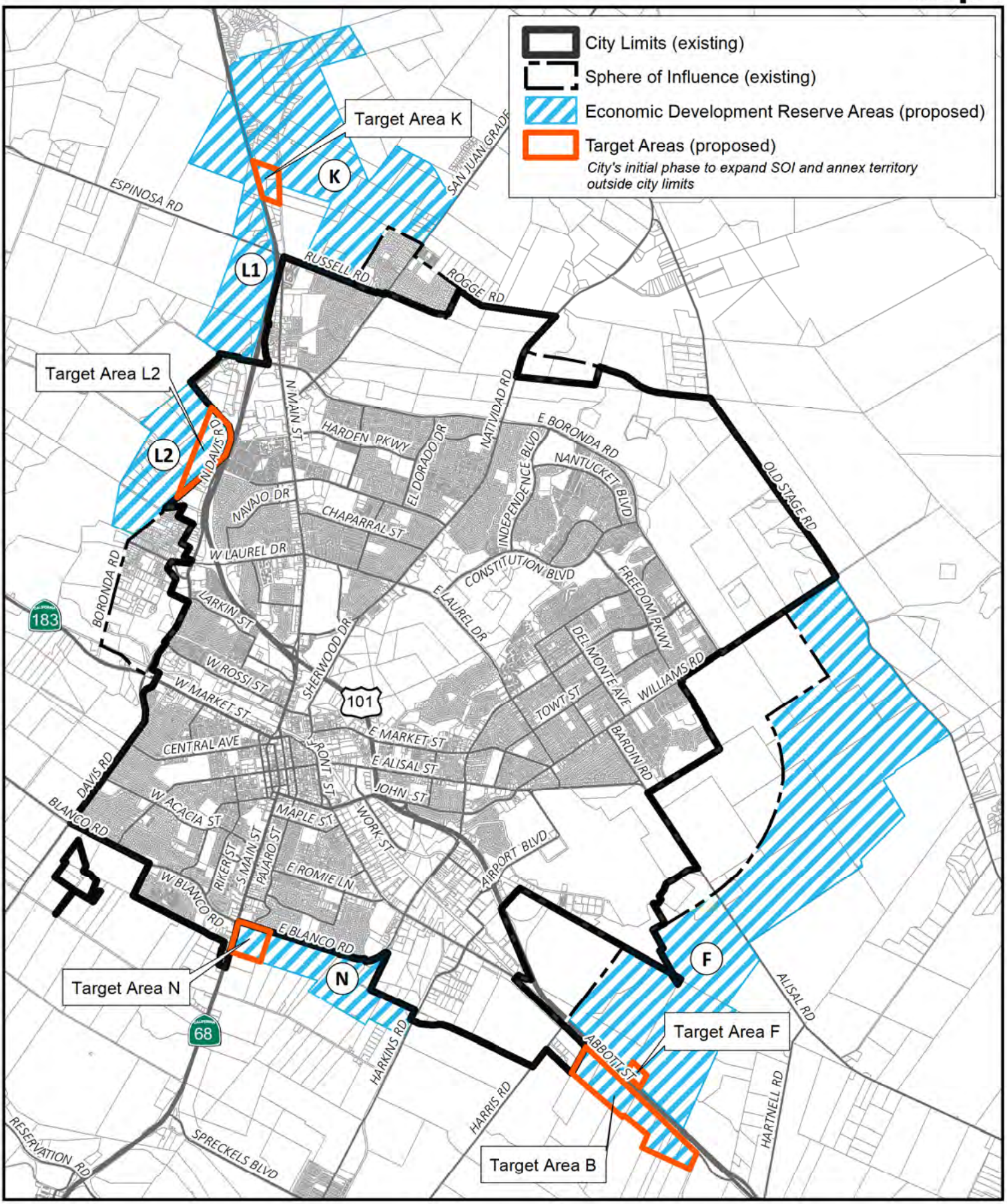
> *"No later than Jan 1, 2018, the (Salinas) City and (Monterey) County shall meet and confer on the possible continuation or amendment of the terms of this agreement. Notice of such meeting(s) shall be provided to the (MCRFD) District."*

We appreciate the opportunity to provide comment on the Draft Program EIR for the Proposed City of Salinas Economic Development Element of the General Plan, and look forward to working with LAFCO to ensure fair and equitable tax revenue sharing as well as other annexation-related issues.

Sincerely,

Warren "Pete" Poitras, Board President
Monterey County Regional Fire District

Map 1



LAFCO *of Monterey County*
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132 W. Gabilan St., Suite 102
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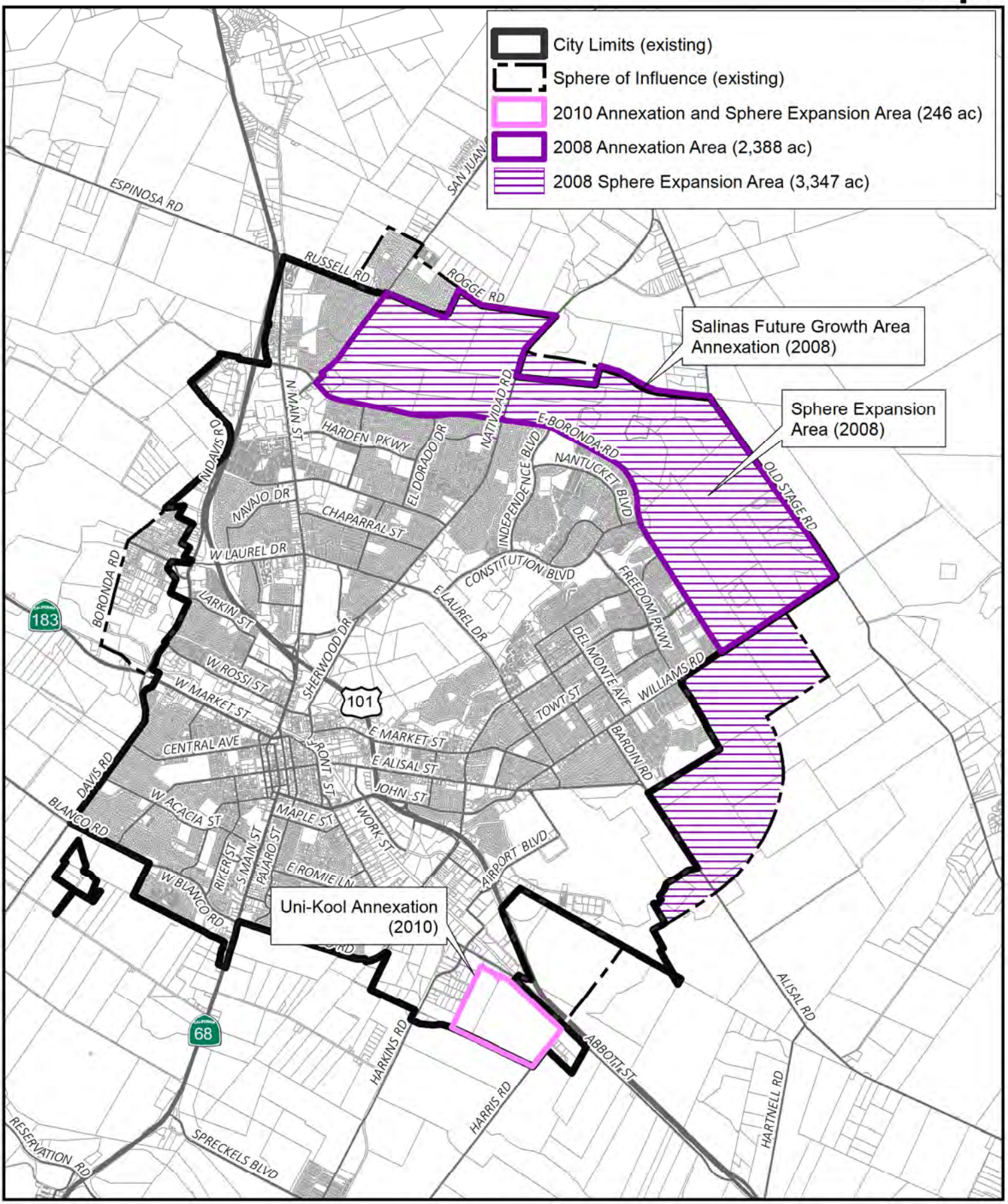
CITY OF SALINAS

Proposed Growth Areas Outside
Existing City Limits and Sphere of Influence

Map Prepared: 10/13/2017

Map 2



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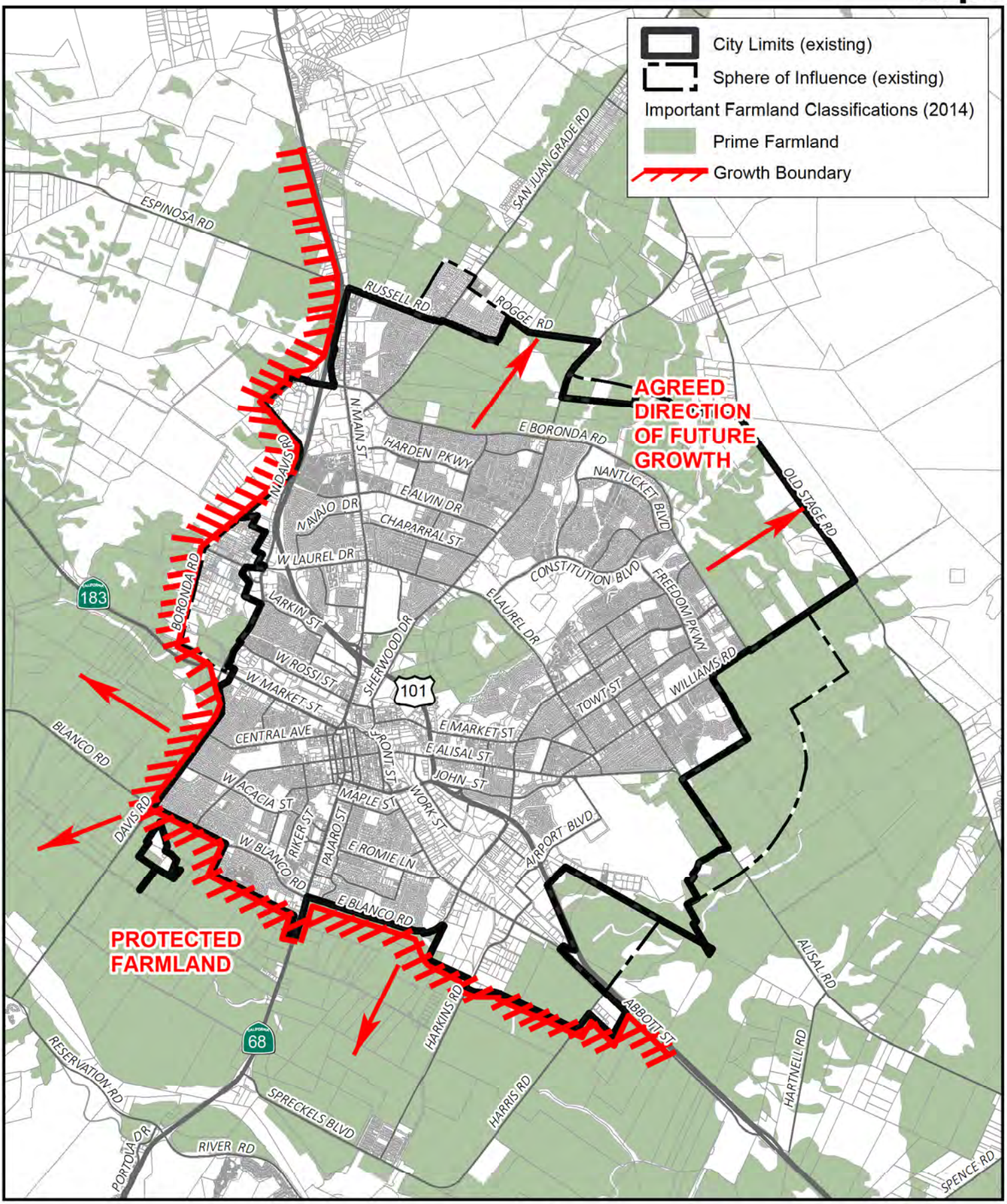
CITY OF SALINAS

2008 & 2010 Annexation and Sphere Expansion Areas

Map Prepared: 10/13/2017

Map 3



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CITY OF SALINAS

Greater Salinas Area
Memorandum of Understanding
Adopted by the City and County (2006)

Map Prepared: 10/13/2017

Responses to Letter #5, County of Monterey Local Agency Formation Commission

1. The draft Economic Development Element of the Salinas General Plan is an initial step toward significant City growth in the future. Consisting of over 14,700 acres, the proposed growth areas would significantly expand the City's boundaries in all directions. Nearly 50 percent of the future growth would take place outside the existing City limits and adopted Sphere of Influence. Another ten percent is outside of the existing City limits but inside the adopted Sphere of Influence. Most of the proposed growth would take place on prime farmland or farmland of statewide importance. To put this proposal in context, a current development capacity of more than 13,000 acres is already available to the City, per the adopted Salinas General Plan. The current development capacity includes more than 3,500 acres added to the City's Sphere of Influence in 2008, and more than 2,600 acres annexed to the City in 2008 and 2010 – almost all of which is still unbuilt to date. In summary, the proposed Economic Development Element would add significantly to the City's current development capacity.

Response: The comment reflects a misunderstanding of the project description. The proposed project is a set of general plan amendments that would designate 558 acres of land for new job generating development, 443 acres of which are outside the existing SOI. The "proposed growth areas" are limited to 558 acres, not 14,700 acres.

The Economic Opportunity Areas (EOAs) identified in the Figure 3 of the draft EIR were identified by stakeholders who participated in development of the EDE over the course of numerous community meetings and through an unprecedented community outreach program conducted by the City. This process is described starting on page 2-25 of the draft EIR. The EOA concept was originated by community stakeholders to identify general areas for which economic development policy direction should be provided to catalyze and focus existing, on-going City economic development efforts, and to build on those efforts with new policy direction and initiatives. New land development for the purpose of employment generation was identified as a key economic development priority for the community.

The "over 14,700 acres" referenced in the comment appears to be derived from Table 2 of the draft EIR. That table identifies total acreage within the EOAs. It does not imply that new growth is possible within all 14,700 acres or is contemplated in the draft EIR project description as a destination for new development not already planned in the General Plan. Land use and development direction for land within the EOAs within the city limits and SOI is already guided by the General Plan. Much of the land within the EOAs located within the city limits is built out, though additional development capacity remains on vacant parcels, underutilized parcels, and through intensification of use as guided by the General Plan. A significant percentage of land within the SOI remains vacant and provides opportunities for

new development as guided by the General Plan. The majority of policies in the EDE provide refined guidance, based on EDE goals and objectives, for how economic development already contemplated in the General Plan should be directed within the EOAs located within the city limits and the SOI.

A limited number of EDE policies provide guidance for new development capacity that is not already contemplated in the General Plan. That guidance has been translated by the City into to specific locations, acreages, use types, and development intensities for new development. These are the Target Areas identified in the draft EIR. The primary purpose of proposing new development capacity is to provide for employment generating uses that will produce the balance of new jobs needed in the City to support its population at buildout of the General Plan. Growing the City employment base is a key goal of the EDE. The 558 acres of new development capacity within the Target Areas is the sum total of the new development capacity being proposed by the City for this purpose. The process by which the City translated EDE policy direction to define new land capacity/development capacity needs is the basis of the project description used in the draft EIR to assess the potential environmental effects of implementing the EDE.

The draft EDE was accepted by the City Council in June 2014. City staff has since modified the draft EDE to include information about how the draft EDE policies were translated to identify the 558 acres of new development capacity within the Target Areas.

2. LAFCO's concerns pertain not only to the proposed development reserve areas for which there is no development timeframe, but also to five of the identified six target areas proposed for development in the foreseeable future. The target areas represent the proposed first phase of economic development. Five of the proposed target areas, encompassing 443 acres, are currently in unincorporated County territory and outside the City's existing Sphere of Influence.

Response: The comment reflects a misunderstanding of the project description. As stated on draft EIR page 2-44, the EDE does not call for development of the Economic Development Reserve Areas. The Economic Development Reserve Areas are intended only to illustrate locations where the City may look to expand beyond buildout of the current General Plan. Based on the City's assumed annual population growth rate of 1.25 percent and the forecasted buildout population of 213,063 identified in the General Plan, the buildout population level would be reached in about 2063. The Economic Development Reserve Areas were excluded as potential locations for new development capacity because employment generation that would be created by their development would exceed the projected need for employment through buildout of the General Plan.

The identification of these Economic Development Reserve Areas for potential future development does not indicate any commitment by the City that the areas are necessarily

appropriate for development, as would be the case for properties on which the City has imposed particular General Plan development designations. Landowners within the Economic Development Opportunity Areas therefore will not obtain any expectations of development, as would be the case if their lands were planned and zoned for development.

The Target Areas do not represent a "first phase" of development; they are the only areas of proposed new development capacity.

The City is planning to initiate a General Plan update in 2018. The information in the EDE and the EDE EIR will be used as an input to the General Plan update process.

3. It is our understanding that the draft EDE considered by the City of Salinas covers almost 15,000 acres (approximately 23 square miles). Over half of these lands are outside current city limits (8,652 acres; 13.5 square miles). Approximately 7,000 acres of unincorporated territory, representing 49% of the City's entire future development area, is outside the City's existing Sphere of Influence, as designated by the Local Agency Formation Commission of Monterey County (LAFCO). It is also our understanding that the City's initial phase of the EDE's future development involves six noncontiguous "Target Areas." While the draft EDE only focuses on development within the target areas at this time, the remainder of each EOA outside the City's existing sphere, which are defined as "Economic Development Reserve Areas," suggests a potential long-term intent to annex territory for the City to ultimately respond to long-term land demand requirements.

Response: See the responses to comments #1 and #2 above.

The City is not proposing to annex land within the Economic Development Reserve Areas. The Target Areas contain sufficient new land supply to meet the City's projected employment generation needs through General Plan buildout. As noted previously, the City forecasts General Plan buildout in 2063 based on the City's projected 1.25 percent annual average population growth rate. No additional new land capacity is forecast to be needed within the EOAs (including the Economic Development Reserve Areas within EOAs N, L2, L1, K, or F) to generate the requisite new jobs.

With the exception of new development capacity within Target Area V, the EDE does not directly propose increased development capacity within any of the EOAs within the city limits or the SOI relative to that already contemplated in the General Plan. Several policies in the EDE suggest the potential for intensifying infill development in limited locations within the city limits relative to that already proposed in the General Plan. These policies are discussed in Section 5.2, Growth Inducing Impacts, in the draft EIR. Such intensification could only occur with future general plan amendments and CEQA documentation that would accompany any future plans which propose such intensification.

4. Undeveloped areas within the City's existing limits and sphere boundary should be used to address the City's future development needs before consideration of additional unincorporated territory, most of which is prime farmland.

Response: The EDE prioritizes economic development within the city limits and SOI. Twelve of the 18 EDE land use policies specifically address and reinforce infill development, and redevelopment and revitalization strategies for the City's Focused Growth Areas and "community core" consistent with direction already provided in the General Plan. Policies include: the implementation of the Downtown Vibrancy Plan; developing transit-oriented development at the Intermodal Transportation Center and along Market Street; revitalizing Chinatown, redeveloping and revitalizing East Salinas and the Alisal Marketplace, and the revitalization and redevelopment of primary urban/commercial corridors identified as Focused Growth Areas (North and South Main Street, West and East Market Street, East Alisal and Abbott Street) in the City's General Plan.

EDE land use policies addressing Target Areas outside the SOI focus on providing additional land capacity for larger employment centers that include industrial end users and business park development that cannot be readily accommodated within the city limits due to parcel size, circulation and infrastructure constraints and land use incompatibilities with adjacent developed uses.

Tables 5 and 6 in Section 2.4 of the draft EIR show that the employment generating capacity of vacant land within the SOI is already assumed; the new land demand identified in the Target Areas is needed for additional employment generating to meet employment needs for the projected City population at General Plan buildout.

Please also refer to the responses to comments #16-#19 in Letter #6 from LandWatch.

Response:

5. Based on the draft EDE, the City currently has over 7,580 acres of land for potential economic development within its existing city limits and Sphere of Influence (refer to Table A on page 2 of this letter).

Response: Please refer to the responses to comments #1, #2, and #3 above.

The comment reflects a misunderstanding of the data contained in the draft EDE and the draft EIR. The acreage shown in Table A of the comment letter appears to be derived from Table 2 in the draft EIR. Table 2 in the draft EIR shows the total acreage within each EOA. The acreage shown for EOAs located within the city limit does not inherently represent land acreage that is available for potential economic development in the form of new job generating development. Much of the land within the EOAs within the city limit is already built out. Additional new infill development on vacant parcels and intensification of use/revitalization within the city limits (e.g. Focused Growth Areas) is already planned in the

General Plan. The draft EIR project description assumes that such development has substantial employment generation potential (over 20,000 new jobs, primarily from new visitor-serving and institutional development). The City would need to aggressively pursue infill development and revitalization in order to generate the assumed number of jobs.

Significant vacant land supply is available for development within the SOI. The draft EIR assigns substantial job generating potential to that vacant land. The new land supply proposed within the Target Areas represents only the additional land supply needed to generate the balance of jobs needed at General Plan buildout that would not be generated through infill development/revitalization within the city limits and development of vacant land within the SOI as guided by the General Plan.

6. The draft EDE, in its current form, will require revisions to the adopted MOU. Because such revisions would involve the potential for future sphere amendments and annexation proposals, and would directly pertain to LAFCO's legislative purposes, LAFCO should be consulted during the City/County negotiations process and in the course of any future modifications to the adopted MOU.

Response: The draft EIR clearly identifies the GSA MOU as an important "applicable plan" with which consistency of the EDE is to be considered. This discussion begins on draft EIR page 2-53. LAFCO is identified as a key party in regards to modifications to the GSA MOU that would be required to accommodate new proposed land capacity in Target Areas located outside the SOI.

7. The draft EIR should reexamine the inconsistencies, not only Policy LU-2.1, but other General Plan policies including but not limited to the Community Design Element, Land Use Element, Housing Element, and the Conservation/Open Space Plan.

Response: Appendix D to the draft EIR details proposed General Plan amendments, not just in the Land Use Element, but also in the Community Design Element, Housing Element, and the Conservation/Open Space Plan. For elements other than the Land Use Element, the proposed amendments incorporate EDE policies that largely reinforce existing General Plan policy direction such that inconsistencies are not created. Please also refer to response to comment #38 in Letter #6 from LandWatch.

As stated in the response to comment #4 above, the majority of the EDE land use policies and actions reinforce the General Plan focus on compact city growth and promote infill development, and redevelopment and revitalization within the city. The proposed amendment to policy LU-2.1 limits development to employment generating use within Target Areas located outside the SOI to provide land supply needed to attract larger users whose site criteria cannot be accommodated within the city.

8. The Draft EIR on page 3-32 indicates that the implementation of certain policies and actions may serve as mitigation for significant impacts. LAFCO disagrees that these

action items would mitigate significant impacts to prime farmland and other agricultural lands within the EOAs and Target Areas. As shown in Map 4, all five target areas include prime farmland and farmland of statewide importance. Specifically, Target Areas B, F, and N have historically been identified as notable prime farmland. As stated throughout this letter, the Draft EDE in its current form is inconsistent with the Cortese-Knox-Hertzberg Act, LAFCO's adopted policies, the existing City General Plan and the adopted City/County MOU. Such inconsistencies and negative impacts to agricultural lands should be addressed through conservation plans, joint efforts with the County and city infill development strategies.

Response: The comment is accurate in terms of the fact that the policies and actions listed do not all serve as mitigation for impacts on agricultural land. Among the policies and actions listed, action LU-1.7.4 would generally serve to reduce impacts on agricultural land. The remainder simply "address" potential loss of agricultural land as described in the text introduction to the noted actions and policies. None of the referenced policies or actions serves specifically as mitigation for loss of agricultural land. Mitigation measure AG-1 on page 3-35 of the Draft EIR is the primary binding mitigation for loss of agricultural land. Loss of agricultural land would be a significant unavoidable impact of implementing the EDE as described on draft EIR pages 3-45 and 3-35.

The draft EIR clearly identifies that agricultural land conservation is a fundamental component of the GSA MOU and that through amendments to that document that would be required to full implement the EDE, agricultural land conservation coordination will be a key issue.

9. The Draft EDE's identifies annexation of other areas for development in addition to the five target areas in the foreseeable future. Action item LU-1.7.1 discusses working with LAFCO to annex EOAs D, G, H (portion of) and M which are currently within the City's sphere boundary (refer to Map 5). These additional annexation areas encompass the majority of territory currently within the City's sphere. The Draft EDE does not analyze or consider the annexation of two other areas within the City's existing sphere: the Bolsa Knolls neighborhood and the Settrini property. Both areas are located north of the existing city limits. LAFCO requests that the Draft EDE include an explanation of why these areas within the City's already-designated sphere do not appear to be planned for annexation in the foreseeable future, while other significant expansions of the City's sphere are being planned.

Response: Many of the EDE policies and actions incorporate and reinforce the existing economic development vision included in the General Plan, with the purpose that the EDE serves as the City's comprehensive economic development strategy. EDE action item LU-1.7.1 reflects the fact that these EOAs are already within the SOI and are already designated by the General Plan as a destination for employment generating development. With a key

goal of facilitating employment generation, this EDE action incorporates development direction already identified in the General Plan. Absent a specific project development application, neither the EDE action item nor policies in the General Plan would trigger a City resolution of application to LAFCO for annexation of land within these EOAs.

The Bolsa Knolls neighborhood is an existing residential area. The Settrini Property is not designated for employment generating development. The new land development capacity proposed through the EDE is focused on providing new employment generating development opportunities. Regardless of the fact that these two areas are within the SOI, neither has development capacity that would generate new employment opportunities through annexation to the City. Therefore, they are not addressed in EDE policies or actions related to land use and employment.

10. Whether the target areas and/or the additional annexation areas are considered as part of the Draft EDE, a highly recommended early step is a pre-application meeting between City and LAFCO staff to review issues, processes and application requirements. Items to be discussed would include policy issues; the required City-County Consultation prior to submitting any Sphere of Influence applications to LAFCO (Government Code section 56425); any plans for the phasing of annexations; information on the ability of local agencies to provide needed public services; proposed public services and public facilities financing plans; coordination with special districts; the required City-County Tax Transfer Agreement; EIR status; application processing costs for staff, counsel and other LAFCO expenses; City-LAFCO schedules; coordination with LAFCO Municipal Service Reviews as may be required; indemnification agreements, etc.

Response: The City has and will continue to work with LAFCO on all proposed City actions that involve LAFCO authority, including annexation proposals. The proposed EDE general plan amendments are the sole land use action that will be considered by the City in adopting the EDE. The proposed project does not include actions over which LAFCO has authority. Any future proposal that involves actions under LAFCO authority (e.g. SOI amendments, annexations, etc.) would be the subject of a future action under consideration by the City and about which the City would consult with LAFCO.

11. LAFCO's future consideration of the City's proposed sphere amendment and annexation applications will necessarily include consideration of related actions for special districts. The Draft EIR does not discuss or analyze the negative impact to affected special districts regarding the proposed annexations and subsequent detachments. If a sphere amendment and annexation application is considered, these proposals will also require detachments from various special districts.

The Monterey County Regional Fire District (MCRFD) has also prepared a response to the Draft EIR (refer to Attachment B). The District identifies several issues pertaining to the adverse effects of any future annexations resulting in subsequent detachments from the MCRFD. These issues include potential loss or cumulative loss of property tax revenue and significant effects on anticipated service demand.

If the Draft EIR does not adequately analyze impacts related to future LAFCO approvals, it may be necessary for LAFCO to require supplemental environmental analysis from the City at the time of future LAFCO applications.

Response: Draft EIR Section 2.8, Required Discretionary Approvals, identifies LAFCO as a responsible agency with authority over SOI amendments, annexations, and service district attachments/detachments. That section also acknowledges, as does this comment, that any future development proposed in the City over which LAFCO has discretion as a responsible agency will undergo additional CEQA. That CEQA documentation would specifically define whether specific special district attachments/detachments would be involved with the specific proposal. As described in responses to comments #1, #2, #3, and #5 above, future development proposals within the Target Areas located outside the SOI are the only possible future proposals related to the EDE that could trigger the need for special district attachments/detachments that have not already been considered by the City and LAFCO for all other future annexations of land already located within the SOI.

It should be noted that economic impacts alone, including impacts on special district revenues, generally are not subject to CEQA analysis; they only become CEQA concerns when they are linked to physical changes in the environment. Evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence that warrants a determination of significant impact on the environment.

12. As discussed in the Project Description comments above, the Draft EIR should analyze a preferred city infill development scenario that relies on the adopted Sphere of Influence.

Response: Please refer to responses to comments #1 through #5 above. Please also refer to responses to comments #16-#19 in Letter #6 from LandWatch.

The sizes and land use designations for the five Target Areas located outside the SOI are based on forecasting additional employment generation needed to meet employment demand at General Plan buildout from future population growth. The additional employment generation potential for the Target Areas represents the balance of additional employment needs that would not be met through additional infill and development intensification within the city limits as guided by the General Plan, and by development of vacant land within the SOI. The proposed project already relies on the additional employment generation potential within the city limits and SOI as guided by the General

Plan as a basis to forecast additional future employment generation needs. Related information can be found in the draft EIR project description, including pages 2-45 to 2-47.

13. The EIR should evaluate the proposed project, as well as project alternatives in the Draft EIR, for consistency with all relevant sections of the Cortese-Knox-Hertzberg Act and LAFCO Policies and Procedures, to the extent such analysis is possible based on information currently available about potential long-term future development of currently unincorporated sites.

Response: Draft EIR pages 2-56 and 2-57, and 3-323 and 3-324 include discussion of LAFCO's relationship to the current project and its anticipated role in future City decision making regarding approvals that would be needed to enable development within Targets areas located outside the SOI. The related LAFCO policy consistency and environmental analysis process would be addressed as part of individual development proposals. LAFCO's comment #14 (below) appears to acknowledge that such an approach is assumed.

The draft EIR is a programmatic level evaluation of potential impacts of general plan amendments that would incorporate the EDE into the General Plan. Although the draft EIR described LAFCO as a responsible agency, LAFCO will not be called upon to take any action in the immediate aftermath of the City Council's approval of the EDE, should the City Council choose to approve the EDE. Rather, LAFCO will only be called upon to rely on the Final EIR for the EDE as a responsible agency if and when specific development proposals are proposed in areas outside the current City limits. If and when such proposals are brought forward, LAFCO may be able to rely in part on the programmatic analysis in the EDE Final EIR, along with additional project-specific analysis associated with individual development proposals. If and when such specific proposals trigger project-specific environmental review, the City's future environmental documents will include detailed analyses of project consistency with all relevant sections of the Cortese-Knox-Hertzberg Act and LAFCO Policies and Procedures. Such analysis is not required at this time, as the City itself is not yet considering specific proposals that would require SOI modifications, annexations, or boundary changes.

14. 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.

Response: Please refer to the responses to comments #10 and #13 above.

LETTER #6

October 19, 2017 **Via hand delivery and e-mail**

Lisa Brinton
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Subject: LandWatch's comments on Salinas' Economic Development Element DEIR

Dear Ms. Brinton:

LandWatch Monterey County has reviewed the draft environmental impact report (DEIR) for the proposed project, which includes adoption of an Economic Development Element (EDE) as an additional element to the General Plan. We commend the City for acknowledging in the EDE the importance of infill and recognizing the need to revitalize a number of community centers—Alisal Market Place Plan; Downtown Vibrancy Plan; Chinatown Plan; Carr Lake Visioning; and Alisal Vibrancy Plan. We appreciate that the City is moving forward with specific plans for future growth areas within the City existing Sphere of Influence (SOI). It is also encouraging that the City significantly downsized the new future growth areas outside its SOI that were proposed in the last draft.

Nonetheless, although the EDE is improved in comparison to its original draft, it still proposes a pattern of low-density development on the periphery of the City that has characterized Salinas' development in recent years. This pattern of sprawl has fostered decay of Salinas' downtown, hampered reinvestment in its neighborhoods, and created a traffic congestion nightmare for its residents. The EDE proposes converting more than 500 acres of prime farmland into big box stores and other commercial uses, to the benefit of relatively few landowners and developers, even though more than 8,200 acres within the City's city limits and SOI remain undeveloped.

The DEIR fails to describe fully the economic, social, and environmental costs of this pattern of development. Critically, neither the DEIR nor the EDE explain why the employment benefits contemplated in the EDE cannot be integrated into development in the existing SOI at less environmental and social cost – either through the "no project alternative" or through an alternative that avoids sprawl development by mixed use and other infill strategies.

The City faces a critical choice: where to invest public funds and time, not just hard cash but also human resources, i.e., City staff and elected officials. If Salinas expands out, it cannot easily

invest in. Retail on the periphery of the City will cannibalize retail on the interior. It's happened to the City before, to many cities before, and it will happen again.

We don't, in fact, believe that the deficiencies we've identified in the DEIR can be corrected in the FEIR. The City must revise and recirculate an adequate DEIR. In doing this, we encourage the City to reject sprawl on the six Target Areas and refocus its efforts and resources on revitalizing its city center.

A. Overview

The EDE includes a wide spectrum of economic development programs, projects, policies and implementation actions. Policies include infrastructure commitments, such as constructing three new expressways. The EDE directs new development to six "Target Areas" containing a total of 558 acres. One of the Target Areas (115 acres) is located within the city limits within the Carr Lake area. The remaining five Target Areas (443 acres) are located outside of, but adjacent to, the City's SOI. The land use designations include *industrial* (147 acres), *retail* (279 acres) and *business park* (132 acres). The project also includes a SOI amendment, annexation, and special district attachment and detachment request for the five Target Areas. As discussed below, the EDE contains numerous other policies and actions outside of the Target Areas that commit the City to future development that will cause physical impacts on the environment, but the DEIR fails to evaluate these parts of the EDE project. 1

B. Project description does not justify SOI expansion.

The DEIR summarizes economic studies that the City has offered as a rationale for proposing to annex prime farmland in five "Target Areas" outside the existing Sphere of Influence. The rationale purports to link a population projection to a jobs requirement, and a jobs requirement to a requirement for new developable land, culminating in Table 6, purporting to demonstrate that the City must annex 442 acres of raw land in order to accommodate projected job growth in the industrial, office, and commercial sectors. DEIR, pp. 2-25 to 2-39.

1. Planning based on "ideal vision" of General Plan Buildout without a specified time frame.

The DEIR claims that 45,000 additional jobs are needed at General Plan buildout:

> "Table 12 of the Salinas Economic Development Element Target Industry Analysis (Applied Development Economics 2013) in Appendix C of Volume II of the EDE identifies that approximately 45,000 jobs will be needed at General Plan buildout." DEIR, p. 2-31.

The Salinas Economic Development Element Target Industry Analysis states that AMBAG projects a *2035* population of only 172,499. EDE, App. C, p. 18, Table 11. Instead of using the 2035-planning horizon for which realistic population projections are available, the Table 12 projection of jobs is based on the "ideal vision" of the *buildout* scenario, with a population of 213,063: 2

> "For the buildout scenario, the projections reflect more of an ideal vision of the number and distribution of jobs to represent a mature City economy with a full range of services and job opportunities." EDE, App. C, p. pp. 18-19.

In short, the basis of the claim that 45,000 new jobs are needed is based not on the AMBAG 2035 population projection but the "ideal vision" of a General Plan Buildout population, for which no timeframe is provided. 2 Cont.

Table 12 of the Salinas Economic Development Element Target Industry Analysis projects that only 23,436 jobs are needed to accommodate population growth from 2010 to 2035. Table 12 projects that an additional 22,064 jobs would be needed to accommodate population growth from 2035 to General Plan buildout. Thus, only about half of the 45,000 jobs are actually needed to accommodate growth through the 2035-planning horizon.

Please explain why the analysis is based on the "ideal vision" and unspecified time horizon for General Plan buildout rather than the realistic AMBAG population projection for 2035.

Please explain what year or decade the General Plan buildout population is likely to be attained. Please relate this projection to population trends based on the AMBAG data.

2. Job projections totals are unclear.

The DEIR provides the following projection of job demand by job category: 3

> "Demand for 20,843 jobs from industrial (including agricultural industrial), retail/commercial, and business park development is projected. The balance of 24,157 jobs is forecast to be generated from institutional (e.g. governmental, health care, etc.) and visitor-serving development." DEIR, p. 2-31.

Please explain whether and how these figures were derived from Salinas Economic Development Element Target Industry Analysis. There appears to be no clear relationship.

Do these figures purport to be the demand for new jobs or total jobs? 4

If they are demand for new jobs, what is the period of analysis (e.g., is this the demand from 2010 to 2035, from 2010 to General Plan buildout, or some other period)?

If this is the demand for total jobs, what is the date at which that total demand is projected (e.g., 2035, General Plan buildout, or some other date)?

Table 12 of the Salinas Economic Development Element Target Industry Analysis projects a demand for new jobs <u>from 2010 to 2035</u> in the industrial, office, and commercial sectors of 5,635 jobs (1,130+1,715+2,790 in the column headed "2010-2035 change"). Table 12 projects a demand for 9,249 new jobs <u>from 2035 to General Plan buildout</u> in in the industrial, office, and commercial sectors of 9,249 jobs (3,193+4,856+1,195 in the column headed 2035-Buildout change"). In short, Table 12 projects only a total of 14,884 new jobs in the industrial, office, and commercial sectors from 2010 through General Plan Buildout. 5

Please reconcile this Table 12 projection for <u>14,884</u> new jobs through General Plan buildout in the in the industrial, office, and commercial sectors with the DEIR's claim that demand for <u>20,843</u> jobs from these sectors is projected. DEIR, p. 2-31.

3. Land allocated for new commercial and office jobs, most of which is outside the SOI, far exceeds foreseeable demand.

The DEIR provides no evidence that there is actually demand in the foreseeable future for the proposed developable land. In fact, there is strong evidence to the contrary.

Table 12 projects that only 38% of the new jobs in the industrial, office, and commercial sectors would be required through the 2035 planning horizon (5,635 of the 14,884 jobs). The bulk of the new job demand is projected to materialize only in the aspirational General Plan buildout condition, for which the EIR provides no realization date. 6

OFFICE DEMAND: The EDE admits that current demand for office space is limited. EDE, App. D, City of Salinas Site Opportunities and Constraints, Nov. 2013, p. 9. Near term demand can be met through the City's 13.6 percent vacancy. *Id.*, p. 22. The EDE projects that demand for new office space would amount to only *47 acres* by 2035. Salinas Economic Development Element Target Industry Analysis, Table 12; DEIR, Table 7. Furthermore, the EDE concludes that uses with substantial employment density such as office uses should be "considered within locations closer to (or in) the Downtown Area to establish complementary economies of scale between the two areas." EDE, App. D, City of Salinas Site Opportunities and Constraints, Nov. 2013, p. 22. In short, it makes more sense to locate office development in the Downtown Area than to isolate it in a business park north of the City. Despite the lack of demand before 2035 and the fact that it makes more sense to develop office uses in the Downtown Area, the DEIR proposes that the City annex Target Area K right now to provide *132 acres* for business park development.

COMMERICAL DEMAND: The commercial land demand projections do not support the proposed SOI expansion. The EDE projects that Salinas might possibly capture existing retail leakage (Salinas shoppers now shopping elsewhere that might be persuaded to shop in Salinas) that would support 45 to 63 acres of new development. EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 2. To accommodate growth through 2035, the EDE projects that "the maximum retail development scenario for Salinas due to new growth out to 2035 would be about 23 acres of retail development." *Id.* Note that these projections assume that Salinas merchants would capture the existing leakage and they would capture a large share of regional demand from shoppers outside Salinas.[1] 7

The potential to capture the out-of-Salinas regional demand is speculative and admittedly uncertain:

> "However, in the long-term, Salinas' position could be diminished if a retail center with large format retail anchors were to open elsewhere along the 101 corridor in southern Monterey County. Indeed, other communities south of Salinas have been looking into developing this type of retail center for more than a decade. If this type of development comes to fruition, then it would potentially curtail a significant portion of the spending potential away from Salinas." EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 16.

[1] The EDE projects that at most there may be new demand for new retail through 2035 of 255,769 square feet, and this assumes that Salinas retailers are able to capture a substantial share of the out-of-Salinas regional demand – 125,369 square feet of retail for this captured demand – because demand from Salinas households alone would be only 130,400 square feet. EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 16.

Even assuming this speculative capture, the EDE projects that new retail space demand through 2035 would be at most 86 acres (63 for capture of existing demand, 23 for Salinas household growth 2035, and additional regional capture). Despite this, the EDE and DEIR propose to designate 279 acres of new retail, of which 164 acres are outside the sphere of influence. DEIR, Tables 5, 7. **7 Cont.**

In sum, the new commercial designations in the Target Areas are more than three times the most optimistic projections of 2035 demand for retail space.
And all of the land needed to accommodate the retail space demand for new capture and growth through 2035 could be provided with the 115 acres proposed for designation as retail in the Carr Lake Target Area – *within the City limits.*

The EDE also projects retail demand through General Plan buildout, but it acknowledges that the buildout will not occur "for a very long time:"

> "Projecting beyond 2035, Salinas currently has a projected buildout population of about 213,063. This equates to a growth rate of about 41.6 percent, and an incremental growth of 16,811 households (assuming a base year of 2010). By comparison, the projected growth rate for the period between 2010 to 2013 comes out to about 14.7 percent, *so the buildout scenario will not occur for a very long time unless growth accelerates.*" EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 19 (emphasis added).

Even if it made sense to designate retail development locations now for post-2035 demand that will not occur "for a very long time," it makes no sense to designate *much more land* than might be required after this very long time. The EDE projects that "[t]he cumulative maximum supportable retail development to accommodate current demand, year 2035 demand and buildout demand is *125 acres*." EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 3. Despite this, the DEIR and EDE propose to designate *279 new acres of retail, more than twice the land that would be needed through General Plan buildout.* **8**

In sum, the EDE and DEIR are predicated on the assumption that market demand for retail and office space is many times greater than the most optimistic projections through 2035, and more than twice as high as the most optimistic projections through General Plan buildout, which the EDE acknowledges will not occur "for a very long time" after 2035. **9**

The EDE and DEIR's designation of new retail land use is not in fact based on a projection of likely retail demand. Instead, it is based on "an ideal vision of the number and distribution of jobs to represent a mature City economy with a full range of services and job opportunities." EDE, Vol. 2, App. C, Salinas Economic Development Element Target Industry Analysis, pp. 18-19. That is, the EDE simply assumed that there would be a buildout population of 213,063 (vs. the 2035 projection of 172,499), that these folks would need jobs, and that jobs would materialize in the same proportions as they occur now. *Id.* Thus, for example, while the Salinas Retail Analysis, based on the most optimistic projection of possible retail demand though buildout, projected at most a demand for 125 acres of new retail, the Salinas Economic Development Element Target Industry Analysis concludes that 201 acres will be required, based on the "ideal vision" that retail employment will simply materialize in the same proportions that they occur now – despite the fact that a bottom up retail demand projection using the same population assumption and very liberal assumptions about retail capture shows that less than half of the retail space would be required. **10**

Similarly, the projections of industrial and office job growth are not based on an analysis of actual demand for industrial or office development space. It is based instead on the assumption that there will be a need for a certain number of new industrial and office jobs to keep the hypothetical buildout population busy and that this will require additional acreage. EDE, App. D, City of Salinas Site Opportunities and Constraints, Nov. 2013, p. 13, Table 1. Neither the DEIR nor the EDE demonstrate that hoped-for industrial or office jobs will be actually materialize by providing evidence of likely demand for these office or industrial workers. 11

The DEIR also fails to consider the very considerable pipeline of retail, industrial, and commercial projects that have already been approved in Monterey County but are not yet built. These include: 12

- 1,708,272 square feet of commercial space (East Garrison, Rancho San Juan, Coral de Tierra, Marina Station, Main Gate, and other locations)
- 850,381 square feet of industrial space (Marina Station, Marina Airport Business Park, FORA Business Park)
- 6,438,168 square feet of agricultural industrial space in Salinas
- 217,773 square feet of office space at The Dunes on Monterey Bay, Marina Station, and Upper Ragsdale Drive)

The lack of a competitive analysis renders the DEIR's economic analysis virtually meaningless.

The DEIR should be revised to include a new alternative that focuses on at most the actual demand for new retail, office, and industrial development, taking into account competition with already approved projects. The DEIR should be based on realistic demand that can be projected to materialize within a determinate period, e.g., by 2035. 13 14

4. The DEIR fails to consider market changes that are reducing demand for brick and mortar retailing sites.

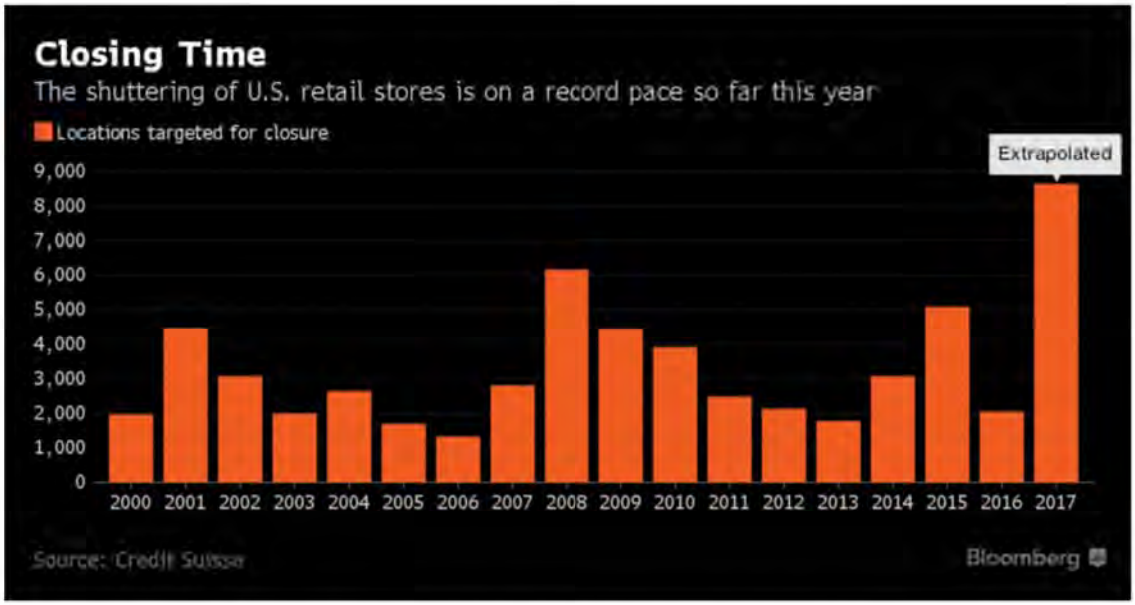
The EDE's quantitative retail analysis is based on the assumption that there will be no secular change in retailing. However, the EDE admits that retailing is in fact undergoing changes that make the projections for retailing uncertain. 15

Speaking of the actual prospects for capture of existing demand for specialty retail stores, EDE acknowledges "the uncertain business climate for those store categories that have declined due to competition from online and direct sales vendors has also reduced the number of national and regional chain stores that might be looking for new space in an underserved market such as Salinas." EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 8. Speaking of the actual prospects for retail attraction from new household growth, EDE acknowledges, "at least some of that demand occurred in categories that are transitioning away from supporting retail storefronts." *Id.* at 16.

And indeed, economic trends don't favor substantial growth in demand for retail store space or for retail jobs, due in part to on-line shopping competition. As reported in Bloomberg,

"T]he rapid descent of so many retailers has left shopping malls with hundreds of slots to fill, and the pain could be just beginning. More than 10 percent of U.S. retail space, or nearly 1 billion square feet, may need to be closed, converted to other uses or renegotiated for lower rent in coming years, according to data provided to Bloomberg by

15 Cont.



CoStar Group. The blight also is taking a toll on jobs. According to Labor Department figures released on Friday, retailers cut around 30,000 positions in March. That was about the same total as in February and marked the worst two-month showing since 2009." Bloomberg, America's Retailers Are Closing Stores Faster Than Ever, April 7, 2017, available at https://www.bloomberg.com/news/articles/2017-04-07/stores-are-closing-at-a-record-pace-as-amazon-chews-up-retailers.

The DEIR fails to consider this fundamental change in retailing and the implications it has for a realistic projection of demand in the foreseeable future.

5. Raw land development not justified.

The DEIR's analysis of the need for new developable land is premised on the assumption that the industrial, retail/commercial, and business park development needed to provide the projected jobs demand requires new raw land, primarily outside the existing SOI, whereas the institutional and visitor serving job demand can be satisfied by vacant/underutilized or redeveloped/revitalized land within the city limits.

16

> "Demand for 20,843 jobs from industrial (including agricultural industrial), retail/commercial, and business park development is projected. The balance of 24,157 jobs is forecast to be generated from institutional (e.g. governmental, health care, etc.) and visitor-serving development. Land demand for job-generating institutional and visitor-serving uses is not included in Table 3. It is assumed that job-generating development within these two sectors can be accommodated on vacant/underutilized infill parcels within the city limits and/or G. DEIR, p. 2-31; see also DEIR, p. 2-46 (same assumption).

The DEIR's analysis of demand for land for new development implies that demand for retail/commercial, business, and industrial jobs cannot be met except through the use of raw land outside of the City due to various "constraints:"

16 Cont.

> "City-centered infill development and revitalization of existing urban areas called for in the General Plan, and reinforced through the EDE, have potential to generate substantial new employment opportunities. However, due to constraints such as land area, parcel assembly, and infrastructure capacity, infill development opportunities often do not match the needs of businesses whose operations require larger land area, new or higher capacity infrastructure, more direct access to the regional transportation network, or are influenced by other business siting and development factors. Vacant lands outside the city limits provide opportunities for new large job generating employment centers that are less constrained than is generally the case with infill development in urban centers." DEIR, p. 2-25.

Please explain why the DEIR assumes that the industrial, retail/commercial, and business park development needed to provide the projected jobs demand requires new raw land.

Redevelopment is intended to provide substantial developable land within an existing City, and thus to overcome the constraint of parcel assembly and availability of larger land areas. Please explain why industrial, retail/commercial, and business park development cannot be located in "vacant/underutilized infill parcels within the city limits and/or through redevelopment/revitalization of existing developed areas within the city limits."

17

Please identify the infrastructure constraints within the City that a more severe than the constraints in raw land that has no infrastructure. Please explain to what extent any such constraints would render development within the City infeasible.

18

The DEIR fails to provide any analysis that relates the projected demand for developable land to these purported constraints and makes the simplistic assumption that *none* of the retail/commercial, business, and industrial job growth could be accommodated within the City. Please explain how why it is reasonable to assume that none of the projected land demand to support retail/commercial, business, and industrial jobs could be met within the City. If in fact it is not reasonable, please estimate how much of that demand could be met within the City.

19

6. Infill land availability.

The DEIR provides an inventory of potential infill parcels within the city limits purporting to show that only 214 acres are available. DEIR, p. 2-46, Table 8

20

Please provide the worksheets and analysis that contain the referenced inventory of "vacant land and developed but unoccupied/underdeveloped land within the city limits." DEIR, p. 2-45 to 2-46.

Please explain how the City determined that land was "developed but unoccupied/underdeveloped."

The DEIR assumes that institutional and visitor serving land uses can be accommodated by both "vacant/underutilized infill parcels within the city limits *and/or* through *redevelopment/ revitalization of existing developed areas* within the city limits." DEIR, p. 2-31. However, Table 8 showing potential infill parcels includes only "vacant land and developed but unoccupied/ underdeveloped land." Please identify the additional acreage that could be provided for

21

development through the "*redevelopment/revitalization of existing developed areas* within the city limits." Please identify the total acreage and the breakdown by parcels sizes as in Table 8. 21 Cont.

If only 214 acres of land were available for non-residential development within the City, the DEIR's assumption that new demand for institutional and visitor-serving land uses would be met within the City limits would be absurd: Table 12 of the Salinas Economic Development Element Target Industry Analysis projects a demand for 428 acres to support new jobs in the institutional and visitor-serving sectors from 2010 to 2035 and 607 acres from 2035 to General Plan buildout, for a total of 1,035 acres. Apparently the DEIR assumes that the lack of currently vacant or underutilized infill parcels will not operate as a constraint on institutional and visitor-serving job growth and that the land use demand for these sectors will be met through reuse, revitalization, and redevelopment, including increases in land use intensity within the City limits. Please explain how much of the retail/commercial, business, and industrial jobs could be met within the City through the same processes. 22

Typically redevelopment and revitalization programs address larger parcels sizes than may have been included in Table 8. Please explain whether and to what extent redevelopment and revitalization programs could provide parcels that would meet the land requirements for retail/commercial, business, and industrial jobs. 23

7. Land efficiency factor and density assumptions.

The DEIR's analysis of land demand for new jobs is premised on a 20% "land efficiency factor," i.e., the assumption that the City should designated 20% more land that is actually needed for future development to support General Plan buildout job growth. Three rationales are offered for the 20% "land efficiency factor:" (1) to force farmers to compete with each other to sell their land to developers at prices that are lower than they might otherwise get; (2) to provide flexibility to respond to location needs, and (3) to "signal the City's vision for potential economic growth direction beyond that captured in the current General Plan." DEIR, p. 2-36. 24

Please explain whether and to what extent projected competition in agricultural land sales is actually required in order to make the projected development economically feasible. To what extent does the DEIR assume that economic development depends critically on forcing competition in land sales? What analysis supports this assumption?

Please explain why the required future planning to locate particular land uses in specific Target Areas through development of specific plans, which would designate particular land uses in specific locations, is not sufficient to accommodate location needs. 25

Please explain why the City could not attain the locational flexibility and decrease the importance of land acquisition costs by increasing allowable development intensity, i.e., through development standards that increase the allowable floor area ratio. 26

In this connection, we note that the DEIR dismisses a proposed alternative to consider higher floor area ratios without any analysis or investigation of its feasibility, arguing that 27

> "The City is *uncertain* whether retail development at higher intensity of .40 FAR will be attractive to the retail sector development community given conditions in the regional and local Salinas market. *This would require further detailed analysis* that is outside the scope of this EIR and more appropriately conducted for individual proposed retail projects." DEIR, p. 6-7.

The DEIR has declined to meet its obligation to investigate. The notion that this issue can be usefully investigated in connection with future individual development projects *after* the City has opened up land for sprawl development is an abdication of the planning responsibility. The DEIR fails to recognize the need to consider compact development *before* the City opens up land for sprawl development, i.e., at the EDE program approval stage where denser land use might actually be either permitted or mandated. 27 Cont.

Please explain whether the 20% of annexed agricultural land in excess of foreseeable General Plan buildout requirements will remain vacant, underutilized, and wasted. 28

Please explain how much of the "market efficiency factor" is intended to "signal the City's vision for potential economic growth direction beyond that captured in the current General Plan," and why this makes any sense in light of the fact that meeting the land use demand for General Plan buildout is the purported premise of the land use demand analysis. 29

8. Displacement of housing for existing Salinas residents who commute to jobs elsewhere.

The DEIR acknowledges that many Salinas residents commute out of the City for employment. DEIR, p. 2-50. It is well established that Salinas residents provide labor in Peninsula cities where housing cost are too high for service workers. The EDE apparently seeks to provide a self-sufficient jobs/housing ratio in Salinas by providing jobs in Salinas for future residents *and* for the existing residents who currently commute out of the City. Because these commuter jobs will not disappear, if the EDE is successful and if the existing Salinas commuters continue to reside in the City, there would be insufficient housing. 30

Where does the DEIR assume the service workers who live in Salinas and who fill Peninsula jobs will reside in the future? If they continue to live in Salinas, would the currently projected residential units and residentially designated land be sufficient for both the in-Salinas and Peninsula-commuting work forces? If the commuters do not continue to live in Salinas, where will they be able to afford to live? How will the increased demand for housing be met?

If the DEIR does not assume that the current commuting workforce will relocate outside Salinas, and if the DEIR does intend to pursue a jobs/housing balance, then the DEIR's employment needs projections should be reduced by the number of commuting jobs that will continue to be filled by Salinas' residents. 31

C. The discussion of alternatives is inadequate.

1. Project objectives are drawn so narrowly as to foreclose consideration of alternatives.

The fundamental goal of the EDE is "to encourage a diverse economy that allows for continued economic success of the community." DEIR, p. 2-10. The statement of objectives offered in support of this fundamental goal includes two objectives that are not demonstrably necessary to that underlying goal:

- Improve the City's attractiveness as an investment destination for employment-generating businesses by reducing land costs through increased land supply
- Promote and prepare the Target Areas for private investment. DEIR, p. 2-11.

Preliminarily, we note that these two objectives are redundant because both objectives essentially call for providing new raw land at the margin of the City. 32

More problematically, both of these first two objectives are premised on the misconception that annexing raw land is the only way to supply land for development or ensure that it is affordable, and, for that reason, they are excessively narrow. In fact, land cost can be reduced *without* increasing land supply through annexation of the Target Areas. As NOP comments proposed, land costs could be reduced and land supply could be increased by either the residential land redesignation alternative or the increased retail floor area ratio alternatives, or both. Another obvious alternative is to reduce parking requirements in existing retail centers – an option that would provide substantial economic benefits to existing retail owners and to the City without loss of farmland.

The DEIR itself admits that there are other methods to make land available and reduce land costs than simply annexing raw land. The DEIR explains, "land prices are determined by a number of factors, most important of which are land availability and permitted development density." DEIR, p. 6-6. So increasing density can reduce land costs and effectively make more land available by using the existing supply more intensively. In addition, the DEIR explains that land can be made available for institutional and visitor-serving employment growth through a process of "redevelopment/revitalization of existing developed areas within the city limits." DEIR, p. 2-31. So land costs could also be reduced and land could be made available by this redevelopment/ revitalization process instead of annexing raw land. Indeed, new financing tools are available for this kind of redevelopment and revitalization that include tax-increment financing, such as enhanced infrastructure financing districts (SB 628/ AB 313). See The Planning Report, Kosmont: EIFDs Are A New Local 'Economic Development 2.0' Tool, April 14, 2016, available at http://www.planningreport.com/2016/04/14/kosmont-eifds-are-new-local-economic-development-20-tool.

The DEIR's first two improperly narrow project objectives are apparently intended to foreclose consideration of an alternative that would not depend on sprawl development, e.g., an alternative that would include infill development for all types of employment-generating land uses, residential land redesignation to make such land available within the City, or increased retail floor area ratios, or, indeed, all three strategies. The DEIR rejects such an alternative out of hand without analysis. DEIR, pp. 6-5 to 6-7. The DEIR also relies on these redundant and excessively narrow objectives to conclude that the GSA MOU Consistency Alternative would not meet most of the project objectives. DEIR, p. 6-37. 33

2. Rejection of the infill, residential redesignation, and increased floor area ratio alternatives proposals was unjustified.

NOP comments proposed that the DEIR evaluate one or more alternatives that would have included methods to make land available for job-generating development without resorting to sprawl. These suggestions included using infill sites, increasing allowable density of land uses, and redesignating some existing vacant residential lands to use for employment-generating development. The DEIR rejected all three suggestions without adequate justification. 34

Higher density improperly rejected: As noted, the DEIR admits that allowing higher density can decrease land costs. Despite this, the DEIR rejects increased density. The first rationale offered for this rejection is that increased retail density was *partially* included in another alternative, the GSA MOU Consistency alternative. But that alternative does not evaluate increasing density for

non-retail uses or increasing the density of retail uses in the Carr Lake or L2 Target Areas, so the GSA MOU Consistency alternative does not actually fully assess an increased density alternative. For example, had the EIR increased the retail density in the Carr Lake and L2 areas from a 0.25 FAR to 0.325, there would have been *no reduction* of overall retail building space due to the loss of Target Areas K, F, and B. Furthermore, the GSA MOU Consistency alternative does not consider the potential to increase density of business-serving land uses. In short, the GSA MOU Consistency alternative is constructed as a straw man as far as the issue of increased density goes.

34 Cont.

Second, the DEIR rejects the increased density alternative based on the argument that the City would have to undertake additional analysis to understand this option:

> "The City is uncertain whether retail development at higher intensity of .40 FAR will be attractive to the retail sector development community given conditions in the regional and local Salinas market. This would require further detailed analysis that is outside the scope of this EIR and more appropriately considered for individual proposed retail projects." DEIR, p. 6-7.

CEQA requires that "an agency must use its best efforts to find out and disclose all that it reasonably can." 14 CCR § 1544. The DEIR should be revised and recirculated to provide the necessary analysis of an increased density alternative.

Furthermore, the suggestion that increased density should be "more appropriately considered for individual proposed retail projects" misses the fundamental point of considering this alternative now: now is the time that the City is considering whether to commit itself to annexing unnecessary land and mandating or permitting unnecessarily low density development. If an individual future project seeks and obtains a variance for higher density, that will not mitigate the impacts of annexing and unnecessary land.

Re-designation of residential land improperly rejected: The DEIR rejects the proposal that the City designate for employment generating uses of some of the City's vacant land that is currently designated as residential. However, the DEIR admits that there is more land designated for residential use than is needed to meet Salinas' need for new housing. DEIR, p. 6-6.

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Furthermore, the DEIR's analysis of the need for housing development land is incorrect and omits critical information. The DEIR states:

> "The City has available sites that provide development opportunities with sufficient capacity to meet and exceed the identified housing need. The opportunities consist of vacant residential sites, vacant mixed-use sites, and underutilized mixed-use sites. The available housing site inventory in the housing element shows capacity for 3,176 units… so the City has the ability to adequately accommodate its regional share of new housing development…While the housing site inventory suggests that the City has capacity to meet its current regional housing need, it is crucially important to maintain land capacity for new housing that exceeds the minimum capacity required to accommodate the City's regional housing need. The housing element includes discussion of land costs as a constraint to developing additional housing. It notes that land costs have a demonstrable influence on the cost and availability of affordable housing. Land prices are determined by a number of factors, most important of which are land availability and permitted development density. As land becomes less available, the price of land increases." DEIR, pp. 6-6 to 6-7.

In fact, the 2015-2023 Housing Element shows that the remaining share of the RHNA is 2,093, not the 3,176 identified above (p. 99). Furthermore, the Housing Element finds: **35 Cont.**

> "The North of Boronda FGA which was annexed into the City limits in 2008 consists of approximately 2,400 acres. Based on site constraints, market conditions, and other factors influencing development intensity, it is anticipated that the North of Boronda FGA will accommodate approximately 12,000 residential units. This estimate is consistent with the average levels of residential development estimated in the General Plan, though the Land Use Element may permit additional development. The North of Boronda FGA is currently zoned New Urbanism Interim (NI) which is a transitional zoning until specific plans are approved for the area. The appropriate zoning (for residential, mixed use and other land uses) and development regulations for the North of Boronda FGA (and other Future Growth Areas) will be established through the specific plans. The characteristics of the development anticipated in the North of Boronda FGA will be consistent with the New Urbanism design principles called for in the General Plan. To date, two specific plans (with residential, mixed uses and other land uses) have been submitted to and are currently being processed by the City for this area. The Specific Plans are not anticipated to be approved or developed for this area until later in the Housing Element planning period. As specific zoning and development regulations have not been approved for the subject properties, development potential in the FGA (including the North of Boronda FGA) is not used to meet the City's RHNA." (p. 107)

These data show that there is more than sufficient land to meet the housing element demand for 2,093 RHNA units while accommodating demands for industrial and retail land uses by using vacant land within the City that is currently designated as residential.

The DEIR's rationale for rejecting the proposed alternative to redesignate some residential land for employment purposes is not supported by the contention that there is any shortage of residential development land. Furthermore, even if residential land supply were more limited than it is, it is unreasonable to assume that the only way to control residential land cost is by maintaining a land supply in excess of demand. The DEIR acknowledges that increasing allowable density can instead reduce land costs for residential uses. DEIR, p. 6-6. The EIR offers no evidence of the infeasibility of the alternative of redesignating residential land use *and* controlling the cost of the remaining residential land by increasing allowable densities.

Infill development option improperly rejected: The DEIR rejects the proposed alternative to focus on infill development instead of annexing raw land, arguing that *all* of the infill land in the City is assumed to be needed for institutional and visitor-serving employment generating uses. DEIR, p. 6-5. Neither the EDE nor the DEIR provide any factual basis for this assumption. **36**

Furthermore, as discussed above, while the DEIR purports to identify the acreage of currently vacant infill parcels, the DEIR fails to provide any assessment of the amount of land within the City that can be made available to future development "through redevelopment/revitalization of existing developed areas within the city limits," the process that is assumed to generate land for institutional and visitor-serving uses. DEIR, p. 2-31. This redevelopment and revitalization also generates the possibility of future infill development for retail, office, and even industrial uses. Without some assessment of the total amount of infill land that can be made available from currently vacant land plus land that can be redeveloped or revitalized, there is no credible basis to reject an alternative that would rely more on infill than annexation of raw land.

The DEIR should evaluate an alternative that employs all possible strategies for avoiding annexation or raw land: Many of the unavoidably significant impacts are attributable to the use of raw land for new development. It is clear that agricultural, aesthetic, cultural, and biological resource impacts would be substantially lessened if less or no raw land were annexed. Transportation VMT and GHF impacts would likely be lessened with dense, urban, walkable development. The DEIR should be revised to include an alternative that focuses on avoiding or reducing the need to annex raw land, an alternative that includes *all* of the strategies that might be employed to this end, including: 37

- Denser retail and office development, supported by a credible analysis of densities that could be attained within the City of Salinas following Smart Growth development principles;
- Redesignation of residential land not required to meet the City's housing requirements for employment uses, coupled with an increase in residential densities as needed to maintain lower land costs;
- A focus on infill development for all types of jobs, not just institutional and visitor-serving jobs, supported by a credible analysis of the amount of land that could be made available for development from both currently vacant land and from land that can be made available through redevelopment and revitalization programs.

And this alternative should be based on a realistic projection of actual demand for development space through a date certain, such as 2035, not an "ideal vision" of a General Plan buildout scenario at some unspecified time in the future.

D. The DEIR fails to evaluate the whole of the action and the project description that is analyzed is inconsistent.

Reflecting the City's preoccupation with sprawl development, primarily for retail uses, on prime agricultural land, the DEIR's impact analyses are inappropriately limited to development impacts within the six Target Areas, B, F, L1/L2, N, K, and V. While the EDE contains policies and actions that purport to commit the City to redevelop and revitalize economic activity with the existing City limits, the DEIR fails to provide analysis of the these EDE policies and action commitments within the City (other than in the Carr lake Target Area). This failure suggests that the City is exclusively concerned with promoting sprawl development.

However, the policies and actions to which the City would commit itself in adopting the EDE, or to which it is at least paying lip service, represent commitments by the City to action, and many of them would clearly cause physical impacts on the environment that the DEIR fails to consider. 38

DEIR Table 1 identifies 54 policies and actions that the DEIR itself acknowledges to have the potential to create environmental effects:

> "Implementation of these policies and actions could result in physical developments that are defined as 'projects' pursuant to CEQA Guidelines section 15378. Such projects would be subject to CEQA review." DEIR, p. 2-14.

However the DEIR does not evaluate all of these EDE policies and actions with the potential to cause physical impacts on the environment.

The omission is possibly based on staff's belief that the EDE is simply a visioning document. (Brinton email, September 25, 2017, "The EDE is a visioning document to guide the General Plan

update that will begin mid-2018. Policies and action items identified in the EDE will be re-visited as part of the General Plan update process, this includes additional environmental review required by CEQA for implementation of policy and/or action items.") However, the EDE must be taken at face value where it commits the City to polies and actions. Thus, the DEIR must provide analysis of each of the EDE policies and actions that commit the City to undertake activities, or to permit future development, that would have significant impacts on the environment. The DEIR fails to provide an adequate analysis of the whole of the action because limits its analysis to the impacts related to the six Target Areas. 38 Cont.

1. **Expressways impacts to aesthetic, agricultural, biological, and cultural resources are not analyzed.**

Policies ED-C-2.6 and ED-C-2.9 commit the City to plan, design finance and construct the Eastside and Southside Expressways. 39

- Policy ED-C-2.6 states that the City will "plan, design, finance and construct an Eastside Expressway." EDE, p. 2:31.
- Policy ED-C-2.9 state that the City will "plan, design, finance and construct an extension of Blanco Road from Davis Road to State Highway 68 and southeast to the proposed new U.S. Highway 101/Eastside Expressway interchange at the south end of the City to function as a new Southside Expressway." EDE, pp. 2:31-32.
- Policy ED-C-2.7 states that the City will "partner with and support the County and TAMC to implement the Westside Expressway, including connecting it to the U.S. Highway 101/Russell Road interchange." EDE, p. 2:31.

The DEIR offers the following rationalization for omitting the analysis of the environmental impacts of the new expressways:

> "Although analysis of the expressways was initially included in technical studies prepared for this EIR, through subsequent analysis it was determined that the expressways, being only conceptual at present, are not reasonably foreseeable. Therefore, they are presented in the EDE as future strategy to be considered in subsequent General Plan updates. Such future processes will determine whether the City ultimately makes policy commitments to proceed with the expressways. For this reason, no analysis of the environmental effects of constructing or operating the expressways is included in this EIR." DEIR, p. 2-44.

Regardless that the design remains "conceptual," the language of EDE Policies commits the City to "plan, design, finance and construct" expressways, so the expressways are clearly "foreseeable." And even if the design remains conceptual, there is sufficient information to undertake environmental review with respect to particular resource areas.

The expressways are planned for designated areas, linking specific roadways, by converting existing farmland to roadways. DEIR Figure 3 shows these expressways would convert hundreds of acres of prime agricultural land to roadways. DEIR Table 2 identifies 2,530 acres required for the Eastside Expressway and up to 431 acres for the Westside Expressway. Table 2 fails to disclose how much agricultural land would be lost in constructing the southside expressway, but its dimensions are comparable to the westside expressway, which would take up to 431 acres. See DEIR, Figure 3. Loss of that agricultural land would clearly constitute more severe aesthetic,

agricultural, biological, and cultural impacts than disclosed in sections 3.1, 3.2, 3.4, and 3.6.[2] For all of these types of resources (aesthetic, agricultural, biological, and cultural) the primary determinant of impacts is the extent of the conversion of existing agricultural land to urbanized uses. The EIR must be revised to provide an analysis based on the whole of the project. 39 Cont.

Elsewhere, the DEIR argues that no analysis of the proposed expressways is required because "the EDE does not propose to place them in the Circulation Element of the City's General Plan." DEIR, p. 2-49; see also DEIR, p. 2-55 (same argument). However, General Plan elements are co-equal in weight and priority, so even if the expressways were only in one element, they are co-equal parts of the General Plan. Furthermore, the proposed General Plan Amendments in DEIR Appendix D would in fact amend the General Plan Circulation Element to reference the "circulation policies and plans" contained in EDE section 2.2.1, i.e., the section of the EDE that contains the policies specifying the expressways. DEIR, App. D, pp. 16-17; see EDE, Section 2.2.1. And the proposed General Plan Amendments also specifically reference theses EDE policies in spelling out the relation between the EDE's circulation policies and the General Plan by updating "Table C-1, Related Goals and Policies by Element." DEIR, App. D, pp. 17, 27.

2. The project description used for analysis is inconsistent because expressways are assumed for some analyses but not for others.

To add to the confusion, the DEIR's claim that "no analysis of the environmental effects of constructing or operating the expressways is included in this EIR" (DEIR, p. 2-44) is in fact incorrect. Thus, the analyses of the various resource area impacts are based on an inconsistent project description because the expressways are assumed for some analyses but not for others. 40

GHG analysis: The GHG analysis purports to be limited to emissions from the six Target Area. DEIR, pp. 3-124 to 3-135. However, the analysis is inconsistent because it is predicated on different assumptions for baseline and with-project conditions with respect to the expressways. The analysis of baseline emissions omits the emissions from the acreage that would be converted to expressways (DEIR, pp. 3-125 to 3-126), even though the analysis of at least some of the with-project impacts does include the expressways. DEIR, App. E. Rincon memorandum, Aug. 31, 2017, pp. 6-8.

Further confusing the analysis, the with-project analysis of GHG emissions in Appendix E includes the expressways for *construction* impact analysis but not for *operational* impact analysis. Appendix E, containing the CalEEMod output for construction emissions, does purport to include the emission from construction of the expressways. DEIR, App. E. Rincon memorandum, Aug. 31, 2017, pp. 7-8. However, Appendix E's discussion of operational emissions from the expressways is equivocal as to the inclusion of the expressways. Appendix E admits that if the expressways are not built then "vehicle miles traveled would increase, which would result in a corresponding increase in operational GHG emissions associated with mobile activity." DEIR, App. E. Rincon memorandum, Aug. 31, 2017, p. 6. The memo then claims that the CalEEMod operational analysis did not account for the diversion of trips from existing roads to the

[2] Sections 3.1, 3.2, 3.4, and 3.6 omit any consideration of the expressways. . The analysis of aesthetic impacts in section 3.1 is limited to assessing the visual impact related to the six Target Areas. DEIR, p. 3-16 to 3-20. Similarly, the agricultural resources impact analysis in section 3.2 is confined to the effect of removing the target areas from agricultural production. DEIR, p. 3-34 to 3-41. The biological resources analysis in section 3.4 is confined to the six Target Areas. DEIR, p. 3-65, 3-93 to 3-103. So too was the cultural resources analysis in section 3.6 confined to the 6 target areas. DEIR, pp. DEIR, pp. 3-151 to 3-155.

expressways, so "the GHG emissions generated by the proposed project would generally be consistent with the EDE EIR analysis." DEIR, App. E. Rincon memorandum, Aug. 31, 2017, p. 7. **40 Cont.**

In sum, the CalEEMod analysis makes inconsistent assumptions regarding the inclusion of the expressways in its construction and operational analyses, but the Rincon memorandum assures us that the operational analysis was so flawed that it got the right answer for the wrong reasons. CEQA demands more than this kind of obscure and contradictory analysis buried in an appendix.

We note that the CalEEMod output does not identify what acreage is assumed for the expressways in the construction emissions analysis or whether all three expressways are included in the construction emissions analysis. *Please provide this information.* In particular, please identify each expressway that was included in the CALEEMod construction emission analysis and the specific acreage assumed for each of these expressways.

Traffic: The transportation analysis in the DEIR claims that the proposed Eastside, Westside, and Southside expressways were "removed from the project description." DEIR, p. 3-242. Despite this claim, the DEIR's Appendix I Transportation Impact Analysis ("TIA") states that it does include future roadway network changes "including both the eastside and westside bypass facilities." DEIR, App. I, p. 38. It is unclear whether the analysis included the southside expressway. Please explain whether the traffic analysis does in fact assume the southside expressway. **41**

Regardless, the project description used in the traffic analysis is inconsistent with the project description used in the other analyses in the DEIR. CEQA requires that an EIR use a stable and consistent project description.

Furthermore, had the EIR's traffic analysis in fact excluded the expressways, consistent with the DEIR's claim at page 3-242, then its analysis would have been different. DEIR Appendix E admits that the exclusion of the expressways "would result in a redistribution of forecasted trips within Salinas." DEIR, App. E. Rincon memorandum, Aug. 31, 2017, p. 4. The EIR provides no analysis of the likely impacts if the expressways are not built. **42**

3. The DEIR fails to assess the proposed annexation of EOA's D, G, H and M

LU-1.7.2 commits the City to seek to annex EOA's D, G, H and M. These EOA's are described as follows: **43**

> D -Airport West - 343.04 acres. Vacant land is 172 acres. Anticipated land use is Industrial (DEIR Table 5 and Figure 4)
> G - Alisal/Airport East Vacant land is 396 acres. Anticipate land use is Industrial (DEIR Table 5 and Figure 4)
> H - East Future Growth Area - 1,398 acres (DEIR, Table 2 and Figure 4)
> M - Boronda South - 208 acres (DEIR, Table 2 and Figure 4)

Physical impacts caused by annexation of these areas are not analyzed in the EIR. Annexation and subsequent urbanization of these areas would have clear impacts, including loss of farmland, biological resources impacts, aesthetic impacts, and cultural resource impacts. These impacts could and should have been analyzed, even if there were no specific development plans, because urbanization of these areas in any form would clearly result in these four types of impacts, and these impacts are determined simply by the conversion of the existing agricultural land use to any type of urban use.

4. The DEIR fails to assess the proposed implementation of the Salinas Municipal Airport Plan.

LU 1.9.2 commits the City to implement the Salinas Municipal Airport Plan. The EIR references that out-of-date1982 plan, which had a planning horizon through the year 2000. See DEIR, p. 7-5, referencing http://www.co.monterey.ca.us/planning/docs/plans/SALINAS_CLUP.pdf. However, it appears that the current Salinas Municipal Airport Master Plan is for the period 1990-2010. This plan identifies future improvements for the airport to meet future aviation needs. The plan also addresses land use surrounding the airport. The type of development occurring in the airport environs impacts the safety of aircraft operation, as well as impacting the number of people exposed to aircraft hazards, such as airplane crashes. 44

The EIR provides no analysis of the implementation of this plan. Instead, it simply states that that none of the six target areas under review are within the Airport Area Of Influence. See, e.g., DEIR, pp. 3-170 and 3-183 (hazards section), 3-212 (noise section). For example, there is no discussion of the compatibility of the land use assumptions in that plan and the City's current land use plans, even though those plans may have changed since the adoption of the current Salinas Municipal Airport Master Plan. There is no analysis of the consistency of noise standards in that plan with the City's current noise standards. There is no discussion of airport-related hazards. The DEIR must be revised and recirculated to provide the required analysis.

5. Circulation improvements for Downtown Vibrancy Plan.

ED C-2.2 and Actions C-2.2.1, C-2.2.2, and C-2.2.3 commits the city to implement a set of circulation improvements in the Downtown area including the specific improvements identified in the Downtown Vibrancy Plan and a new interchange at US 101 and Sherwood Drive. The City has promulgated a final version of its Downtown Vibrancy Plan, including an implementation strategy, which calls for specific capital projects. See https://www.cityofsalinas.org/our-city-services/public-works/upcoming-current-public-works-projects/downtown-vibrancy; https://www.cityofsalinas.org/file/814/download; https://www.cityofsalinas.org/file/815/download. 45

The EIR must be revised and recirculated to provide an analysis of the impacts related to implementing the improvements identified in the Downtown Vibrancy Plan and a new interchange at US 101 and Sherwood Drive.

E. The trip generation assumptions are fundamentally inconsistent in the traffic and air quality/GHG analyses.

An EIR must present a coherent and consistent body of analysis in order to provide substantial evidence to the public and decision makers. The DEIR fails to do so because the trip generation assumptions in the air quality and GHG analyses are fundamentally different than the trip generation assumptions in the traffic analysis.

In particular, the CalEEMod output in DEIR Appendix assumes125,412.58 daily weekday trips whereas the Traffic Impact Analysis assumes only 82,922 daily trips. DEIR, Appendix E, section 4.2; Appendix I, p. 37. Obviously traffic impacts would be substantially more severe than disclosed by the DEIR since the traffic analysis understates trip generation by 50%. The DEIR must be revised and recirculated to provide an adequate analysis of traffic impacts that is consistent with the Air Quality/GHG analysis. 46

The TIA purports to base its trip generation assumptions on an undisclosed source for trips per employee. DEIR, Appendix I, p. 37. This method stands in contrast to the typical method of determining trips based on the square footage of the particular land use, as is done by the Institute of Transportation Engineers trip generation manuals or by CalEEMod. Please explain the source for the TIA's assumed trips per employee. Please provide the ITE and CalEEMod trip rates per 1,000 square feet for the applicable land uses, e.g., strip mall, business park, and industrial. Please explain how the "per employee" assumptions could be consistent with the standard methods for determining trip rates. 47

F. Data re existing conditions requested in NOP comments was not supplied by DEIR.

LandWatch's comments on the Notice of Preparation specifically requested that acreage for land within existing City boundaries be identified. 48

Instead, the DEIR at pages 2-5 and 2-6 identifies acreage within City boundaries *and the Sphere of Influence (SOI)* as follows:

Residential (4,200 acres)	31%
Industrial (1.275)	10%
Commercial/Office (770 acres)	6%
Open space (4,670)	35%
Total	83%

Please clarify if the "Open Space" category includes designated open space, land in active open space uses, or vacant land. Please identify the land uses for the remaining 17% that was not accounted for. Please separately provide these acreage totals for land within City boundaries and land outside City boundaries but within the existing SOI.

Because our NOP comments asked for land use within the City, not the City plus the SOI, we ask again that the EIR provide residential, commercial, industrial, open space, other land uses, and vacant land by acreage for the area *within the City limits*.

The DEIR describes a 2008 SOI amendment for the Future Growth Area of 3,400 acres with 2,388 acres annexed. DEIR, p. 2- 6. Are these acres included in the 4,670 acres of Open Space identified above or are they in addition?

G. GHG analysis and mitigation are not adequate.

1. The DEIR fails to identify a coherent threshold of significance.

The DEIR fails to identify a coherent threshold of significance. The generic threshold of significance identified at DEIR page 3-119 includes two options. A significant impact would occur if (1) the project generates emission "that may have a significant impact" or (2) the project conflicts with an applicable plan, policy, or regulation adopted to reduce GHG emissions. Obviously the first option is circular unless some additional criteria are supplied for what constitutes a "significant impact."

No qualitative threshold of significance: The second option might permit a qualitative comparison of the project to an existing plan, policy or body of regulations to determine significance. And although the DEIR claims that it is permissible to rely on a purely qualitative threshold (DEIR, p. 49

3-120), the EIR does not in fact provide a qualitative assessment of the projects compliance with any plan, policy or body of regulations. A qualitative assessment of the proposed project's compliance with existing plans, policies, and regulations would have been possible, and may have provided some insight as to what measures might be necessary to ensure that the project comes into compliance if it is not. However, the DEIR's abbreviated discussion of project consistency with applicable plans, policies, and regulations claims that the City's own General Plan policies are now no longer "valid" and should be replaced with the mitigation measures contained in GHG-1. DEIR, p. 3-135. As discussed below, Mitigation Measure GHG-1 does not actually commit the project to any particular mitigation measures and is improperly deferred. At any rate, the DEIR does not provide any discussion of the project's compliance or consistency with the handful of potential measures that are identified in GHG-1.

49 Cont.

EIR proposes then inconsistently disavows a 72% reduction from 1990 emission levels as a quantitative threshold of significance: Absent a qualitative analysis, the DEIR's significance analysis is purely quantitative. The method the DEIR purports to use to determine significance is to calculate new emissions net of baseline emissions and reductions from existing scoping plan reductions and then to compare that figure to "a selected threshold of significance, if any." DEIR, p. 3-125. If net new emissions are significant, the DEIR states that its method would be to propose feasible mitigation, recalculate mitigated GHG emissions, and reassess significance of the mitigated emissions. DEIR, p. 3-125.

As applied in the DEIR, this method requires a numeric threshold of significance. Based on AB 32's 2020 statewide emission reduction target and the Executive Order S-03-05 2050 emission reduction target, the DEIR interpolates that a 72% reduction from 1990 BAU levels would be required to meet statewide goals. DEIR, p. 3-124. However, the DEIR equivocates as to whether this 72% reduction from BAU is actually a threshold of significance: "Though the extrapolated [sic, interpolated] reduction target *is not a threshold of significance per se*, an additional approximately 63.7 percent reduction in the unmitigated emissions volume would be needed to move toward the reduction target." DEIR, p. 3-131, emphasis added. Because the DEIR concludes without analysis that it is "highly unlikely that this magnitude of reductions can be achieved without improvements" in the "current GHG reduction frameworks, tools and technologies" the DEIR states, "the proposed project is assumed to have a significant impact."

The significance analysis is flawed because the EIR simply fails to identify a threshold of significance. The methodology discussion sets up an exclusively quantitative analysis process but then implies that there may not be a threshold to which to compare the quantitative result. DEIR, p. 3-125 (calling for comparison to "selected threshold of significance, *if any*.") And then when the DEIR gets to its significance analysis, its discussion states that the only numeric threshold that is proposed for consideration, a 72% reduction from 1990 BAU levels, "is not a threshold of significance per se." DEIR, p. 3-131. The public is left without any clear understanding whether the DEIR finds the impact significant by virtue of its quantitative analysis and, if so, how severe the impact actually is, and how much GHG reduction would be required to mitigate the impact.

2. The DEIR's analysis of GHG significance is flawed under *Newhall.*

Even if 72% reduction were unequivocally identified as the threshold of significance, it is not an adequate threshold under *Newhall*: The *Newhall* case firmly establishes that an agency may not uncritically apply a *statewide* GHG reduction goal as a threshold of significance. The *Newhall* Court set aside the EIR's GHG analysis because the agency failed to connect the dots between the statewide goal and the necessary reductions required for a particular land use project to do its fair share toward meeting that goal:

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". . . the administrative record discloses no substantial evidence that Newhall Ranch's *project-level* reduction of 31 percent in comparison to business as usual is consistent with achieving A.B. 32's statewide goal of a 29 percent reduction from business as usual. *Ctr. for Biological Diversity v. California Dep't of Fish & Wildlife* ("*Newhall*") (2016) 62 Cal. 4th 204, 225 (emphasis added).

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The Court observed that neither the existing Scoping Plan nor the EIR at issue related the statewide goal for GHG reductions to the reductions that should be required from individual projects, noting obvious reasons that attaining a different level of reduction may be necessary for a particular development project to do its fair share (e.g., the likelihood that new projects must attain greater efficiency than already-built projects to meet the overall target). The Court also pointed out that the EIR at issue improperly relied on unsupported assumptions that the density and intensity of land use at the project site under BAU conditions was consistent with the Scoping Plan's statewide business-as-usual model. In sum, *Newhall* held that the EIR was deficient as an informational document because it "simply assumes that the level of effort required in one context, a 29 percent reduction from business as usual statewide, will suffice in the other, a specific land use development." *Id.* at 227. Here, to the extent that the DEIR is relying on the statewide 72% reduction goal as a threshold of significance, *it is making exactly the same error that the agency made in Newhall.*

City cannot defer its analysis until some other agency provides a threshold of significance by enacting regulations or a plan: *Newhall* makes it clear that local governments "bear the primary burden of evaluating a project's impact on greenhouse gas emissions." *Id.* at 230. This is in large measure because "transportation accounts for almost 40 percent of the state's greenhouse gas emissions, and transportation emissions are affected by the location and density of residential and commercial development." *Id.* at 229. Despite this, the DEIR implies that the City cannot identify a threshold of significance until an agency or the Legislature adopts a set of regulations or a scoping plan to implement the statewide GHG reduction goals that go beyond the AB 32 scoping plan and regulatory programs. DEIR, p. 3-122. In effect, this abdicates what the *Newhall* decision identifies as the primary responsibility of local governments to assess significance.

There is no reason that an agency must await regulatory enactment of statewide GHG reduction goals to make determinations of significance. In *Newhall*, the Supreme Court noted that AB 32 did not create regulations and that regulations were not yet in place that met the requirements of CEQA Guidelines § 15064.4(b)(3) for "regulations or requirements" adopted to implement a plan. *Notwithstanding the lack of a mechanism for determining significance under § 15064.4(b)(3) by reference to regulations implementing GHG reduction goals, Newhall did not excuse the agency from making a significance determination*. However, here, the DEIR apparently assumes that the only valid mechanism for making a significance determination is a reference to enacted regulatory requirements of a statewide GHG reduction plan. Under the this approach, agencies would not be able to make significance determinations until the post-2020 reduction targets are implemented through a regulatory program – a process that may not occur until well after the EDE is approved (or, indeed, well after specific development projects consistent with the EDE are approved). There are other methods to determine significance with reference to needed reductions post-2020, and it is up to the City to apply one. An agency may not hide behind the lack of a single universal method for determining significance.

Newhall analysis options: *Newhall* offers guidance for a land use agency to make an adequate significance determination by identifying several "pathways for compliance" with CEQA's requirements to evaluate significance of GHG emissions.

Under the one option, an agency might try to determine and justify a percent reduction compared to BAU at the proposed location, i.e., to cure the defects inherent in the unjustified assumption that meeting a statewide reduction goal is an adequate basis to find a project impacts to be less than significant:

50 Cont.

> "First, although we have found the particular comparison made here lacking in support, and although doubt has been cast on the Scoping Plan's project-level appropriateness (see Final Statement of Reasons, supra, at pp. 24–25), a business-as-usual comparison based on the Scoping Plan's methodology may be possible. On an examination of the data behind the Scoping Plan's business-as-usual model, a lead agency might be able to determine what level of reduction from business as usual a new land use development at the proposed location must contribute in order to comply with statewide goals." *Id.* at 229.

As discussed above, the DEIR has not cured the *Newhall* defect of making the uncritical assumption that attaining the statewide goal for GHG reductions is evidence that a particular land use project would have a less than significant impact; the DEIR's 72% analysis suffers from precisely the same shortcomings as the *Newhall* EIR in making such a determination.

Under another option, an agency might develop and justify a bright-line numerical threshold:

> "Third, a lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions, though as we have explained (ante, p. 14), use of such thresholds is not required. (Guidelines, § 15064.4, subd. (b)(2); see, e.g., Bay Area Air Quality Management Dist. (BAAQMD), CEQA Guidelines Update: Proposed Thresholds of Significance (May 3, 2010), pp. 8–21 [regional air quality district for the San Francisco Bay Area proposes a threshold of 1100 MTCO2E in annual emissions as one alternative agencies may use in determining CEQA significance for new land use projects].)" *Id.* at 230.

However, the City has not attempted to develop such a numerical threshold.

Under another option, an agency may determine significance by determining whether a project's emissions will be consistent or comply with a program intended to reduce GHG emissions from "particular activities" or "areas governed by the regulations:"

> "Second, a lead agency might assess consistency with A.B. 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities. (See Final Statement of Reasons, supra, at p. 64 [greenhouse gas emissions —may be best analyzed and mitigated at a programmatic level.‖].) To the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with —performance based standards adopted to fulfill —a statewide . . . plan for the reduction or mitigation of greenhouse gas emissions.‖ (Guidelines, § 15064.4, subds. (a)(2), (b)(3); see also id., § 15064, subd. (h)(3) [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including —plans or regulations for the reduction of greenhouse gas emissions].) ¶ A significance analysis based on compliance with such statewide regulations, however, only goes to impacts within the area governed by the regulations." *Id.* at 229.

A significance analysis based on consistency or compliance with such a program only goes to impacts within the area governed by the regulations. That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts. However, nothing in *Newhall* excuses an agency from assessing significance in each sector for which meaningful analysis is possible. **50 Cont.**

There are clearly regulations in place under AB 32's Scoping Plan that would apply to the project, yet the EIR makes no effort to assess consistency with those regulations. And, as discussed below, meaningful analysis of transportation GHG impacts is possible based on the project's inconsistency with the SB 375 Sustainable Communities Strategy, a regulatory program intended to address local land sue transportation GHG impacts. **51**

The DEIR must assess the significance of transportation emissions because they are uniquely under the City's control and are the largest source of GHG emissions. Again, the DEIR makes no effort to assess consistency with any applicable regulatory programs. Here, the elephant in the room is the transportation emissions, which account for 86% of the project's GHG emissions and represent the area of GHG reductions that *Newhall* explains is primarily under local agency control. DEIR, p. 3-127 (Table 24). As noted, *Newhall* explains that that because "transportation emissions are affected by the location and density of residential and commercial development" local agencies bear the primary responsibility to evaluate the significance of a land use project on GHG emissions. *Id.* at 229-230.

The DEIR fails to assess the project's consistency with the most obvious and important regulatory program intended to help local agencies manage transportation impacts of land use, the Sustainable Communities Strategy developed for the County under SB 375, the statute that is specifically intended to implement transportation emission reductions from local land use permitting decisions. The DEIR merely observes that the project cannot rely on SB 375's CEQA *streamlining* because that is applicable only to residential projects. DEIR, pp. 3-113 to 3-114. However, the DEIR fails to disclose that the proposed project is fundamentally inconsistent with the land use assumptions and the goal for compact, urban growth in the Sustainable Community Strategy applicable to Monterey County.

First, the project is inconsistent with the AMBAG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) because the SCS is based on the assumption that growth will occur in areas within each jurisdiction's sphere of influence and in areas designated for growth by existing general plans.

> "AMBAG used relevant data and information gathered from local governments and the RTPAs - the Transportation Agency for Monterey County, the Santa Cruz County Regional Transportation Commission and the San Benito County Council of Governments - to develop scenarios using a process that engaged the entire region in envisioning a more sustainable future. For each of these scenarios, *it is assumed that the AMBAG Regional Growth Forecast (three county total) is a constraint (fixed upper limit) to the amount of total development in the region.* Additionally, the hybrid and final preferred scenario ***restricted the majority of growth to the Spheres of Influence of any given city***. Some growth is accounted for in unincorporated Community Plan Areas (Monterey County), Urban Service Areas (Santa Cruz County) or New Community Study Areas (San Benito County). *All growth is consistent with General Plans* and was based on direction from jurisdiction planning staff. Detailed documentation of the development of the scenarios can be found in Appendices E and F."

AMBAG, Metropolitan Transportation Plan/Sustainable Communities Strategy, June 2014, p. 4-6, available at http://ambag.org/programs/met_transp_plann/documents/Final_2035_MTP_SCS/MovingForwardMontereyBayFinal.pdf. **51 Cont.**

Unlike the DEIR's reliance on an undated aspirational goal for future population growth, the MTP/SCS emphasizes that its growth forecast was based on established data sources and consultation with the local jurisdictions:

> "Over the last two years, the Regional Growth Forecast has been updated to reflect the 2010 Census, data from the California Employment Development Department and InfoUSA, as well as population and household data from the California Department of Finance. Ongoing discussions with local jurisdictions led to refinement of the forecast figures, which resulted in AMBAG's ability to obtain a consensus on the Regional Growth Forecast to serve as the foundation for the 2035 MTP/SCS." *Id.*, p. 4-6.

The project is fundamentally at odds with the Sustainable Communities Strategy. As discussed above, contrary to the SCS assumptions, the City has *chosen to plan its land use needs based on much higher population projections from its General Plan buildout*, without any information about the likeliness or timeframe of that buildout, other than the observation that it will not occur "for a very long time." Also contrary to the SCS, the City has *chosen to assume that it cannot or will not plan its growth consistent with the land use limitations in its sphere of influence and General Plan*. In effect, the EDE simply ignores the planning and policies embedded in the collaborative SB 375 process that produced the current MTP/SCS.

The sprawl development proposed by the EDE is inconsistent with the following fundamental MTP/SCS policies:

- "Foster efficient development patterns that optimize travel, housing, and employment choices and encourage active transportation" (MTP/SCS, p. 1-12);
- Recognize that the "geographical relationships between land uses —including density, diversity, and intensity — help determine the need for travel" and plan so as to reduce the need for travel (MTP/SCS, p. 4-3);
- Protect the "the thousands of acres of farmland that produce billions of dollars' worth of berries and other produce," including land subject to Williamson Act and prime farmland (MTPSCS, p. 4-75);

Critically, the DEIR consistently fails to assess the very GHG impacts over which the City has the most control: those transportation-related GHG impacts associated with the choice to permit sprawl development rather than compact development. For example, in the alternatives analysis, the DEIR only finds that alternatives will "substantially less" GHG impacts if they would reduce the *absolute amount* of development without reference to its location or density. DEIR, p. 6-51. The DEIR fails to consider whether alternatives that would force compact, infill development would substantially lessen GHG impacts by reducing VMT due to locational benefits. For example, the alternatives analysis dismisses the importance of a 2,190 daily reduction in trips that might be attained by a mixed-use approach, arguing that the non-transportation related GHG impacts would be about the same as the proposed project – even though the transportation-related GHG represents 86% of the total. DEIR, pp. 6-42, 6-4-7. And the GHG significance analysis in section 3.5 entirely fails to address the marginal increase in transportation GHG emissions caused by the choice of sprawl rather than compact development. The public is entitled to know the **52**

GHG cost of the decision to permit sprawl, auto-dependent development rather than compact, infill development.

52 Cont.

3. GHG mitigation is flawed.

Mitigation measure GHG-1 proposes that if the City has not adopted a qualifying GHG reduction plan, future applicants should develop ad hoc Greenhouse Gas Reduction Plans (GGRPs) by undertaking the following steps:

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- Identify a threshold of significance "based on substantial evidence that it is applicable to the proposed project," which threshold is to be used as a performance standard;
- Calculate project emissions net of reductions attributable to existing regulatory programs;
- Determine if additional measures are required based on whether the net emission volumes are above the applicable threshold of significance;
- If so, then feasible mitigation measures shall be required and may be selected from various guidance documents;
- If there are insufficient feasible measures to reduce GHG emission below the applicable threshold of significance, obtain an administrative approval from the Community Development Director. See DEIR, pp. 3-133 to 3-134.

Mitigation Measures GHG-1 is fundamentally inadequate under CEQA because it is improperly deferred. The formulation of specific mitigation measures may not be deferred, as it is here, unless 1) the EIR identifies a performance standard by which measures may be designed and their sufficiency evaluated; 2) the mitigation is known to be feasible; 3) approval of the mitigation is not delegated to an unelected decision maker. Here, the DEIR fails to comply with any of these requirements for deferral.

GHG-1 fails to identify a performance standard, so mitigation has been improperly deferred. Instead of providing a performance standard, GHG-1 leaves it to the future applicant to come up with a threshold of significance to use as that standard. In effect, GHG-1 calls for having the applicant provide a future study that comes up with some performance standard and then propose mitigation to meet that standard. CEQA does not countenance this kind of deferral.

The DEIR provides no evidence that mitigation is known to be feasible, so mitigation may not be deferred. Indeed, the DEIR concludes that it is possible that mitigation may not be feasible, and because of this, it concludes that the impact remains significant and unavoidable. DEIR, p. 3-34.

GHG-1 improperly delegates mitigation to unelected decision-makers, the developer and the Community Development Director. It is bad enough that an unelected decision-maker could approve an applicant-supplied performance standard and mitigation plan. It is particularly egregious that an unelected decision-maker could also make a determination that mitigation is not feasible, do so without any standards to determine feasibility, and do so after the City has already approved the EDE program.

CEQA requires that *before the City approves this project,* its decision-makers must make a finding whether sufficient mitigation is infeasible based on specifically identified factors. And if sufficient mitigation is infeasible, the City must either disapprove the project or make findings that there are specific overriding considerations that justify approving it anyway. All of these findings must be based on substantial evidence in the record.

It is not sufficient simply to punt these findings to the future. Merely labeling the impact as significant and unavoidable is not a cure for the failure of analysis and mitigation. For example, the City cannot possibly weight the significant unmitigated environmental impacts against the purported overriding considerations unless it actually knows how severe the environmental impacts would be. 53 Cont.

H. Mitigation of lost farmland is inadequate.

The analysis of impacts to farmland acknowledges that the proposed project would convert over 500 acres of important farmland to non-agricultural uses, which is a significant impact. As noted, the analysis is inadequate because it fails to acknowledge the loss of hundreds of additional acres of farmland resulting from the three proposed expressways and the proposed annexation of EOAs D, G, H and M. 54

Even if the impact analysis were adequate, the proposed mitigation is not. Mitigation measure AG-1 proposes to mitigate the loss of 502 acres of important farmland through one of two methods: 55

- Dedication of a conservation easement on off-site agricultural land of "equal or better quality at a ratio of 1:1", or
- Payment of an agricultural conservation in-lieu fee in effect at the time individual projects are proposed, based on the fair market value of permanent conservation easements on agricultural land at the time individual project applications are submitted, updated if necessary at the time of project approval, and identified through a nexus study or other mechanism approved by the City Attorney. DEIR, p. 3-35

Impact fee option: Payment of an in-lieu or impact fee is not adequate mitigation unless the fee program has been proposed, adopted, and environmentally reviewed in either a program EIR for the impact fee program or in the EIR for this project. The DEIR does not identify any agricultural mitigation impact fee program or provide any information about such a program's environmental review.

The DEIR fails to provide any information that would enable the public to understand how effective such an impact fee program would be or what environmental effects it would have. For example, it is unclear whether the impact fee program would be used to acquire conservation easements or to provide mitigation in some other form. If the impact fees were to be used for conservation easements it is unclear that that agricultural land parcels would be available for such easements; whether the program would require the timely acquisition of an easement after payment of an in-lieu fee; whether the land subject to the easement would be proximate to the City or even in the Salinas Valley; how much land would be required to be conserved; and whether the land would have to be prime, of statewide importance, or unique. If the impact fee were to be used to provide mitigation in some other form, it is unclear what that other form might be. It is unclear how much of the impact fee would be consumed by administrative overhead to run the impact program. We note that housing impact fees seldom result in timely production of affordable housing units. There is no reason to expect that an agricultural mitigation fee would fare any better, particularly since this mitigation measures does not constrain the use of the impact fee or mandate any particular outcomes.

Furthermore, the DEIR fails to specify the amount of the mitigation impact fee or to provide any information that would enable a future decision-maker to determine the fee. Merely calling for a future nexus study does not inform the public how that nexus or the fee will be determined. For

example, if the impact fee program were based on acquisition of conservation easements, it is unclear if the fee would have to be sufficient to acquire land at a 1:1, 1:2, or 1:3 ratio.

55 Cont.

Calling for a fee based on the fair market value of permanent conservation easements on agricultural land does not guarantee that permanent conservation easements for comparable land would in fact be available or would actually be acquired. If in fact the fee were to be determined on the basis of the current price for a conservation easement, then presumably there would be a willing seller. If there were a willing seller, there is no reason to process the mitigation through an as-yet-to-be developed impact fee program: the developer should simply make the easement transaction with the willing seller. If there is no willing seller or no actual easement transaction, the City may not identify the mere payment of an impact fee as mitigation.

Conservation easement option: The conservation easement option is not adequate mitigation as proposed. There is no performance standard to define what land is of "equal or better quality." There is no requirement that the easement be on land proximate to Salinas, or even on land in the Salinas Valley. The mitigation cannot be known to be feasible because the DEIR provides no assurance that land would actually be available for a conservation easement.

56

The DEIR admits that provision of a conservation easement at a 1:1 ratio does not render the impact less than significant because the conversion of farmland is assumed to be irreversible. Accordingly, the proposed mitigation merely lessens the impact. Where an impact remains significant, an EIR must consider all feasible mitigation. The DEIR fails to justify its assumption that the 1:1 ratio constitutes all feasible mitigation. A higher mitigation ratio, e.g., 1.5:1, 2:1, or 3:1, would likely be feasible and would go much further toward lessening the significant impact. The DEIR should require the highest feasible higher mitigation ratio in view of the conclusion that the impact remains significant even after mitigation at a 1:1 ratio.

AG Land Trust. The Ag Land Trust within the boundary of a permanent agricultural conservation easement holds a portion of Target Area B. Land held under this easement is to be protected in perpetuity for the purpose enumerated in the easement documentation, including in most cases, the continuation of agricultural production. The DEIR finds that implementation of the following mitigation measure (AG-3) would reduce the conflict from proposed future urban development within Target Area B with the existing agricultural conservation easement to less than significant.

57

a. Development will be prohibited within parcels under permanent agricultural conservation easement; or
b. Coordinate with the Ag Land Trust to exchange the existing agricultural conservation easement with which development of Target Area B could be in conflict with one or more new conservation easements placed on agricultural land in an alternative location such that conflicts are eliminated.

Exchanging land under the easement for land in an alternative location is inconsistent with the requirement that the easement remain in perpetuity at that location. The proposed mitigation does not mitigate the project's impact to less than significance. Since limiting development in Target Area B is the remaining mitigation measure, the feasibility of developing Target Area B as proposed should be addressed.

I. Mitigation of Williamson Act contract conflicts is inadequate.

Mitigation measures AG-2, purporting to mitigate conflicts with Williamson Act contracts inn Target Areas B and V must be updated to include any such contracts in other areas covered by Williamson Act contracts, e.g., areas in the proposed expressways or in EOAs D, G, H and M. 58

The provision in mitigation measure AG-2 that would permit the equivalent acreage of land to be added to other Target Areas would clearly have secondary impacts that have not been discussed. The proposal that this discussion be deferred to some future CEQA review fails to address impacts that must be discussed in this EIR. Accordingly, this portion of AG-2 must be deleted or the secondary impacts must be assessed. 59

J. Consistency Analysis

General Plan Inconsistency: As noted in the DEIR, the EDE would be inconsistent with the following General Plan Policy: 60

> Minimize disruption of agriculture by maintaining a compact city form and directing urban expansion to the North and East, away from the most productive agricultural land.

While an amendment to the General Plan is proposed to address the issue, the inconsistency should be identified as an unavoidable and significant impact.

County/City MOU Inconsistency. The project is also inconsistent with the County/City of Salinas MOU and Ag Land Trust easements. The inconsistency should be identified as unavoidable and significant impacts. 61

Local Agency Formation Commission (LAFCO). Under the Section "Effects Found not to Be Significant", the DEIR identifies Consistency with LAFCO Guidelines. DEIR, p. 3-323. However the project is clearly not consistent with one critical LAFCO Guideline. 62

The Monterey County LAFCO Policy Guidelines for Spheres of Influence provide:

> "LAFCO will generally apply the following policy guidelines in the Spheres of Influence program, in addition to the local conditions and circumstances of each local agency. The Local Agency Formation Commission of Monterey County will consider the particular local conditions and circumstances of each agency and community.
>
> 1. LAFCO intends that its Sphere of Influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl; limit proliferation of local governmental agencies; encourage efficiency, economy and orderly changes in local government; promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture." (Emphasis added).

All Target Areas outside the City limits and SOI are inconsistent with this major LAFCO policy because they do not promote compact urban development and because they consume prime agricultural land. This inconsistency should be identified as a significant impact.

K. Transportation VMT analysis

Standards of significance for transportation impacts are identified in the DEIR as consistency with LOS standards included in general plans. While this standard is appropriate for addressing project consistency with general plans, it does not address requirements of SB 743, which establishes criteria for determining the significance of a project's transportation impacts based on a project's reduction in mobile source Greenhouse Gas emissions (GHG). Under SB 743, the focus of transportation analysis should shift from driver delay to reduction of greenhouse gas emissions, creation of multimodal networks and promotion of a mix of land uses. Draft amendments to CEQA Guidelines to address SB 743 have been developed (January 2016) but have not been adopted. Until that time, impact analyses are not required to use the proposed methodology for determining significance. However, an analysis of a project's impacts on transportation should identify motor vehicle GHG emissions and determine if they will be reduced to levels of insignificance to be consistent with the requirements of SB 743. 63

The analysis of the project's impacts on GHG emissions (DEIR, p. 3-129) identifies mobile source GHG emissions as generating 117,189.17 MT CO_2e/year at build-out in 2045. It does not identify or discuss specific mitigation measures for reducing these emissions. The analysis finds that overall project GHG emissions, including mobile source emissions, will have an unavoidable and significant impact. DEIR, p. 3-134. Based on the DEIR's analysis of GHG emissions, 86% of which are from mobile sources, the project's transportation impact should be found to be unavoidable and significant. **64**

L. Failures to assess urban decay

The DEIR acknowledges that big box retail has the potential to cause economic impacts on existing retail in the trade area, and that this may result in physical impacts through deterioration and decay. DEIR, p. 5-18. The DEIR explains that an urban decay analysis should at minimum identify the amount of existing retail trade that would be captured by the newly propose retail. DEIR, p. 5-18. The DEIR fails to provide this information. **65**

While the Salinas Retail Analysis in the EDE discusses the potential capture of retail from outside the City, it does not assess the likely capture of retail from within the City. The Salinas Retail Analysis concludes that capture of existing retail from outside the City would justify adding 63 acres of new retail space. EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 2. This first 63 acres of new retail space would come at the expense of retailers from outside the City within 20 minutes driving distance. The magnitude of this projected capture from relatively distant retailers clearly implies a similar magnitude of capture from retailers within the City, retailers that are even closer to the Target Areas.

The DEIR claims that analysis of urban decay impacts is too speculative to undertake because detailed information about likely future retail uses is not available. DEIR, p. 5-19. However, the Salinas Retail Trade Analysis demonstrates that it would have been possible to evaluate the capture of retails sales from within Salinas by the newly proposed retail stores using the same method that was used to project the capture of retail sales from outside of Salinas. It is clear that the proposed new retail uses have the potential to result in the shuttering and blight of dozens of existing Salinas stores. For example:

- The projected capture of retail from outside Salinas accounts for 21,260 square feet of auto parts stores. *Id.* at p. 7. If a similar amount of trade were captured from within Salinas, it could close an existing auto parts store.

- The capture of retail from outside Salinas accounts for 10 average sized electronics/appliance and furniture/home furnishings stores. *Id.* If a similar amount of trade were captured from within Salinas, it could close 10 such establishments.
- The projected capture of retail from outside Salinas accounts for 56,220 square feet of food and beverage stores. *Id.* at p. 7. If a similar amount of trade were captured from within Salinas, it could close one or more existing stores.
- The projected capture of retail from outside Salinas accounts for 20,000 square feet of clothing stores. *Id.* at p. 7. If a similar amount of trade were captured from within Salinas, it could close one or more existing stores.
- The projected capture from general merchandise stores from outside Salinas accounts for 87,268 square feet. *Id.* at p. 7. If a similar amount of trade were captured from within Salinas, it could close up to nine existing stores.
- The projected capture from specialty retail stores from outside Salinas accounts for 107,800 square feet. *Id.* at p. 8. If a similar amount of trade were captured from within Salinas, it could close 36 existing stores.
- The projected capture from foodservice and drinking places from outside Salinas accounts for 50,200 square feet. *Id.* at p. 8. If a similar amount of trade were captured from within Salinas, it could close up to 18 existing establishments.

65 Cont.

The DEIR improperly declines to apply the same method it used to assess capture of external retail to assess capture of retail within Salinas. The City has failed to use its "best efforts to find out and disclose all that it reasonably can." 14 CCR § 1544.

In effect, the DEIR seeks to justify adding 63 acres of sprawl development using a retail capture analysis focused outward, but fails to apply that analysis to the existing fragile Salinas retail environment.

Finally, CEQA does not limit the requirement to undertake urban decay analysis to the agency's own boundaries. The DEIR should have evaluated the potential for urban decay impacts to the captured business from outside Salinas.

As previously noted, we don't believe that the deficiencies in the DEIR can be corrected in the FEIR. The City must revise and recirculate an adequate DEIR in order to be in compliance with the California Environmental Quality Act.

Sincerely,

Michael DeLapa
Executive Director

Response to Letter #6, LandWatch Monterey County

1. The project also includes a SOI amendment, annexation, and special district attachment and detachment request for the five Target Areas.

Response: The proposed project does not include these requests. The project is solely comprised of general plan amendments to integrate the EDE into the General Plan. Future actions by the Monterey County Local Agency Formation Commission (LAFCO), such as SOI amendments, annexations, and special district boundary changes, will only be needed specific development proposals are submitted to the City in the future, consistent with the EDE, should it be adopted.

2. The projection of jobs included in the Target Industry Analysis bases employment generation needs on the "ideal vision" of the buildout scenario with a population of 213,063. The basis of the claim that 45,000 new jobs are needed is based not on the AMBAG 2035 population projection but the "ideal vision" of a General Plan buildout population, for which no timeframe is provided.

Response: A fundamental purpose of the EDE to catalyze generation of new employment opportunities for the City's future residents as the City grows over time. Creating employment for that population is also critical to meeting other objectives of the EDE, including improving the quality of life for residents of the City. Based on the land uses included in the General Plan, the General Plan includes a projection that the City's population would reach 213,063 at buildout of those land uses. That population would be comprised of existing residents plus new residents that could be accommodated through new residential development on land designated for such in the General Plan.

The City is assuming that its population will increase at a rate of 1.25 percent per year over time. At this growth rate, the forecast population level of 213, 063 would be reached in approximately the year 2063. This is assumed to be the General Plan buildout year, or the "timeframe" for buildout population as referenced in the comment.

The commenter is correct that the projected need for 45,000 jobs is not based on AMBAG's 2035 population projection contained in AMBAG's 2035 regional growth forecast. The projected need for jobs is based on population growth through General Plan buildout in 2063. The Target Industry Analysis translates population growth into job growth needed to meet demand at General Plan buildout. The Target Industry Analysis then translates needed job growth into acreage of new development of different types (agricultural, industrial, office, commercial, visitor-serving, and institutional) required to generate the requisite number of new jobs at General Plan buildout.

The Target Industry Analysis does make reference to AMBAG's independent population and jobs projections for 2035 as a point of reference. The Target Industry Analysis makes adjustments to the AMBAG projections to arrive at a modified employment generation

projection for 2035 of 23,436 jobs. The Target Industry Analysis then adds the additional increment of 22,064 jobs needed between 2035 and General Plan buildout in 2063 to arrive at a net demand for 45,000 new jobs at General Plan buildout.

As described in the EDE and the draft EIR, infill development/revitalization within the city limits, and new development on vacant land within the City's Sphere of Influence (SOI) were first considered as opportunities to generate jobs to help meet the demand for 45,000 new jobs at General Plan buildout. The Target Areas outside of the SOI and the Target Area within the SOI (Target Area V) provide the new land capacity to generate the balance of new jobs that would not be created through infill development/revitalization and new development on vacant land within the SOI. Therefore, the City took a logical, data-based approach to determining that additional job generating land capacity is needed to achieve a fundamental EDE goal to meet the employment needs of its residents as the City grows over time.

3. The DEIR provides the following projection of job demand by job category:

   Demand for 20,843 jobs from industrial (including agricultural industrial), retail/commercial, and business park development is projected. The balance of 24,157 jobs is forecast to be generated from institutional (e.g. governmental, health care, etc.) and visitor-serving development." DEIR, p. 2-31.

   Please explain whether and how these figures were derived from Salinas Economic Development Element Target Industry Analysis. There appears to be no clear relationship.

Response: The data is taken directly from Table 12 of the Target Industry Analysis. Table 12 summarizes the projected job growth needed to the year 2035 and between the year 2035 and General Plan buildout in 2063. Table 12 also shows the number of acres of land for each job generating development type that would be needed to enable new development that generates the requisite number of jobs for each time period.

4. Are these figures for new jobs or total jobs?

Response: The figures are for new jobs.

5. Please show how the DEIR's claim (page 2-31) of 20,843 jobs needed by 2035 is determined. Table 12 of the Target Industry Analysis projects only 14,884 jobs needed.

Response: The discussion on draft EIR page 2-31 does not make reference to jobs needed by 2035. The discussion is regarding 20,843 jobs needed through development of industrial (including agricultural), retail/commercial, and business park uses at General Plan buildout. The total of 20,843 jobs needed includes the 5,964 agricultural sector jobs (3,072 needed by 2035 plus an additional 2,892 needed between 2035 and General Plan buildout in 2063) as shown in Table 12.

The balance of the total of 45,000 jobs needed at General Plan buildout are projected to result from new visitor serving and institutional development within the city limits. Please refer to the responses to comments #16-#19, and #22 below for discussion of projections and assumptions regarding job generation capacity through infill development/revitalization within the city limits. The City would have to aggressively pursue infill and revitalization within the city limits over time to meet the demand for new jobs through General Plan buildout in 2063.

6. The DEIR provides no evidence that there is actually demand in the foreseeable future for the proposed developable land. In fact, there is strong evidence to the contrary. Table 12 projects that only 38% of the new jobs in the industrial, office, and commercial sectors would be required through the 2035 planning horizon (5,635 of the 14,884 jobs). The bulk of the new job demand is projected to materialize only in the aspirational General Plan buildout condition, for which the EIR provides no realization date.

   The EDE projects that demand for new office space would amount to only 47 acres by 2035 (Target Industry Analysis, Table 12; DEIR, Table 7). Furthermore, the EDE concludes that uses with substantial employment density such as office uses should be "considered within locations closer to (or in) the Downtown Area to establish complementary economies of scale between the two areas." (Site Opportunities and Constraints, p. 22). It makes more sense to locate office development in the Downtown Area than to isolate it in a business park north of the City. Despite the lack of demand before 2035 and the fact that it makes more sense to develop office uses in the Downtown Area, the DEIR proposes that the City annex Target Area K right now to provide 132 acres for business park development.

Response: The City is planning for a foreseeable future that extends beyond the year 2035 through to General Plan buildout. The new land development capacity identified in the EDE and the draft EIR is based on job generation needs through General Plan buildout, which is projected to occur in 2063. The year 2035 is not the planning horizon for the City's economic development strategy as embodied in the EDE.

Projected land demand identified in the EDE and the draft EIR for new industrial job generating uses includes job growth in agriculture related jobs. Therefore, total projected job growth needs in sectors referenced in the comment is 8,707 (5,635 + 3,072) and represents 58 percent of the new job generation needed by 2035. The commenter appears to be suggesting that the foreseeable future is represented by development to the year 2035 based on a planning horizon tied to AMBAG's independent population projections. Please also refer to the responses to comments #2-#5 above.

The General Plan Business Park land use designation allows for a range of uses including single use or mixed use business parks for offices, manufacturing, or warehousing. End users are not solely office uses as the comment implies. The Site Opportunities and Constraints

report identifies a range of other employment generating development types for Salinas other than office use that are consistent with the Business Park land use designation. These include Research and Development, Flex, and light industrial. The projected land demand for 132 acres of business park development is based on the potential of attracting a broader array of employment generating end users than just office uses.

As is also discussed in other responses to comments, the draft EIR includes an assumption that the substantial projected growth in employment generating visitor-serving and institutional uses shown in Table 12 of the Target Industry Analysis would occur within the city limits. The substantial amount of infill development and revitalization that would be required to generate these jobs would likely include office development for various use types including health/medical, government, and education.

7. The commercial land demand projections do not support the proposed SOI expansion. The EDE projects that Salinas might possibly capture existing retail leakage that would support 45 to 63 acres of new development. To accommodate growth through 2035, the EDE projects that "the maximum retail development scenario for Salinas due to new growth out to 2035 would be about 23 acres of retail development." The potential to capture the out-of-Salinas regional demand is speculative and uncertain. Even assuming this speculative capture, the EDE projects that new retail space demand through 2035 would be at most 86 acres (63 for capture of existing demand, 23 for Salinas household growth 2035, and additional regional capture). Despite this, the EDE and DEIR propose to designate 279 acres of new retail, of which 164 acres are outside the sphere of influence. In sum, the new commercial designations in the Target Areas are more than three times the most optimistic projections of 2035 demand for retail space.

Response: Two acreage demand methodology clarifications are needed. First, the Retail Analysis is focused solely on retail use. As stated on page 20 of the Target Industry Analysis, about 65 percent of the demand in the commercial category (included in Table 12 of the Target Industry Analysis) is related to retail growth, which is discussed in the Retail Analysis. The remaining 35 percent includes a segment of demand for other local-serving office space as well as service commercial locations. The commercial category in Table 12 shows a total acreage demand of 201 acres at General Plan buildout. The retail demand is a subset of the commercial category, not the entire land demand of 201 acres.

Second, draft EIR Table 3 shows total land demand for Retail uses at General Plan buildout. Land demand here is shown as net acres rather than gross acres. The 279 acres referenced in the comment represents gross acreage of land demand for commercial uses. As described in footnote #2 in draft EIR Table 5, net acreage is 35 percent lower than gross acreage to reflect land deductions for infrastructure, site constraints, etc; a common assumption in land planning and development economic analyses. Therefore, the 279 gross acres of commercial demand equate approximately to the 201 acres of demand shown in draft EIR Table 3.

It is acknowledged that the land demand information in draft EIR Tables 3-7 may have been clearer if the "Retail" demand line item had instead been labeled as "Commercial".

8. Even if it made sense to designate retail development locations now for post-2035 demand that will not occur "for a very long time," it makes no sense to designate much more land than might be required after this very long time. The EDE projects that "[t]he cumulative maximum supportable retail development to accommodate current demand, year 2035 demand and buildout demand is 125 acres." EDE, Vol. 2, App. B, Salinas Retail Analysis, Aug. 2013, p. 3. Despite this, the DEIR and EDE propose to designate 279 new acres of retail, more than twice the land that would be needed through General Plan buildout.

Response: Please refer to the response to comment #7 above.

9. In sum, the EDE and DEIR are predicated on the assumption that market demand for retail and office space is many times greater than the most optimistic projections through 2035, and more than twice as high as the most optimistic projections through General Plan buildout, which the EDE acknowledges will not occur "for a very long time" after 2035.

Response: Please refer to responses to comments #6 and #7 above.

10. The EDE and DEIR's designation of new retail land use is not in fact based on a projection of likely retail demand. Instead, it is based on "an ideal vision of the number and distribution of jobs to represent a mature City economy with a full range of services and job opportunities." EDE, Vol. 2, App. C, Salinas Economic Development Element Target Industry Analysis, pp. 18-19. That is, the EDE simply assumed that there would be a buildout population of 213,063 (vs. the 2035 projection of 172,499), that these folks would need jobs, and that jobs would materialize in the same proportions as they occur now. Id.

Response: Please refer to the responses to comments #2, #6 and #7 above.

11. The projections of industrial and office job growth are not based on an analysis of actual demand for industrial or office development space. It is based instead on the assumption that there will be a need for a certain number of new industrial and office jobs to keep the hypothetical buildout population busy and that this will require additional acreage. Neither the DEIR nor the EDE demonstrate that hoped-for industrial or office jobs will be actually materialize by providing evidence of likely demand for these office or industrial workers.

Response: A general plan is inherently a vision of a long-term development future. A projection is inherently a forecast of future conditions. The Salinas Retail Analysis and the Target Industry Analysis were prepared by qualified economics consultants. The Target Industry Analysis, which incorporates inputs from the Salinas Retail Analysis, forecasts employment needs for the City based on the General Plan buildout projected population of

213,063. The Salinas Retail Analysis and the Target Industry Analysis represent current, common, best practice methodologies for projecting economic development conditions on which cities and counties routinely base land use decisions and long-term economic development strategies.

12. The DEIR also fails to consider the very considerable pipeline of retail, industrial, and commercial projects that have already been approved in Monterey County but are not yet built.

    - 1,708,272 square feet of commercial space (East Garrison, Rancho San Juan, Coral de Tierra, Marina Station, Main Gate, and other locations)
    - 850,381 square feet of industrial space (Marina Station, Marina Airport Business Park, FORA Business Park)
    - 6,438,168 square feet of agricultural industrial space in Salinas
    - 217,773 square feet of office space at The Dunes on Monterey Bay, Marina Station, and Upper Ragsdale Drive)

    The lack of a competitive analysis renders the DEIR's economic analysis virtually meaningless.

Response: The market area identified in the Retail Analysis includes only projected demand in the Salinas Valley. Its projections are not affected by the three projects listed in the first, second, and fourth bullets, as these are located outside the Salinas Valley. Employment projections for commercial, industrial and business park uses are based on projected population growth in the City of Salinas. Neither the City, nor any other entity can reasonably forecast with a degree of accuracy the origin of employees for new future employment generating development. The City is using its discretion to plan for the employment needs of its residents based on accepted technical economic forecasting methodologies and analyses prepared to help direct the City's economic development strategy.

The approved but unbuilt agricultural industrial space in Salinas, listed in the third bullet, is largely comprised of development capacity within the Salinas-Ag Industrial Center. The development and future employment capacity from the Salinas-Ag Industrial Center project has already been accounted for in the projections of new employment needs for the City.

13. The DEIR should be revised to include a new alternative that focuses on at most the actual demand for new retail, office, and industrial development, taking into account competition with already approved projects.

Response: See the response to comment #12 above. The future actual demand for new development cannot be precisely known in the present. Myriad factors affect market

conditions. The economic analyses conducted for the EDE represent widely accepted economic development forecasting methodologies and these are the basis for development projections included in the draft EIR.

14. The DEIR should be based on realistic demand that can be projected to materialize within a determinate period, e.g., by 2035.

Response: Please refer back to responses to comment #2 and comment #11.

15. The EDE's quantitative retail analysis is based on the assumption that there will be no secular change in retailing. The EDE admits that retailing is in fact undergoing changes that make the projections for retailing uncertain. And indeed, economic trends don't favor substantial growth in demand for retail store space or for retail jobs, due in part to on-line shopping competition. The DEIR fails to consider this fundamental change in retailing and the implications it has for a realistic projection of demand in the foreseeable future.

Response: It is true that retail is undergoing change in significant part due to on-line shopping. The employment forecasting model used in the Retail Analysis factors in the influence of on-line shopping competition on market demand for retail uses. So the retail demand in the DEIR does consider this fundamental change. It is worth noting that new "brick and mortar" retail uses are being developed in the City (e.g. Northridge Mall expansion and new Lowe's home improvement center).

16. Explanation is requested as to why the Draft EIR assumes that raw land is needed to meet industrial, retail/commercial, and business park projected jobs demand.

Response: Raw land is needed to provide additional land capacity for employment generating land development that produces jobs needed to meet the City's employment needs at General Plan buildout, which is forecast to occur in 2063. The sum of the projected employment generation potential from future development within the city limits (infill on vacant parcels and revitalization of existing development areas) added to the potential employment generation from future development of vacant land within the SOI is insufficient to meet the balance of jobs needed at General Plan buildout in 2063.

Please refer to responses to comments #2-#6 above for information on projected employment needs.

There are significant constraints to meeting the balance of employment generation capacity within the city limits through infill/revitalization. The types of employment centers for which the EDE provide land capacity outside the SOI include larger scale research and development/office, light and general industrial, and regional retail users, and clusters of users that cannot readily be accommodated through infill development of vacant parcels or revitalization/redevelopment of existing developed areas within the city limits. Constraints include insufficient land acreage in single locations to meet siting/facility requirements

(larger building footprints including more campus style headquarters), lack of sufficient infrastructure capacity (water, sewer, storm drainage, etc.), inefficient access to the regional circulation system, lack of visibility, and incompatibilities with existing adjacent land uses. These constraints are common to vacant infill sites and to areas already being considered in the General Plan for revitalization. The time and cost associated with assembling smaller parcels under multiple ownership constrains the potential of creating larger potential infill sites. The costs of substantial expansion of infrastructure systems needed to accommodate substantial new infill projects is also a major constraint. All of these factors are disincentives to attracting significant new employment centers to infill locations, especially when other jurisdictions may have more low cost, attractive options for land development that meet the needs of large scale employers.

Without substantial investment from the City to help reduce development cost barriers, the marginal cost of developing infill sites generally exceeds that of developing vacant land with larger employment center uses. The City's ability to serve this function has been substantially challenged by the dissolution of redevelopment agencies.

Environmental effects and environmental justice issues are also at play. Industrial and business park type uses (which can, for example, include industrial end users) can generate significant environmental externalities (noise, air emissions, exhaust from large trucks, traffic that exacerbates congestion, etc.) that are incompatible with residential areas and resident populations that are common within the city limits and vulnerable to being impacted by these externalities.

The draft EIR already includes an assumption that new development and revitalization projects within the city limits have potential to generate a substantial number of new jobs over time. The draft EIR assumes that over 20,000 new jobs can be generated through such future development. The potential for this to occur is dependent on the City aggressively pursuing infill development and revitalization/redevelopment within the city limits.

Raw land within the SOI is already assumed to be a significant source of future employment generation (refer to Tables 4 and 5 of the draft EIR). However, capacity for employment generating development is also constrained in many cases. Examples include:

- EOA D (Airport West), is currently undeveloped. Site constraints include airport overlay conditions which limit types of land use, lack of infrastructure, and half of the land area lies within a floodplain;
- EOA G (Alisal/Airport East) is also currently undeveloped. Infrastructure constraints include roadway access; connection to water, wastewater and storm water lines; and on-site stormwater retention.
- EOA M (Boronda South) development barriers include a reclamation ditch, location within a floodplain, wetlands, railroad right-of-way, and roadway access.

17. Please explain why industrial, retail/commercial, and business park development cannot be located on "vacant/underutilized" or redeveloped parcels within the city limits.

Response: See the response to comment #16 above.

Please also reference Table 8 in the draft EIR, which summarizes the City's inventory of vacant/underutilized land within the city limits. The land acreage available within this category of land resource is substantially lower than would be needed to accommodate the new employment generating uses proposed in the Target Areas located outside the SOI. In combination with the mismatch between the land and site requirements of major employers and the development disincentives described in the response to comment #16, the potential for the City to attract the full complement of needed employment generating businesses to the City would be exceptionally low.

18. Please identify the infrastructure constraints within the City that are more severe than the constraints in raw land that has no infrastructure. Please explain to what extent any such constraints would render development within the city infeasible, especially for industries that have a lower project margin such as regional retailer.

Response: Accommodating new, intensified development on infill sites entails demolition and removal of existing, old infrastructure, a cost that is not incurred for raw land development. Further, significant, intensified development likely generates demand for increased infrastructure capacity (e.g. sewer and water supply lines) that requires substantial improvements upstream and downstream of the individual project site; improvement costs are not limited to connecting new development to infrastructure that is available directly adjacent to a development site. These factors add to development costs, not only in terms of cost of materials and labor, but also costs in terms of time, as analyses of infrastructure needs is commonly more involved than for development of non-infill sites.

19. Please explain why it is reasonable to assume that none of the projected land demand to support retail/commercial, business, and industrial job growth could be met within the city limits. And, if in fact it is not found to be reasonable, please estimate how much of that demand could be met within the City?

Response: Infill development is more suited to smaller, local serving retail and visitor-serving uses and institutional uses (e.g. office buildings, education facilities, etc.) than to larger scale industrial and research and development/office and regional retailer employers. It is possible that a small percentage of retail and commercial users could locate on small sites within the city limits, but it must be remembered that the locational decisions of these types of business are based almost entire on market conditions that are favorable to their individual business goals. It is quite likely that many vacant infill sites are either too small or locationally deficient to be attractive to all but the smalls-scale retail or commercial end users

whose employment generating potential would be very limited. Please also see responses to comments #16-#18 above.

20. Please provide the worksheets and analysis that contain the referenced inventory of "vacant land and developed and developed but unoccupied/underdevelopment land within the city limits" Draft EIR, p. 2-25 to 2-26. Please explain how the City determined that land was "developed but unoccupied/underdeveloped."

Response: Using the City's Salinas Source GIS database and Opp Sites website, http://oppsites.com,

City staff initially identified an inventory of potential infill parcels. This information is summarized in Table 8 of the draft EIR on page 2-46. Parcel descriptors such as "developed but unoccupied/underdevelopd" were pre-set categories established by Salinas Source.

The City of Salinas, General Plan Land Use Designation overlay was used to identify parcels classified as "vacant (undeveloped)." Identified parcels were then filtered based on acreage. Property profiles of identified parcels were also cross-referenced with information on the Opp Sites website, http://oppsites.com, a real estate/site selector database. Survey data is a point in time assessment of parcel condition/usage. In reviewing the data included in Table 8 in the draft EIR, City staff identified a minor error in the data. Table 8 of the draft EIR shows potential infill parcels totaling 214 acres. The revised inventory data is provided in Appendix B and shows 218 acres available for infill. Please refer to Section 3.0, Revisions to the Draft EIR, for modifications to Table 8 that reflect this change.

21. Please identify the additional acreage that could be provided for development through redevelopment/revitalization" of existing developed areas in the city limits. Please provide total acreage and the breakdown by parcels sizes in Table 8, Draft EIR, 2-31 "

Response: Please refer to the response to comment #20 above. Table LU-3 of the General Plan also provides a breakdown of acreage within the city limit and SOI by land use type and calculates development capacity based on current FAR assumptions. Acreage includes both developed and undeveloped parcels.

22. The draft EIR assumes that the lack of currently vacant or underutilized infill parcels will not operate as a constraint on institutional and visitor-serving job growth and that the demand for these sectors will be met through reuse, revitalization and redevelopment, including increases in land use intensity within the city limits. Please explain how much of the retail/commercial, business park, and industrial jobs could be met through reuse, revitalization, and redevelopment, including increases in land use intensity within the City limits.

Response: The City will have to aggressively promote infill development and revitalization to meet the projected institutional and visitor-serving use job generation projections on land within the city limits. Visitor-serving uses including hotels and restaurants require smaller

footprints that can be more readily accommodated on infill sites provided the site locations meet market needs. Institutional uses such as health care, government, office, and educational facilities can also be accommodated on smaller parcels, including within Focused Growth Areas where the FAR is purposely high to accommodate development intensification.

The proposed Police Service Headquarters at 312 E. Alisal is a good example of institutional infill development. It is assumed that in addition to schools, larger institutional facilities such as educational campuses or government offices or medical facilities could be incorporated into the specific plans for the Future Growth Areas North of Boronda Road. Please also refer to the responses to comments #16-#21 above, which include information about constraints to locating larger employment centers on vacant infill parcels and/or through revitalization, including through increased development density within the city limits.

23. Please explain whether and to what extent redevelopment and revitalization programs could be utilized to assemble parcels to meet the land requirements for retail/commercial, business, and industrial jobs.

Response: Several years ago, the state abolished the functions of redevelopment agencies in California. The City no longer has a redevelopment agency with the ability to subsidize development costs (e.g. infrastructure or circulation access improvements) needed to attract new development or to facilitate parcel assembly that improves development site flexibility. The City's ability to utilize a suite of redevelopment powers and tools to catalyze new development no longer exists. Other mechanisms to replace part of the former powers of redevelopment agencies to subsidize development are evolving, but many require private sector involvement and/or may only address limited aspects of the powers formerly held by redevelopment agencies (e.g. Enhanced Infrastructure Financing Districts). In short, the challenges to achieve the outcomes noted in the comment are greater today than prior to the abolition of redevelopment agencies and their functions. Costs that were otherwise incurred by a public redevelopment agency are now more likely to be borne by the private sector, and those costs can affect the financial feasibility of infill development and revitalization projects.

24. The DEIR's analysis of land demand for new jobs is premised on a 20% "land efficiency factor," i.e., the assumption that the City should designated 20% more land that is actually needed for future development to support General Plan buildout job growth. Please explain whether and to what extent projected competition in agricultural land sales is actually required in order to make the projected development economically feasible. To what extent does the DEIR assume that economic development depends critically on forcing competition in land sales? What analysis supports this assumption?

Response: As noted in the draft EIR, inclusion of a 20 percent land efficiency factor is a common, standard best practice used in the field of development economics and land planning. This land supply flexibility factor helps the real estate market to function

efficiently and reduce market distortions resulting from a tight land supply market. As the supply of developable land declines, it is common for the price of available remaining land to climb. The increment of additional supply provided by the efficiency factor serves to help moderate land cost, which is a substantial variable in development project proformas and in the determination of whether or not a particular employment generating project is financially feasible.

25. Please explain why the required future planning to locate particular land uses in specific Target Areas through development of specific plans, which would designate particular land uses in specific locations, is not sufficient to accommodate location needs.

Response: Land uses are defined in the General Plan, not in a specific plan. A specific plan is a development implementation tool; it does not define land use, but rather provides more specific information for development planning for land that has already been assigned a land use designation in the General Plan. Specific plans are required for projects proposed within all Future Growth Areas. The Target Areas would be designated as new Future Growth Areas as part of the proposed general plan amendments. Specific plans are used as a tool for the City to ensure that development is being planned consistent with the General Plan, Municipal Code standards and regulations, and other applicable development regulations. Land uses shown in the General Plan for Future Growth Areas are provided for illustrative purposes, provide no land use entitlement, and are subject to adjustment and refinement as part of a specific plan approval process.

26. Please explain why the City could not attain the locational flexibility and decrease the importance of land acquisition costs by increasing allowable development intensity, i.e., through development standards that increase the allowable floor area ratio.

Response: Multi-story buildings that may be possible with higher development intensity may not meet the functional requirements of many types of employment center oriented end uses (e.g. industrial, light industrial, R&D, flex uses) whose functions are best accommodated in larger, single-story buildings, including buildings with high ceilings. The General Plan already provides for higher development intensity for retail and mixed-use types development types within the Focused Growth Areas.

Increasing density for commercial and retail uses (and all land development types) is commonly accompanied by increased land development costs, as construction costs increase with building height. The ability of commercial and retail development to show financial feasibility with increasing construction costs is commonly tied, at least in significant part, to the potential revenues to be derived from the commercial/retail market in which the development is located. For example, it is much more likely for multi-story commercial/retail developments to be found in large urban centers such as San Jose or the Bay Area where population density and income levels are sufficient to generate commercial/retail use revenues to overcome the added development costs. There is nothing to preclude developers

of retail or other types of commercial developments to request General Plan amendments or Zoning Code amendments to enable higher intensity retail or commercial uses in cases where developers feel that market conditions may be sufficient to support such intensity.

27. The DEIR should evaluate the alternative of higher floor area ratios to accommodate employment-generating development as part of its planning responsibility to limit sprawl development, and that this analysis cannot be deferred to future development.

Response: See the response to comment #26 above.

Section 6.0, Alternatives, in the draft EIR includes analysis of a reasonable range of alternatives. Other alternatives that were considered but not evaluated in detail are also discussed. The City is under no obligation to evaluate a higher floor area ratio alternative.

The General Plan already provides for increased allowable density within the Focused Growth Areas and commercial core to facilitate the redevelopment and revitalization of these areas. This intensification of use was already evaluated in the General Plan EIR.

28. Please explain whether the 20% of annexed agricultural land in excess of foreseeable General Plan buildout requirements will remain vacant, underutilized, and wasted.

Response: The City would not foresee a reason consider a SOI amendment or annexation of land independent of a proposed future development project application within a Target Area. Land within a Target Area that is not annexed would remain in its current use (agriculture) until such time it is annexed.

29. Please explain how much of the "market efficiency factor" is intended to "signal the City's vision for potential economic growth direction beyond that captured in the current General Plan," and why this makes any sense in light of the fact that meeting the land use demand for General Plan buildout is the purported premise of the land use demand analysis.

Response: Please see the responses to comments #24 and #28 above. The market efficiency factor supports the City's economic growth vision as identified in the General Plan. The proposed general plan amendments associated with the EDE would incorporate EDE policies and actions into the General Plan, and incorporate the Target Areas as new Future Growth Areas. The EDE growth direction as embodied in the Target Areas and the success of that growth direction are significantly influenced by land costs, which the market efficiency factor is designed to moderate.

30. The DEIR acknowledges that many Salinas residents commute out of the City for employment. DEIR, p. 2-50. It is well established that Salinas residents provide labor in Peninsula cities where housing cost are too high for service workers. The EDE apparently seeks to provide a self-sufficient jobs/housing ratio in Salinas by providing jobs in Salinas for future residents and for the existing residents who currently commute out of the City. Because these commuter jobs will not disappear, if the EDE is successful

and if the existing Salinas commuters continue to reside in the City, there would be insufficient housing. Where does the DEIR assume the service workers who live in Salinas and who fill Peninsula jobs will reside in the future? If they continue to live in Salinas, would the currently projected residential units and residentially designated land be sufficient for both the in-Salinas and Peninsula-commuting work forces? If the commuters do not continue to live in Salinas, where will they be able to afford to live? How will the increased demand for housing be met?

Response: The discussion on page 2-50 of the draft EIR is intended to illustrate that as the City continues to grow, creation of new jobs in the City resulting from the EDE could have the beneficial effect of reducing the number of City workers that would otherwise need to commute out of the City for employment.

The General Plan and General Plan Housing Element are the vehicles by which the City plans to provide land supply for housing and strategies and programs for providing housing for its existing and projected population. New development that could be made possible with the EDE is based on meeting employment needs of the City's projected population at General Plan buildout as identified in the General Plan. The General Plan and Housing Element address existing and projected housing needs (and the land supply that provides for housing) based in significant part on population as projected in the General Plan.

It is entirely speculative to project whether Salinas residents who now commute out of the City will or will not continue to live in the City or whether housing may or may not be available for those who do move out of the City.

31. If the DEIR does not assume that the current commuting workforce will relocate outside Salinas, and if the DEIR does intend to pursue a jobs/housing balance, then the DEIR's employment needs projections should be reduced by the number of commuting jobs that will continue to be filled by Salinas' residents.

Response: Please see the response to comment #30 above. The draft EIR does not make any assumptions about whether the current commuting workforce will relocate outside Salinas.

32. The fundamental goal of the EDE is "to encourage a diverse economy that allows for continued economic success of the community." DEIR, p. 2-10. The statement of objectives offered in support of this fundamental goal includes two objectives that are not demonstrably necessary to that underlying goal:

    - Improve the City's attractiveness as an investment destination for employment generating businesses by reducing land costs through increased land supply
    - Promote and prepare the Target Areas for private investment. DEIR, p. 2-11.

    The DEIR's first two improperly narrow project objectives are apparently intended to foreclose consideration of an alternative that would not depend on sprawl development, e.g., an alternative that would include infill development for all types of employment-

generating land uses, residential land redesignation to make such land available within the City, or increased retail floor area ratios, or, indeed, all three strategies. The DEIR rejects such an alternative out of hand without analysis.

Response: Cities and counties may have broad discretion to select EIR objectives to be included in an EIR, particularly where, as here, they are acting in a legislative capacity. The commenter has cited no legal authority to support its implied contention that a lead agency may not articulate project objectives unless they are "demonstrably necessary" to meeting what the agency considers to be its "underlying goal." Here, the objectives referenced in the comment are consistent with the overall, broad objectives of the proposed project described in the draft EIR. Prior responses to comments have described how land development costs for infill and revitalization can be higher than for development of raw land. EDE policies that have been translated into the project description evaluated in the draft EIR specifically call for development of the Target Areas as a means to meet the City's projected General Plan buildout employment needs. Preparing these areas for investment is of course fundamental to achieving a fundamental goal of the EDE.

The referenced objectives are not intended to foreclose consideration of the types of alternatives mentioned in the comment. All three are identified in draft EIR Section 6.0, Alternatives, but were not evaluated in detail for the reasons noted therein. Inconsistency with the noted objectives was not the primary reason that any of these alternatives were not evaluated in detail in the draft EIR.

33. The DEIR also relies on these redundant and excessively narrow objectives to conclude that the GSA MOU Consistency Alternative would not meet most of the project objectives. DEIR, p. 6-37.

Response: Please refer to the response to comment #32 above.

34. A higher density alternative was improperly rejected and should have been evaluated in the Draft EIR.

Response: Please refer to the responses to comments #26 and #27 above.

35. Re-designation of residential land was improperly rejected as an alternative and should have been evaluated in the Draft EIR.

Response: Please refer to the responses to comments #26 and #27 above.

The City is in desperate need of new housing. To meet this demand, the City has already intensified mixed-use development in the Focused Growth Areas and has updated its Second Dwelling unit ordinance to allow the conversion of garages and second dwelling units. In addition, the City has identified areas in which a minimum of 30 dwelling units per acre is required.

36. Neither the EDE nor the DEIR provide any factual basis for the assumption that all of the infill land in the City is assumed to be needed for institutional and visitor-serving employment generating uses. (DEIR, p. 6-5).

Response: Please refer to the response to comment #22 above.

37. The DEIR should evaluate an alternative that employs all possible strategies for avoiding annexation of raw land based on actual demand for development space through a date certain, such as 2035, not an "ideal vision" of a General Plan buildout at a specified time in the future.

Response: Please refer to the responses to comments #2, #22, #26, and #27 above.

38. The DEIR's impact analyses are inappropriately limited to development impacts within the six Target Areas, B, F, L1/L2, N, K, and V. While the EDE contains policies and actions that purport to commit the City to redevelop and revitalize economic activity with the existing City limits, the DEIR fails to provide analysis of the these EDE policies and action commitments within the City (other than in the Carr lake Target Area). However, the policies and actions to which the City would commit itself in adopting the EDE as represented in DEIR Table 1 represent commitments by the City to action, and many of them would clearly cause physical impacts on the environment that the DEIR fails to consider. The DEIR fails to provide an adequate analysis of the whole of the action because it limits its analysis to the impacts related to the six Target Areas.

Response: Clarification of the introduction to draft EIR Table 1 found on draft EIR page 2-14 is warranted to address this comment. It is true that many of the policies and actions in the table have the theoretical potential to eventually generate environment impacts not previously disclosed by the City in prior environmental documents (e.g. for the City's General Plan). In most such instances though, it would be entirely speculative to try to predict the specific kinds and extent of impacts that may occur with implementation of the policies, with the result that any purported impact analysis would not be meaningful. For example, impacts beyond the current City planning boundaries and proposed Target Areas (i.e., within the Economic Development Reserve Areas) could only occur after future specific development projects building on the EDE are proposed and ultimately approved by the City and (in many instances) by LAFCO as well. All such development projects will require their own project-specific environmental analyses, which will have to address the specific impacts of specific development proposals.

As a practical matter, project-specific review is unlikely to occur until many years in the future, after the City has completed an update to its current General Plan. Such analyses, then, will have to account for changes made to the current General Plan. Such changes, at present, remain unknown. With respect to most of the areas within the current City planning boundaries, policies in the EDE would not change the kinds of land uses that are permitted, and thus are not expected to result in any impacts beyond those previously contemplated at

the time the current land use designations were put in place (e.g., via the current General Plan as updated). The EDE policies may help facilitate such development, but should not alter the expected character of that development. Where EDE policies could facilitate greater levels of development density or intensity within the City limits, such an outcome is by no means certain to occur; and the project-specific CEQA analyses required for any future project proposals that might cause such results will permit the City to deal with the particular potential impacts of particular specific proposals within the City. Many of the EDE policies and actions identified in draft EIR Table 1 incorporate and reinforce the existing economic development vision included in the General Plan, with the purpose that the EDE serves as the City's comprehensive economic development strategy. For example, EDE policies LU-1.7.2 and ED-LU-1.10, and actions LU-1.3.2, LU-1.3.3, LU-1.3.5, LU-1.3.6, LU-1.3.7 and LU-1.3.9 reinforce the City's existing land use direction for the respective areas addressed by the actions. These actions would not inherently create new environmental impacts that were not already contemplated in the General Plan and evaluated in the General Plan EIR (2002) and Supplement (2007), but do suggest more defined direction for implementing General Plan direction and/or working with other agencies interests to direct development consistent with EDE objectives.

In several cases, EDE actions simply reiterate/reinforce land use planning activities that are have already been completed or are in process by the City to help implement the General Plan. Examples include policies ED-LU-1.6 and ED-C-2.2, and actions LU-1.3.2, LU-1.3.3, LU-1.3.9, and LU-1.9.2. The purpose is to link those activities into the overall economic development strategy included in the EDE.

Other EDE policies and actions included in draft EIR Table 1 provide direction for enhancing infill opportunities and preparing plans for implementing land use direction that is already identified in the General Plan. Examples include policies LU-1.1.4, ED-LU-1.5 ED-LU-1.6, ED-C-2.2 and actions LU-1.1.4, LU-1.2.1, LU-1.2.2, C-2.2.1, and C-2.2.3.

Still other policies and actions support activities/projects that would result in environmental change, but that are already planned and/or being implemented by the City or other agencies and that have, are, or will undergo separate environmental review. Examples include policies ED-1-3.2 and ED-C-2.10, and actions I-3.2.3 and I-3.2.4.

A number of policies and actions in draft EIR Table 1 suggest the possibility of increasing development intensities in specific locations beyond that already identified in the General Plan. These policies and actions have potential to generate impacts that were not identified in the General Plan EIR. However, it is uncertain if such intensification would ever occur based on detailed future planning for these locations. It would be speculative to project detailed impacts for such projects. Nevertheless, a number of these policies and actions are listed in Section 5.2, Growth Inducing Impacts, in the draft EIR. A general overview of the representative types of impacts that could be identified in future project-specific CEQA documents for the projects, should they become concrete proposals in the future, is also included in that section.

A number of policies and actions in draft EIR Table 1 provide guidance for development that is clearly not already anticipated in the General Plan. These policies and actions were included in the EDE, but through subsequent analysis conducted after the EDE was accepted (but not adopted by the City Council), the City determined that they should not be included in the general plan amendments being proposed by the City to adopt the EDE. These include policies ED-C-2.6, ED-C-2.7, and ED-C-2.9 regarding construction of new expressways.

A number of policies and actions in draft EIR Table 1 are the direction used in part to craft the project description provided in the draft EIR regarding demand for new land capacity for employment generating uses, the location, type, and intensity of which is clearly defined in the draft EIR. Examples include policies ED-LU-1.7 and ED-LU-1.12, and action LU-1.7.2.

Section 2.7, Project Description, in the draft EIR includes the following:

> Subsequent to the City Council's acceptance of the draft EDE as a strategic planning document in June 2014, a more detailed analysis of the EDE land use direction was conducted. The analysis included refinement of EOAs, calculation of acreages, assignment of land use designations to the areas located outside the City's existing SOI, and calculation of new vacant land/development capacity needed to meet projected long-term employment demand.
>
> This further analysis of the EOAs found that only relatively small portions of five EOAs located outside the SOI and one EOA located within the city limits are needed for new land supply as the entire acreage within the boundaries of the EOAs is much greater than required to support the requisite additional job-generating economic development projected at General Plan buildout. These smaller areas of new land supply were termed "Target Areas". The Target Areas represent locations where additional new job generation development beyond that envisioned in the General Plan could occur in the foreseeable future. Because development of the Target Areas is considered reasonably foreseeable, this EIR includes analysis of the environmental impacts of such development.

Many policies and actions in draft EIR Table 1, several of which are identified above, identify potential physical development projects that are aspirational and not considered to be reasonably foreseeable. Additional examples include actions C-2.2.2 and C-2.3.2. The possible future effects of these projects are not addressed in the draft EIR. Their representative possible effects are likely to be similar to those identified in Section 5.2 of the draft EIR in reference to possible growth inducing effects of the proposed project.

39. EDE Policy language commits the City to "plan, design, finance and construct" expressways, but the DEIR omits the expressways from analysis stating that they are conceptual at present and are not reasonably foreseeable. Even if the design remains conceptual, there is sufficient information to undertake environmental review with respect to particular resource areas. The EIR must be revised to provide and analysis based on the whole of the project.

Furthermore, the proposed General Plan Amendments in DEIR Appendix D would in fact amend the General Plan Circulation Element to reference the "circulation policies and plans" contained in EDE section 2.2.1, i.e., the section of the EDE that contains the policies specifying the expressways. DEIR, App. D, pp. 16-17; see EDE, Section 2.2.1. And the proposed General Plan Amendments also specifically reference theses EDE policies in spelling out the relation between the EDE's circulation policies and the General Plan by updating "Table C-1, Related Goals and Policies by Element." DEIR, App. D, pp. 17, 27.

Response: EDE policy and action language related to the Westside, Eastside and Southside expressways has been modified to reflect that the expressways are conceptual and will be revisited as part of the General plan update process. In other words, the City Council, by approving the EDE, would not be committing to the eventual construction of such new facilities. They would simply be concepts to be considered, and either approved or rejected, as part of the General Plan update. The changes explaining this approach are included in the errata to the draft EDE that will be considered by the City Council as part of its deliberations to adopt the EDE.

40. The DEIR's claim that "no analysis of the environmental effects of constructing or operating the expressways is included in this EIR" (DEIR, p. 2-44) is in fact incorrect. Thus, the analyses of the various resource area impacts are based on an inconsistent project description because the expressways are assumed for some analyses but not for others. Appendix E of the EIR includes references to GHG emissions from the expressways in two locations and Appendix I mentions the expressways on page 38. This information suggests that the project evaluated in the DEIR text is inconsistent with the project described in the noted appendices.

    Please identify each expressway that was included in the CALEEMod construction emission analysis and the specific acreage assumed for each of these expressways.

Response: Expressways were not included in the CalEEMod construction emission analysis in Appendix E. Initially, the Westside, Eastside and Southside expressways were part of the administrative draft project description and analysis. All three expressways were subsequently removed from the project description. The two references to the expressways in Appendix E as referenced in the comment were incorrect and should have been omitted after the expressways were eliminated from the project description. The reference on page 38 of Appendix I, the Transportation Impact Analysis, is to eastside and westside bypass facilities that are already included in the General Plan and addressed in the General Plan EIR; the reference is not to new expressways.

In regards to acreage, before the new expressways were removed from the project description, their total land demand was estimated at approximately 152 acres based on the very general locations of the expressways as initially conceptualized. The facilities were

assumed to be classified as four-lane divided arterials with a cross-section of 106 feet ("Major Arterial Type II"). The Westside Expressway extension represented about 6,600 new linear feet of roadway as compared to the Westside Bypass segment included in the General Plan. The Eastside Expressway realignment/extension represented about 28,375 new linear feet of roadway as compared to the Eastside Expressway segment included in the General Plan. The Southside Expressway represented about 27,425 linear feet of new roadway. At a total of 62,400 linear feet and a cross-section width of 106 feet, total land area that would be needed for the expressways was estimated at approximately 152 acres.

41. It is unclear whether the analysis included the southside expressway. Please explain whether the traffic analysis does in fact assume the southside expressway.

Response: The Southside Expressway was not included in the traffic analysis. See response to comment #40 above.

42. Had the EIR's traffic analysis in fact excluded the expressways, consistent with the DEIR's claim at page 3-242, then its analysis would have been different. DEIR Appendix E admits that the exclusion of the expressways "would result in a redistribution of forecasted trips within Salinas." DEIR, Appendix. E. Rincon memorandum, Aug. 31, 2017, p. 4. The EIR provides no analysis of the likely impacts if the expressways are not built.

Response: Please see the response to comment #40 above.

43. The DEIR fails to assess the proposed annexation of EOA's D, G, H and M. LU-1.7.2 commits the City to seek to annex EOA's D, G, H and M. Physical impacts caused by annexation of these areas are not analyzed in the EIR. Annexation and subsequent urbanization of these areas would have clear impacts, including loss of farmland, biological resources impacts, aesthetic impacts, and cultural resource impacts.

Response: Please refer back to the response to comment #38. These particular EOAs are already within the SOI and are already contemplated for development and eventual annexation in the General Plan. EDE policies do not modify the land use designations already assigned to these areas in the General Plan. The General Plan EIR includes analysis of impacts of implementing the General Plan, including development of land within the referenced EOAs. The potential impacts noted in the comment are already addressed in the General Plan EIR.

44. The DEIR fails to assess the proposed implementation of the Salinas Municipal Airport Plan. LU 1.9.2 commits the City to implement the Salinas Municipal Airport Plan.

Response: See the response to comment #38 above. Many EDE policies reference existing City plans and land use/development initiatives so that the EDE links those initiatives to the City's overall economic development strategy and goals as embodied in the EDE. Policy LU-1.9.2 supports implementation of an existing plan, while providing recommendations for

prioritizing economic development that is already envisioned in the Airport Plan. Policy LU-1.9.2 would not have environmental effects that have not already been contemplated to result from implementation of the Airport Plan.

45. ED C-2.2 and Actions C-2.2.1, C-2.2.2, and C-2.2.3 commits the city to implement a set of circulation improvements in the Downtown area including the specific improvements identified in the Downtown Vibrancy Plan and a new interchange at US 101 and Sherwood Drive. The City has promulgated a final version of its Downtown Vibrancy Plan, including an implementation strategy, which calls for specific capital projects. The EIR must be revised and recirculated to provide an analysis of the impacts related to implementing the improvements identified in the Downtown Vibrancy Plan and a new interchange at US 101 and Sherwood Drive.

Response: See responses to comments #38 and #45 above. As noted in the comment, the Vibrancy Plan has been prepared and accepted by the City Council as a strategic planning document. The City is now in the process of implementing components of the Vibrancy Plan. The related policy and actions referenced in the comment do not newly commit the City to implementing the plan.

The referenced interchange is not considered to reasonably foreseeable. It may become so if and when the City collaborates with Caltrans and other agencies to prepare plans and identify/implement a funding mechanism for the improvement. The interchange is not included in the General Plan, nor is it included as a future circulation improvement in the City's traffic model.

46. The trip generation assumptions in the air quality and GHG analyses are fundamentally different than the trip generation assumptions in the traffic analysis. In particular, the CalEEMod output in the DEIR Appendix assumes 125,412.58 daily weekday trips whereas the Traffic Impact Analysis assumes only 82,922 daily trips. Traffic impacts would be substantially more severe than disclosed by the DEIR since the traffic analysis understates trip generation by 50%. The DEIR must be revised and recirculated to provide an adequate analysis of traffic impacts that is consistent with the Air Quality/GHG analysis.

Response: The EDE Transportation Impact Assessment uses the City of Salinas travel demand model to evaluate the project's potential impacts on the transportation network. The City's travel demand model incorporates its own internalized aggregated daily trip generation rates for various types of uses. These rates vary across a number of different broad land use categories (i.e. "retail", "manufacturing/industrial", "office", etc.) to represent the amount of daily trip making associated with various land use types. This approach is industry standard practice across travel demand models and is appropriate given the general level of information currently available regarding the potential EDE land uses. The City's

model approach to trip generation is consistent with the approach in TAMC's regional model, as the City model is derived from the regional model.

In comparison to the aggregated trip rates used in the City travel demand model, CalEEMod typically makes use of trip generation rates associated with more specific land uses. The rates are taken from the Institute of Transportation Engineer's (ITE) Trip Generation Manual (the 9th Edition of this reference is the latest published version). As an example of the level of specificity of those rates, in the retail category, ITE provides 42 different specific land uses and trip generation rates plus an additional 24 within the retail service classification (ranging from Apparel Store to Wholesale Market). Within the office category, the reference provides 11 options for the assessment of trip generation of various potential office type developments. The land use types in the draft EIR are very broad. Nevertheless, CalEEMod requires that the user select a specific trip rate associated with a specific land use type, when for the EDE and draft EIR purposes, specific land use types are not yet known. Therefore, the margin of error in selecting trip rates in CalEEMod (and generating the corresponding trip volumes) is considered to be greater than with an aggregated approach to selecting trip rate as is the case with the City's traffic demand model. Therefore, the trip rates and corresponding trip volumes in the Transportation Impact Analysis are a solid basis at the general level of land use information available for assessing traffic volumes and traffic impacts.

As is referenced in numerous locations in the draft EIR, additional CEQA analysis will be conducted for every future individual development project proposed within a Target Area. Precise land uses will be included in the project descriptions for those projects. Those land use types can be input to CalEEMod to produce results that are more precise than is possible at the "plan" level of analysis being conducted for the EDE. For specific projects, it is common that CalEEMod trip volumes are much more closely aligned with trip volumes produced through a traffic model used for the same project.

47. The TIA purports to base its trip generation assumptions on trips per employee. This method stands in contrast to the typical method of determining trips based on the square footage of the particular land use, as is done by the Institute of Transportation Engineers trip generation manuals or by CalEEMod. Please explain the source for the TIA's assumed trips per employee. Please provide the ITE and CalEEMod trip rates per 1,000 square feet for the applicable land uses, e.g., strip mall, business park, and industrial. Please explain how the "per employee" assumptions could be consistent with the standard methods for determining trip rates.

Response: Use of trip generation rates per employee is an industry standard methodology found in the ITE trip generation manual. Trip generation based on building square footage is also an industry standard. Both are included in the ITE's Trip Generation Manual. The TIA reflects trip generation data included in the City of Salinas travel demand model. The City's model is derived from the Association of Monterey Bay Area Governments' regional travel

demand model. The trip rates in that City's model are the same as those used in the regional model. Building square footage data can be translated into employment data by using employment density factors for different land use types as described on draft EIR page 2-48.

48. Please clarify if the "Open Space" category includes designated open space, land in active open space uses, or vacant land. Please identify the land uses for the remaining 17% that was not accounted for. Please separately provide these acreage totals for land within City boundaries and land outside City boundaries but within the existing SOI. Please provide residential, commercial, industrial, open space, other land uses, and vacant land by acreage for the area within the City limits.

    The DEIR describes a 2008 SOI amendment for the Future Growth Area of 3,400 acres with 2,388 acres annexed. DEIR, p. 2- 6. Are these acres included in the 4,670 acres of Open Space identified above or are they in addition?

Response: Please refer to the response to comment #2 in Letter #1, also from LandWatch.

49. The commenter identifies a number of perceived deficiencies with the threshold of significance approach used in the Draft EIR. Among these are: 1) the threshold approach is not coherent in that it suggests that a qualitative threshold is being used, but then provides a quantitative analysis; 2) the Draft EIR suggests it is using a qualitative threshold but does not provide a qualitative assessment of project compliance with related; 3) the Draft EIR proposes a quantitative threshold of significance but disavows its use and yet does not provide a qualitative assessment of impacts; and 4) the significance analysis is flawed because the Draft EIR fails to identify a threshold of significance and leaves the public without any clear understanding whether the Draft EIR finds the impact significant by virtue of its quantitative analysis. Please refer to this comment in Letter #6 for more detail.

Response: The analysis approach taken in the draft EIR: 1) identified qualitative thresholds and explained why reliance on qualitative thresholds was permissible under CEQA; 2) identified a percentage level of reduction (72 percent) that would have to occur by 2045 to be on track to meet Governor Schwarzenegger's 2050 statewide GHG emissions reduction target of 80 percent below 1990 levels; 3) quantified expected GHG emissions; 4) explained that, to achieve the equivalent of a 72 percent statewide reduction over 1990 levels, the EDE itself would have to reduce the quantified GHG emissions by 63.7 percent; and 5) explained why such a steep reduction was "highly unlikely" to occur. Thus, despite the proposed mitigation measures, the impact was considered significant and unavoidable.

CEQA Guidelines Section 15064.4 addresses the approach for evaluating the significance of GHG emissions effects. This provision states that lead agencies have discretion to determine, in the context of a particular project, whether to use a model to quantify greenhouse gas emissions *and*/*or* rely on a qualitative analysis or performance based standards (emphasis added).

The commenter states that a qualitative analysis based on the first of the two thresholds derived from CEQA Guidelines Appendix G is not permissible. This is incorrect. A qualitative approach is permissible under the plain language of CEQA Guidelines section 15064.4, subdivision (a)(2). The City used the qualitative threshold, but went on to undertake quantitative analysis in support of its use of the qualitative threshold. There is nothing known in CEQA, the CEQA Guidelines, or case law suggesting any conflict associated with conducting a quantitative analysis in support of a qualitative threshold. The City essentially did the best quantitative analysis it could under the circumstances, but did so in reliance on a qualitative threshold. The draft EIR states that although a 63.7 percent emissions reduction might be required to achieve a less than significant effect, the "extrapolated reduction target" of 72 percent below 1990 levels "is not a threshold of significance per se." Contrary to the comment, the draft EIR did not actually use the 72 percent reduction figure as a significance threshold. The figure was simply used in support of the quantitative analysis addressing the City's qualitative thresholds. There is no flaw in using a mathematical approach to supporting analysis of impacts under a qualitative threshold.

50. The DEIR's analysis of GHG significance is flawed under Newhall. Even if a 72% reduction were unequivocally identified as the threshold of significance, it is not an adequate threshold under Newhall: The Newhall case firmly establishes that an agency may not uncritically apply a statewide GHG reduction goal as a threshold of significance. The Newhall Court set aside the EIR's GHG analysis because the agency failed to connect the dots between the statewide goal and the necessary reductions required for a particular land use project to do its fair share toward meeting that goal. The City cannot defer its analysis until some other agency provides a threshold of significance by enacting regulations or a plan. There is no reason that an agency must await regulatory enactment of statewide GHG reduction goals to make determinations of significance.

    The comment includes information regarding the options identified in the Newhall case for land use agencies to make an adequate significance determination. Please refer to the comment in Letter #6 for more detail.

Response: The draft EIR did not rely on a quantitative threshold, but rather relied on a qualitative threshold that was supported by quantitative analysis. The draft EIR does not identify a 72 percent reduction as a formal threshold. Second, although the quantitative analysis did look to statewide emissions reductions targets to ascertain the kinds of reductions that might be required on a project-specific basis when future individual projects are proposed within the Target Areas, the draft EIR analysis does not rely on a business-as-usual scenario as a means of finding impacts to be less than significant. Rather, the draft EIR analysis includes a quantitative target for informational purposes, but found the impact to be significant and unavoidable. In doing so, the analysis follows the "substantive policy" of CEQA to impose feasible mitigation in response to significant environmental effects.

It is true that the draft EIR makes reference to the kind of percentage reduction that might be considered to be the EDE's "fair share" of required statewide reductions. But this approach is permissible, as the Supreme Court in the Newhall Ranch decision expressed conceptual support for analysis approaches that attempt to ascertain a project's "fair share" of required statewide reductions, and the draft EIR analysis did not treat the 72 percent reduction as a significance threshold, did not invent a fictional version of the EDE as a business-as-usual version of the project, and did not attempt to avoid the need to impose feasible mitigation.

A qualitative approach of the kind undertaken in the draft EIR is expressly authorized by section 15064.4, subdivision (a)(1); and a purely qualitative approach to dealing with GHG impacts was upheld in the Mission Bay Alliance case, which was issued after the Newhall decision (*Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal.App.5th 160, 198-203). The court in the Mission Bay Alliance case rejected the notion that the Supreme Court opinion precluded qualitative approaches. There is certainly nothing in the Newhall Ranch opinion which suggests that the Natural Resources Agency exceeded its statutory authority when, in promulgating CEQA Guidelines section 15064.4, subdivision (a)(2), it authorized a purely qualitative approach to analyzing GHG-related impacts.

51. The DEIR must assess the significance of transportation emissions because they are uniquely under the City's control and are the largest source of GHG emissions. Here, the elephant in the room is the transportation emissions, which account for 86% of the project's GHG emissions and represent the area of GHG reductions that Newhall explains is primarily under local agency control. As noted, Newhall explains that that because "transportation emissions are affected by the location and density of residential and commercial development" local agencies bear the primary responsibility to evaluate the significance of a land use project on GHG emissions.

    The DEIR fails to assess the project's consistency with the most obvious and important regulatory program intended to help local agencies manage transportation impacts of land use, the Sustainable Communities Strategy developed for the County under SB 375, the statute that is specifically intended to implement transportation emission reductions from local land use permitting decisions.

Response: Transportation emissions are not uniquely under control of the City. A multitude of state legislative acts and regulations including the Pavley standards, Low Carbon Fuel standard, Advanced Clean Cars, etc., are targeted specifically at reducing GHG emissions from the transportation sector. It is true that the City does have control over transportation generated emissions that are affected by land use.

There is no standard of significance which requires the City to isolate and specifically assess the significance of transportation emissions independent of other types of GHG emissions generated by a project. The draft EIR includes modeling of and reports on transportation emissions as a part of the overall project GHG emissions profile. The draft EIR includes a

significance determination based in part on the contribution of the transportation emissions to the project's overall GHG effects. Because the draft EIR evaluates the impacts of proposed land use policy included in the EDE, the analysis of GHG impacts inherently addresses impacts of a land use project.

Regarding Newhall, the Supreme Court identified possible options for addressing deficiencies in the subject EIR regarding analysis of and conclusions regarding climate change impacts. One of these options was to assess a project's consistency with regulatory programs developed pursuant to AB 32. SB 375 is one such program. This approach is certainly allowed by the Newhall case, but it is not required.

52. The DEIR consistently fails to assess the very GHG impacts over which the City has the most control: those transportation-related GHG impacts associated with the choice to permit sprawl development rather than compact development. For example, in the alternatives analysis, the DEIR only finds that alternatives will "substantially less" GHG impacts if they would reduce the absolute amount of development without reference to its location or density. DEIR, p. 6-51. The DEIR fails to consider whether alternatives that would force compact, infill development would substantially lessen GHG impacts by reducing VMT due to locational benefits. For example, the alternatives analysis dismisses the importance of a 2,190 daily reduction in trips that might be attained by a mixed-use approach, arguing that the non-transportation related GHG impacts would be about the same as the proposed project – even though the transportation-related GHG represents 86% of the total. DEIR, pp. 6-42, 6-4-7.

    The GHG significance analysis in section 3.5 entirely fails to address the marginal increase in transportation GHG emissions caused by the choice of sprawl rather than compact development.

Response: Please refer to the response to comment #51 above. Please also see the responses to comments #16-#19, #22, #26, and #27 above.

Alternatives 1, 2, and 3 in the draft EIR identify impacts of reducing the total amount of land development capacity proposed in the EDE. Thus, the related GHG effects of these alternatives logically is related to the absolute volume of GHG emissions that would be generated by each alternative, not whether changes in the location of new development is at issue for reducing GHG emissions.

The mixed use alternative referenced in the comment is regarding Alternative 4 - Target Area V Alternative. The alternative reports on the projected VMT reduction from a change in land use for within Target Area V where that development already represents infill development. The alternative does not relate to forcing compact infill development. The alternative does not dismiss the importance of reducing VMT by changing land use type. The climate change discussion for the alternative states that GHGs are reduced with reduced vehicle trip volumes. Volume is the relevant variable here, as the location of development and the

development capacity for this alternative are the same as for the proposed project. This discussion notes that the alternative would incrementally reduce GHG emissions, but because the reduction is a very small percentage of the overall trip volume for the project, and other non-transportation GHG emissions volumes would remain constant, that the alternative would not reduce the significant unavoidable impact of the project to less than significant.

Section 3.5 of the draft EIR evaluates the potential impacts of the proposed project. There is no reason to or basis for considering other development scenarios in that section that may have different GHG effects outcomes.

53. GHG mitigation is flawed. Mitigation measure GHG-1 proposes that if the City has not adopted a qualifying GHG reduction plan, future applicants should develop ad hoc Greenhouse Gas Reduction Plans (GGRPs) by undertaking the following steps:

    - Identify a threshold of significance "based on substantial evidence that it is applicable to the proposed project," which threshold is to be used as a performance standard;
    - Calculate project emissions net of reductions attributable to existing regulatory programs;
    - Determine if additional measures are required based on whether the net emission volumes are above the applicable threshold of significance;
    - If so, then feasible mitigation measures shall be required and may be selected from various guidance documents;
    - If there are insufficient feasible measures to reduce GHG emission below the applicable threshold of significance, obtain an administrative approval from the Community Development Director. See DEIR, pp. 3-133 to 3-134.

    Mitigation Measures GHG-1 is fundamentally inadequate under CEQA because it is improperly deferred. The formulation of specific mitigation measures may not be deferred, as it is here, unless 1) the EIR identifies a performance standard by which measures may be designed and their sufficiency evaluated; 2) the mitigation is known to be feasible; 3) approval of the mitigation is not delegated to an unelected decision maker. Here, the DEIR fails to comply with any of these requirements for deferral.

Response: The primary point of having a performance standard is that it can constitute an item of substantial evidence in support of the conclusion that a mitigation measure will reduce an impact to a less than significant level. The draft EIR does not conclude that implementation of mitigation measure GHG-1 will reduce GHG impacts to less than significant. Only when a lead agency has relied on a particular measure, by itself, to reduce an impact to a less–than-significant level must the measure either be sufficiently detailed to

accomplish that purpose by itself or include a performance standard that, when translated in the future into a detailed measure, will accomplish that purpose by itself.

Regardless, mitigation measure GHG-1 provides as much precision about reducing GHG impacts as is currently possible at this point in the planning process given the very conceptual nature of the EDE as a policy document. There are numerous steps that must be taken before actual development can occur in the Target Areas. There is no specific schedule for when development might occur within any one or more of the Target Areas. Further, since the City cannot know today what technologies or other mitigation options will be available when development within any one or more Target Areas is actually proposed, it would be ineffective and inefficient to be highly proscriptive today.

The City is initiating a General Plan update in 2018. As part of that update, the City is planning to prepare a qualified climate action plan. Therefore, it is likely that by the time a specific development project is proposed within a Target Area, the GHG reduction plan would be in place to guide GHG reductions from such development.

54. Mitigation of lost farmland is inadequate. The analysis is inadequate because it fails to acknowledge the loss of hundreds of additional acres of farmland resulting from the three proposed expressways and the proposed annexation of EOAs D, G, H and M.

Response: Please refer back to the response to comment #43 regarding impacts for annexation of EOAs D, G, H, and M.

The general plan amendments the City intends to adopt to implement the EDE do not include the conceptual new expressways identified in EDE policies and in the NOP. The new expressways are not considered to be reasonably foreseeable. Therefore, the draft EIR does not assess potential impacts, including agricultural impacts, of constructing and operating the expressways.

55. Mitigation of lost farmland is inadequate. The mitigation option of payment of an in-lieu or impact fee for lost farmland is not adequate mitigation unless the fee program has been proposed, adopted, and environmentally reviewed in either a program EIR for the impact fee program or in the EIR for this project. The DEIR does not identify any agricultural mitigation impact fee program or provide any information about such a program's environmental review. The DEIR fails to specify the amount of the mitigation impact fee or to provide any information that would enable a future decision-maker to determine the fee.

Response: The commenter failed to identify the full content of the relevant agricultural mitigation measure. The mitigation measure is as follows:

> AG-1. Developers of future projects within each Target Area shall provide mitigation for conversion of important farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to

> non-agricultural use resulting from development within the Target Areas. At a minimum, mitigation shall include payment of an agricultural land conservation in-lieu fee in effect at the time individual projects are proposed within the Target Areas or dedication of a permanent conservation easement to a qualified third-party farmland conservation entity on off-site agricultural land of equal or better quality at a ratio of 1:1. If payment of an in-lieu fee is proposed by individual project applicants, the fee amount shall be based on the fair market value of permanent conservation easements on agricultural land at the time individual project applications are submitted. This amount may be updated, if necessary, at the time of project approval. The fair market value shall be identified through a nexus study or other mechanism approved by the City Attorney. The specific mitigation option to be implemented shall be identified in the CEQA documentation for future individual projects. Individual developers shall demonstrate compliance with the selected performance standard to the Community Development Director prior to issuance of a grading permit by the City.

Like the applicant's comment #53, it is presumed here that the concern is about mitigation deferral and about a performance standard for the in-lieu feet component of the mitigation. The mitigation measure identifies that a nexus study would be required if future developers propose payment of an in-lieu fee as partial mitigation for converting farmland. The term "nexus study" is common vernacular for an analysis conducted pursuant to AB 1600, the Mitigation Fee Act. The legal requirements for enactment of a development impact fee program are set forth in the Mitigation Fee Act. CEQA compliance for the program would be required as needed at the time the program is proposed. No individual future development project within a Target Area project which proposes payment of an in-lieu fee as its selected mitigation option under AG-1 could be approved without the fee program in place. Absent an approved fee program, AG-1 will require the dedication of a permanent conservation easement.

Notably, mitigation measure AG-1 includes a performance standard: the need to meet a one to one ratio. Thus, for every acre of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland that would be lost to development, one acre of agricultural land of equal or better quality must be preserved. Despite this performance standard, however, the draft EIR does not conclude that implementation of mitigation measure AG-1 will reduce the impact from loss of agricultural land to less than significant. Rather, the City acknowledges that, even with compliance with AG-1, net reductions in agricultural acreage will result.

Mitigation measure AG-1 contains sufficient information about the two mitigation options for the impact at this point in the planning process given the conceptual nature of the EDE. There are numerous steps that must be taken before actual development can occur in the Target Areas. There is no specific schedule for when development might occur within any

one or more of the Target Areas. If a nexus study has not been conducted at the time the first individual project is proposed within a Target Area, the payment of in-lieu fees would not be a mitigation option available to the project developer; dedication of a conservation easement would be then be the mitigation requirement per AG-1.

56. The conservation easement option is not adequate mitigation as proposed. There is no performance standard to define what land is of "equal or better quality." There is no requirement that the easement be on land proximate to Salinas, or even on land in the Salinas Valley. The mitigation cannot be known to be feasible because the DEIR provides no assurance that land would actually be available for a conservation easement.

    The DEIR fails to justify its assumption that the 1:1 ratio constitutes all feasible mitigation. A higher mitigation ratio, e.g., 1.5:1, 2:1, or 3:1, would likely be feasible and would go much further toward lessening the significant impact. The DEIR should require the highest feasible higher mitigation ratio in view of the conclusion that the impact remains significant even after mitigation at a 1:1 ratio.

Response: Please refer back to the responses to comments #53 and #56 above regarding performance standards for mitigation measures that do not reduce significant impacts to less than significant.

As noted above, the one-to-one ratio built into AG-1 is a recognized performance standard of the kind held to be adequate under case law. (See, e.g., California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603, 621-625 [upholding a similar quantitative performance standard for impacts to wetlands].) Here, this quantitative performance standard further requires that off-site preserved agricultural property be "Farmland of equal or better quality." As described in mitigation measure AG-1, that term means farmland classified by the California Department of Conservation Farmland Mapping and Monitoring Program as equal to or better quality that the classification of the farmland to be converted (i.e., impacts to Prime Farmland must be mitigated with easements over Prime Farmland, etc.). The City's intent is to require conservation easements on land that is within the vicinity of the City. Since the City does not have control over farmland on which landowners may be willing to place permanent conservation easements, specific locations for such easements cannot be precisely defined. To reflect this information, mitigation measure AG-1 has been refined. Please refer to Section 3.0, Revisions to the Draft EIR, where the refinements are identified.

The draft EIR acknowledges that agricultural easements do not lessen or avoid the impact from loss of agricultural land. As such, no conservation easement ratio, no matter how high, will achieve a mitigation effect, and no particular ratio can be ultimately justified as the scientifically correct one. For that reason, a statement of overriding considerations will be required for loss of farmland. The standard ratio for many California cities and counties is

the 1:1 ratio, and this ratio has been found to be adequate by the Court of Appeal. (Citizens for Open Government v. City of Lodi (2012) 205 Cal.App.4th 296, 322-324.) As a note, the City required placement of a conservation easement at ratio of less than 1:1 (easement land acreage was less than the acreage of agricultural land proposed for conversion) as part of the Salinas-Ag Industrial Center project approved in 2010. The ratio required in mitigation measure AG-1 increases the acreage obligation relative to past City practice.

57. The Ag Land Trust holds a permanent agricultural conservation easement within a portion of Target Area B. Land held under this easement is to be protected in perpetuity for the purpose enumerated in the easement documentation, including in most cases, the continuation of agricultural production. The DEIR finds that implementation of mitigation measure AG-3 would reduce the conflict from proposed future urban development within Target Area B with the existing agricultural conservation easement to less than significant. Exchanging land under the easement for land in an alternative location is inconsistent with the requirement that the easement remain in perpetuity at that location. The proposed mitigation does not mitigate the project's impact to less than significance. Since limiting development in Target Area B is the remaining mitigation measure, the feasibility of developing Target Area B as proposed should be addressed.

Response: The comment does not contain evidence that the mitigation option of exchanging land under easement is infeasible. The easement is held by the Ag Land Trust. The Ag Land Trust has provided comments on the draft EIR, none of which include the assertion made in this particular comment from LandWatch. The mitigation option is intended to provide both the City and the Ag Land Trust with one possible path of flexibility for each to achieve their respective desired goals for economic development and agricultural land conservation.

58. Mitigation measures AG-2, purporting to mitigate conflicts with Williamson Act contracts in Target Areas B and V must be updated to include any such contracts in other areas covered by Williamson Act contracts, e.g., areas in the proposed expressways or in EOAs D, G, H and M.

Response: Please refer to the response to comment #43. The EDE does not conflict with Williamson Act contracts in any locations not already identified in the EDE. Conflicts with Williamson Act contracts within the existing SOI, if any, are a function of implementing the General Plan. The General Plan EIR concludes that implementation of the General Plan would have no impact from conflict with Williamson Act contracts (General Plan Final Program EIR, Volume 1, p. 5.9-7). The expressways are not reasonably foreseeable. As such, impacts associated with constructing and operating the expressways are not evaluated in the draft EIR.

59. The provision in mitigation measure AG-2 that would permit the equivalent acreage of land to be added to other Target Areas would clearly have secondary impacts that have not been discussed. The proposal that this discussion be deferred to some future CEQA

review fails to address impacts that must be discussed in this EIR. Accordingly, this portion of AG-2 must be deleted or the secondary impacts must be assessed.

Response: Comment acknowledged. Mitigation measure AG-2 has been modified to delete language identified in the comment. Please refer to Section 3.0, Revisions to the Draft EIR, where the refinements are identified.

60. While an amendment to the General Plan is proposed to address the issue of inconsistency with the policy of maintaining a compact city for and directing urban expansion to the North and East, away from the most productive agricultural land, the inconsistency should be identified as an unavoidable and significant impact.

Response: The City's vision for future growth has evolved since the 2002 General Plan. The proposed amendment to policy LU-2.1 is consistent with the City's vision for future growth and the intent that additional conversion of agricultural land be limited to the Target Areas. The environmental impacts of this proposed policy are addressed throughout the draft EIR, including in Section 3.2, Agriculture and Forest Resources, where the impact of the City's future expansion into the Target Areas on loss of Important Farmland is identified as a significant and unavoidable impact. The proposed amendment to General Plan policy LU-2.1 does not replace or preclude the City's commitment to compact city form, as is already described in the General Plan, and reinforced in a range of EDE policies.

61. The project is inconsistent with the County/City of Salinas MOU and Ag Land Trust easements. This inconsistency should be identified as an unavoidable and significant impact.

Response: The EDE includes a vision for direction of future growth and development capacity that was not considered as part of the 2006 GSA MOU. The draft EIR acknowledges that future development in the five Target Areas outside of the city limits and SOI could be inconsistent with the direction of the City's future growth as agreed to in the GSA MOU, and states that the City and County will need to coordinate amendments to reflect the City's future intention to annex and develop in the Target Areas. The potential impacts of expanding urban growth into the Target Areas in locations that could be inconsistent with the GSA MOU are evaluated throughout the draft EIR. Several of the impacts (e.g. loss of Important Farmland) are identified as significant and unavoidable.

The draft EIR acknowledges that the County may not agree to amend the GSA MOU. Therefore, Section 6.0, Alternatives, in the draft EIR includes analysis of two alternatives that address this issue. Alternative 3 – GSA MOU Consistency, reflects changes in the proposed project that would be required to ensure that it is consistent with the GSA MOU limits on City growth should the County determine it is unwilling to amend the GSA MOU. Alternative 3 eliminates Target Areas B, F, K and N from the proposed project, thus limiting the direction of future growth to the west (Target Area L2).

Please refer to the response to comments #57 above regarding project conflicts with Ag Land Trust easements. This conflict is identified in the draft EIR as a significant impact. Mitigation measure AG-3 is designed to reduce this impact to less than significant.

62. All Target Areas outside of the city limits and SOI are inconsistent with LAFCO's policy to promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture. This inconsistency should be identified as an unavoidable and significant impact.

Response: Please refer to the response to comment #13 in Letter #5 from LAFCO.

63. Standards of significance for transportation impacts are identified in the DEIR as consistency with LOS standards included in general plans. While this standard is appropriate for addressing project consistency with general plans, it does not address requirements of SB 743. Draft amendments to CEQA Guidelines to address SB 743 have been developed (January 2016) but have not been adopted. Until that time, impact analyses are not required to use the proposed methodology for determining significance. However, an analysis of a project's impacts on transportation should identify motor vehicle GHG emissions and determine if they will be reduced to levels of insignificance to be consistent with the requirements of SB 743.

Response: As noted in the comment, impact analyses are not currently required to use the proposed SB 743 methodology. The City elected not to use this methodology for the proposed project and there is no current mandate to do so.

64. The analysis of the project's impacts on GHG emissions (DEIR, p. 3-129) identifies mobile source GHG emissions as generating 117,189.17 MT CO2e/year at build-out in 2045. It does not identify or discuss specific mitigation measures for reducing these emissions. The analysis finds that overall project GHG emissions, including mobile source emissions, will have an unavoidable and significant impact. DEIR, p. 3-134. Based on the DEIR's analysis of GHG emissions, 86% of which are from mobile sources, the project's transportation impact should be found to be unavoidable and significant.

Response: Please refer to the responses to comments #51 and #63 above. There is no current mandate under CEQA to segregate out transportation emissions from the overall project GHG emissions as a basis for defining the significance of GHG impacts of a proposed project per the thresholds of significance identified in the draft EIR.

65. The DEIR fails to assess urban decay. The DEIR acknowledges that big box retail has the potential to cause economic impacts on existing retail in the trade area, and that this may result in physical impacts through deterioration and decay. DEIR, p. 5-18. It is clear that the proposed new retail uses have the potential to result in the shuttering and blight of dozens of existing Salinas stores. The DEIR seeks to justify adding 63 acres of sprawl development using a retail capture analysis focused outward, but fails to apply that analysis to the existing fragile Salinas retail environment.

Response: The discussion on draft EIR page 5-18 is a generic background discussion of the issue of urban decay and potential causes of urban decay. It is not an analysis of potential urban decay impacts of the proposed project. To the extent that the comment implies this discussion to be an assessment of project effects, the comment is misleading.

The draft EIR identifies future employment needs of the City based on projected population growth at General Plan buildout. The General Plan forecasts that population to be 213,063. New growth in retail/commercial development in Salinas is projected in the Retail Analysis and Target Industry Analysis (and reported in the draft EIR) based on rising demand for such development that would be generated by new population growth through General Plan buildout. Such development would not inherently compete with existing retail development within or outside the City, as existing retail development responds to demand generated by the existing population within the City. The discussion of the speculative nature of evaluating urban decay impacts found on draft EIR page 5-19 is intended to disclose that specific types of new retail/commercial uses that might locate in the City cannot be known at present, and any further discussion of urban decay effects would be speculative. Nevertheless, such effects are not anticipated for the reason noted.

LETTER #7

MONTEREY COUNTY

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October 19, 2017

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RE: Draft Program Environmental Impact Report (EIR) for the Proposed City of Salinas Economic Development Element (EDE) of the General Plan

Dear Ms. Brinton:

Thank you for the continued opportunity to provide our comments regarding the proposed General Plan Element.

Per our previous letter to the City that addressed the agricultural impacts of the City's proposed expansion (part of the Resource Management Agency's comment letter in 2015 provided when the draft initial study was released), **we maintain the stance that the City's intent to expand into prime farmland in the proposed "Target" areas and particularly the "Economic Development Reserve" (EDR) areas outside of the existing Sphere of Influence (SOI) is not needed or warranted**. 1

These proposals are an example of unnecessary urban sprawl when there are plentiful infill options within the City boundaries, in accordance with the 3,500 acre SOI increase that was approved by LAFCO in 2008, which have not been built out. Further, the proposal violates the City's own general plan policies (LU 2.1, which reflects the terms of the MOU limiting expansion to the northeast, and COS 3.3, which discourages the conversion of agricultural land, among many others), the Memorandum of Understanding (MOU) that was signed by LAFCO, the County, and the City in 2006, numerous LAFCO State mandates, as well as several other applicable policies. We had specifically requested the following analysis be contained in our prior letter: 2 3

> *The project EIR must provide a detailed analysis of the loss of prime farmland, cancellation of any associated Williamson Act contracts to accommodate City expansion, and the impacts to surrounding farmland with the potential expansion of the City adjacent to prime farmland. Buffers, in the form of graduated zoning and physical buffers, must be considered for any such areas. However, clearly the first choice will be to simply remove these areas from any further consideration.*

However, the analysis contained in the current EIR is entirely inadequate and does not address project impacts. Rather, the analysis and proposed policies/actions *support* the expansion of the SOI, and do not in any way mitigate project impacts, as evidenced in the following excerpt from the DEIR analysis: 4

The EDE contains policies and implementation actions which directly or indirectly address potential loss of agricultural land and *whose implementation may serve as mitigation for significant impacts. (emphasis added)* **4 Cont.**

Action LU-1.7.1: Work with LAFCO, the County of Monterey, the Monterey County Agricultural Land Trust and other affected agencies and stakeholders to expand the City's Sphere of Influence and Urban Service Area, as well as annex land areas to the City, for Economic Opportunity Areas B, F, K, L, and N.

Action LU-1.7.3: Work with the County of Monterey to revise the Greater Salinas Area Memorandum of Understanding and other related agreements such as tax transfer agreements, to address development on Economic Opportunity Areas located outside the City's Sphere of Influence as identified in the Economic Opportunity Areas map.

Action LU-1.7.4: Through a local Agricultural Land Preservation Program, require agricultural conservation easements, where feasible, to protect the most productive agricultural lands such as but not limited to those adjacent to Economic Opportunity Areas B, F and N.

Policy ED-LU-1.12: Work with landowners to fund and develop a plan for future retail commercial development and job growth, and other land uses, as appropriate, at the south end of the City in Economic Area N while protecting adjacent productive farmlands and prohibiting additional expansion of urban uses.

Action LU-1.12.2: Work with the County of Monterey to update the Greater Salinas Area Memorandum of Understanding in order to implement the direction of Policy ED-LU-1.12.

These actions and policies would only serve to facilitate the project and would not in any way mitigate impacts. The proposed expansion areas ignore the terms of the MOU and would expand the City's growth in all directions into prime farmland, some of the most productive in the County, if not the State. Upon review of LAFCO's letter dated October 18, 2017, regarding this matter, we wholly support the policy analysis, maps, and issues outlined therein and incorporate them by reference here. The MOU provided the basis for amendments to the City's Sphere of Influence as approved by LAFCO. **5**

The draft EIR addresses potential impacts solely from the designated "Target Areas," which would result in the conversion of 502 acres of Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use. However, the analysis does not include the EDR areas, shown on the maps in the DEIR and other City documents, which would convert nearly *7,000 additional acres of unincorporated prime farmland* into the City. It is our understanding that *approximately half of the City's growth is proposed outside of the adopted City limits and SOI.* The analysis in the DEIR must contain an assessment of the impacts of the entirety of what is displayed (e.g., 7,000 acres) in the project maps, not simply the 502 acres that are analyzed (443 of these acres are located on unincorporated County land). **6**

The impacts of the City's future proposed expansion into prime agricultural land cannot be addressed in a piecemeal fashion. It has been included in the EDE maps and must be fully analyzed. Further, the excessive amount of infill currently available to the City which has not yet been built out (more than 13,000 acres) must be taken into account when considering the need for the current expansion request. Cities by law are required to expand in an orderly fashion and infill must be the first consideration prior to requesting further expansion. The current proposal does not appear justified when the City has a plethora of land available for its future expansion into the foreseeable future. The timeframe for long-range planning documents typically spans 20 years, not the 35 years noted in the DEIR. **7** **8**

Additionally, the Target Areas that would convert agricultural land containing Williamson Act contracts and/or Agricultural Conservation Easements (ACEs) are particularly concerning. Again, the proposed mitigation for the project as it relates to the conversion of land protected with a Williamson Act contract and/or ACEs is inadequate and serves only to facilitate the City's expansion, not to mitigate impacts. Prohibiting incompatible development until a "contract is canceled or non-renewed," modifying expansion area boundaries to exclude Williamson Act acreage, or requiring future general plan amendments does not constitute mitigation. ACEs are designed to protect land "in perpetuity," and should not be negotiable or revisited. That is the sole purpose of overlaying land with these easements; they are designed to "run with the land." **9**

The proposed ratio of 1:1 mitigation for the loss of any agricultural land is also inadequate to address any conversion of prime agricultural land. None of the land displayed in the Target Areas or EDRs should be converted given the City's available infill, but if any areas are approved for expansion by LAFCO, the mitigation ratio should be increased to a 2:1 ratio at a minimum. Further, in-lieu fees would not mitigate the loss of irreplaceable prime farmland located in the expansion areas. These lands are an integral contributor to the number one economic driver in Monterey County, agriculture. **10**

The range of alternatives presented in the document must also include one that considers logical infill and redevelopment in the City's existing SOI and City limits, and one that considers expansion that would not encroach onto prime farmland. The alternatives presented violate the MOU and do not address the City's present potential for infill given current conditions. The MOU, as we understand it, was carefully negotiated and should be honored, not revised, especially without sufficient rationale. A thorough review and analysis of all Monterey County Agricultural Element policies must be included for all alternatives. The growth of the City must be done carefully, and this proposal would increase the potential for additional agricultural land to be affected by introducing urbanized uses and associated land use conflicts. Buffers should be built into the zoning by having transitional uses allowed in lands that abut unincorporated areas. **11** **12** **13**

Lastly, the expansion of the City needs to follow logical boundaries, such as major roadways, and not leap frog into areas that do not make planning sense. That was part of the purpose of the original MOU, to ensure that future development by the City is orderly and logical. **14**

We look forward to receiving a response regarding the points raised in this letter and will be participating as the process continues. This proposal would encourage and create sprawl, is not orderly and compact, and would convert, not preserve, open space and prime farmland.

Thank you again for the opportunity to comment and for considering the critically important issues raised in this letter.

Sincerely,

Robert Roach
Assistant Agricultural Commissioner

Christina McGinnis
Ag Resources and Policy Manager

Response to Letter #7, Monterey County Agricultural Commissioner

1. The proposed project's intent to expand into prime farmland in the proposed "Target Areas" and "Economic Development Reserve Areas" outside of the existing Sphere of Influence (SOI) is not needed or warranted. There are plenty of infill options within the City boundaries.

Response: Please refer to response to comment #4 in Letter #5 from LAFCO and to responses to comments #16-#19, and #22 in Letter #6 from LandWatch.

2. The proposed project violates the City's own General Plan polices (expansion to the northeast, and discouragement of ag-land conversion), the 2006 Memorandum of Understanding (MOU) that was signed by LAFCO, the County and the City, numerous LAFCO State mandates, as well as several other applicable policies

Response: Please refer to the response to comment #2 in Letter #4 from the Ag Land Trust, and to the responses to comments #7 and #13 in Letter #5 from LAFCO.

3. As requested in our prior letter, the project EIR must provide a detailed analysis of the loss of prime farmland, cancellation of any associated Williamson Act contract to accommodate City expansion, and the impacts to surrounding farmland with the potential expansion of the City adjacent to prime farmland. Buffers, in the form of graduated zoning and physical buffer must be considered for any such areas. However, clearly the first choice will be simply to remove thee areas from any further consideration.

Response: Detailed analysis of loss of farmland is provided in the draft EIR starting on page 3-34. Analysis of cancellation of Williamson Act contracts is provided starting on draft EIR page 3-37. Impacts of potential land use conflicts between urban development and surrounding farmland are discussed in the draft EIR starting on page 3-38. Agricultural buffer requirements are discussed in the draft EIR starting on page 3-39.

4. The analysis contained in the current EIR is entirely inadequate and does not address project impacts. Rather, the analysis and proposed policies/actions support the expansion of the SOI and do not in any way mitigate project impacts.

Response: The commenter does not identify in what way the draft EIR is entirely inadequate; a response to this assertion cannot be provided. This comment reflects a possible misunderstanding of the purpose of the draft EIR. That purpose is to evaluate the potential environmental effects of the proposed project. The draft EIR does not support the policies/actions in the draft EIR; rather, the draft EIR evaluates the potential environmental impacts of implementing the proposed policies/actions. The mitigation measures included in the draft EIR are designed to reduce significant impacts to a less-than-significant level where

possible. In some cases, despite implementation of mitigation measures, significant impacts would be unavoidable. This is the case with loss of farmland.

5. The proposed expansion areas ignore the terms of agreed direction of expansion in the County/City MOU.

Response: Please refer to the response to comment #2 above.

6. The draft EIR addresses potential impacts solely from the designated "Target Areas," which would result in the conversion of 502 acres of Important Farmland. The analysis does not include the EDR areas, which would convert nearly 7,000 additional acres of unincorporated prime farmland into the City. The analysis in the DEIR must contain an assessment of the impacts of the entirety of what is displayed in the project maps.

Response: The comment reflects a misunderstanding of the project description. Please refer to responses to comments #1, #2, #3, and #5 in Letter #5 from LAFCO. The proposed project would not result in conversion of more than 502 acres of Important Farmland. Development of the Economic Development Reserve Areas is not reasonably foreseeable and is not included in the project description. Conversion of farmland now located within the City's existing SOI as envisioned in the existing General Plan is already evaluated in the General Plan EIR.

7. The impacts of the City's future proposed expansion into prime agricultural land cannot be addressed in a piecemeal fashion. It has been included in the EDE maps and must be fully analyzed. Further, the excessive amount of infill currently available to the City which has not yet been built out (more than 13,000 acres) must be taken into account when considering the need for the current expansion request.

Response: Please see the response to comment #6 above.

8. The timeframe for long-range planning documents typically spans 20 years, not 35 years as noted in the DEIR.

Response: Please refer to the response to comments #2 and #11 in Letter #6 from LandWatch.

9. The proposed mitigation for the project as it relates to the conversion of land protected with a Williamson Act contract and/or ACEs is inadequate and serves only to facilitate the City's expansion, not to mitigate impacts. ACEs are designed to protect land "in perpetuity," and should not be negotiable or revisited.

Response: Please refer to responses #3 and #4 above and to the responses to comments #56-#59 in Letter #6 from LandWatch. The commenter does not explain why the proposed mitigation is inadequate; a response to this assertion cannot be provided.

10. The proposed ratio of 1:1 mitigation for the loss of any agricultural land is also inadequate to address any conversion of prime agricultural land. If any of the Target

Areas are approved for expansion by LAFCO, the mitigation ratio should be increased to a 2:1 ratio at a minimum. Further, in-lieu fees would not mitigate the loss of irreplaceable prime farmland.

Response: Please refer to responses to comments #55 and #56 in Letter #6 from LandWatch

11. The range of alternatives presented in the document must also include one that considers logical infill and redevelopment in the City's existing SOI and city limits and one that considers expansion that would not encroach onto prime farmland. The alternatives presented violate the MOU and do not address the City's present potential for infill given current conditions. The MOU should not be revised without sufficient rationale

Response: Please refer to responses to comments #16-19, #22, #26, and #27 in Letter #6 from LandWatch.

12. A thorough review of all Monterey County Agricultural Element Policies must be included for all alternatives.

Response: The City of Salinas is the lead agency for the proposed project. The City is not required to assess consistency of a proposed project with the General Plan of a different lead agency.

13. Buffers should be built into existing zoning by having transitional uses allowed in land that abut incorporated areas.

Response: Comment acknowledged. City of Salinas General Plan policy COS-3.4 calls for minimizing conflicts between agricultural and urban uses through the use of buffers zones, roads, and other physical boundaries. The City's Municipal Code does not include regulations regarding agricultural buffers per se.

14. The expansion of the City needs to follow logical boundaries, such as major roadways, and not leap frog into areas that do not make planning sense. That was part of the purpose of the MOU, to ensure that future development by the City is orderly and logical.

Response: The commenter does not provide specific examples of how the proposed project does not follow logical boundaries or leapfrogs into areas; a detailed response to this assertion cannot be provided. The boundaries of the Target Areas follow logical boundaries that include streets and parcel lines. These are two common boundaries types used to describe areas proposed for annexation.

TAMC
TRANSPORTATION AGENCY
FOR MONTEREY COUNTY

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LETTER #8

October 19, 2017

Lisa Brinton
Senior Planner
City of Salinas, Community Development Department
65 West Alisal Street, Salinas, CA 93901

SUBJECT: Comments on the Draft Economic Development Element Draft Program Environmental Impact Report

Dear Ms. Brinton:

The Transportation Agency for Monterey County is the Regional Transportation Planning and Congestion Management Agency for Monterey County. Agency staff has reviewed the Draft Economic Development Element and the associated Draft Program Environmental Impact Report and offers the following comments:

Draft Economic Development Element:

1. The Agency support's the EDE's vision of economic vitality, and its emphasis on infill and transit oriented development, as well as the circulation policies directed at supporting sustainable, multimodal transportation.

2. The Agency supports the City's decision to reduce the size of the EDE from its initial iteration, including the classification of reserve areas for economic development, areas that are not anticipated to be needed within the 30-35 year timeframe of the EDE.

3. The Agency supports the City's decision to remove the new expressways from the EDE's 30-35 year timeframe. However, the policies listed in the EDE continue to advocate for pursuing the new expressways. The City should consider the compatibility of such significant auto-oriented roadway investments with the: 1

    - EDE's multimodal and trip reduction policies.
    - The City's focus on infill and revitalization, such as the Downton Vibrancy Plan.
    - The realities of transportation funding and the City's ability to finance new roadway construction.

4. Policy ED-C-2.8 should be revised to include the City's support for the Salinas-Marina Multimodal Corridor and a description of the project. 2

5. Policy ED-C-2.11 should be revised to reflect the passage of Measure X in November of 2016. 2 Cont.

6. Policy ED-C-2.14 should be revised to include the safety, environmental, and life-cycle cost benefits of roundabouts.

Draft Environmental Impact Report:

1. The Transportation Agency supports the City's intention to pay the Regional Development Impact Fee, Salinas Transportation Impact Fee, and the future County Impact Fee Program as mitigation for the project's local and regional impacts.

   For clarification, the regional fee, as designed, is adequate mitigation only for cumulative impacts. By definition, a project-specific impact entails a level of significance in excess of a cumulative impact. Since the regional fee funds are spread across 17 regionally-significant improvement projects to satisfy a development's cumulative impacts throughout the county, not solely for direct impacts within the vicinity of the development, payment of regional fees would be less than what would be expected for adequate mitigation of project-specific impacts. Additional project-specific impacts would still need to be addressed through another mechanism, such as direct fair-share payments towards the planned improvements at the impacted facilities. 3

2. The DEIR discusses adding improvements to SR 183 through Castroville into the TAMC Regional Development Impact Fee program. TAMC regularly updates the fee program, and for a project to be included it must first meet the criterial to be classified a regional deficiency and then associated costs would need to be added to regional fee schedule. Additionally, changes to SR 183 through Castroville would need to be included in the Regional Transportation Plan, supported by Caltrans and the County of Monterey, and be consistent with the Castroville Community Plan. 4

   Additionally, Caltrans is currently in the planning phase for a multimodal road and sidewalk rehabilitation project and SR 183 through Castroville that does not include consideration of widening.

   Finally, the analysis for SR 183 should include a discussion of the planned connection from Blackie to a new Castroville Boulevard/Highway 156 Interchange. Both projects are included as regionally significant projects in the Regional Transportation Plan, and the Interchange is included in the Measure X Expenditure Plan. 5

3. The Davis Road segment between Central Avenue and Blanco Road is not listed in the TIA's Existing Conditions analysis. The segment, like the segment from West Market Street and Central Avenue, experiences peak period congestion and impacts to it should be addressed. 6

4. Page 3.274 has an incorrect description of Espinosa Road and the required mitigation. 7

5. The listed Mitigations for the EDE represent a significant financial constraint on the feasibility of implementing the EDE. 8

6. Regarding the Alternative and DEIR findings, the Agency agrees with the DEIR's conclusion regarding the GSA MOU Alternative, and specifically that, "it is highly likely that this alternative will avoid and/or substantially many of the significant, but mitigatable, and the significant and unavoidable impacts of the proposed project. This alternative is superior to the proposed project from a traffic and circulation impact perspective"(6-36).

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Grant Leonard of my staff at 831-775-0903.

Sincerely,

Debra L. Hale
Executive Director

Response to Letter #8, Transportation Agency for Monterey County

1. The policies listed in the EDE continue to advocate for pursuing the new expressways. The City should consider the compatibility of such significant auto-oriented roadway investments with the:

    - EDE's multimodal and trip reduction policies.
    - The City's focus on infill and revitalization, such as the Downton Vibrancy Plan.
    - The realities of transportation funding and the City's ability to finance new roadway construction.

Response: EDE policies and actions related to the Westside, Eastside and Southside expressways have been made to reflect that they are conceptual and will be revisited as part of the General plan update process. Please refer to the responses to comments #16-#19, and #39 in Letter #6 from LandWatch.

2. Policy ED-C-2.8 should be revised to include the City's support for the Salinas-Marina Multimodal Corridor and a description of the project. Policy ED-C-2.11 should be revised to reflect the passage of Measure X in November of 2016. Policy ED-C-2.14 should be revised to include the safety, environmental, and life-cycle cost benefits of roundabouts.

Response: The requested revisions to the three circulation policies listed above have been made and are included in changes to the EDE policies that will be considered as part of the proposed general plan amendments to be considered by the City Council.

3. The regional fee is adequate mitigation only for cumulative impacts. Additional project-specific impacts would still need to be addressed through another mechanism, such as direct fair-share payments towards planned improvements at impacted facilities.

Response: Comment acknowledged. Through traffic analysis conducted for future individual development projects within the Target Areas, the City will identify impacts on the local roadway network that cannot be mitigated through payment of the regional fee. Fair-share payments and/or payment of the City’s traffic impact fee are the most common forms of project-specific mitigation employed by the City.

4. The DEIR discusses adding improvements to SR 183 through Castroville into the TAMC Regional Development Impact Fee program. TAMC regularly updates the fee program, and for a project to be included it must first meet the criteria to be classified a regional deficiency and then associated costs would need to be added to regional fee schedule. Additionally, changes to SR 183 through Castroville would need to be included in the Regional Transportation Plan, supported by Caltrans and the County of Monterey, and be consistent with the Castroville Community Plan. Additionally, Caltrans is currently

in the planning phase for a multimodal road and sidewalk rehabilitation project for SR 183 through Castroville that does not include consideration of widening.

Response: Response is noted. The City does not control the operations of or improvements to State Route 183. The draft EIR concludes that impacts on this roadway are significant and unavoidable. This conclusion is based on the fact that there is no assurance that the recommended improvements identified in the draft EIR can be implemented, as there currently is no program in place for collecting fees for and constructing the improvements. This finding is consistent with CEQA Guidelines section 15091(a)(2).

5. The analysis for SR 183 should include a discussion of the planned connection from Blackie to a new Castroville Boulevard/Highway 156 Interchange. Both projects are included as regionally significant projects in the Regional Transportation Plan, and the Interchange is included in the Measure X Expenditure Plan.

Response: This State Route 156/Castroville Boulevard Interchange project will direct truck traffic away from Merritt Street in Castroville and from the accident-ridden State Highway 183/156 interchange by building a new interchange at Castroville Boulevard and State Highway 156, with connections to Blackie Road to improve access for commercial traffic. It will also help relieve traffic congestion on State Highway 156 while improving safety and local traffic circulation in North Monterey County.

6. The Davis Road segment between Central Avenue and Blanco Road is not listed in the TIA's Existing Conditions analysis. The segment, like the segment from West Market Street and Central Avenue, experiences peak period congestion and impacts to it should be addressed.

Response: It can be reasonably assumed that this segment would not be impacted as a result of the EDE. On the two adjacent segments of Davis Road (Davis Road between West Market Street and Central Ave, and Davis Road south of Blanco Road, there are no impacts. Davis Road between West Market Street and Central Avenue experiences a net reduction in trips between the cumulative condition scenario and the cumulative with project scenario. Davis Road south of Blanco Road doesn't change between the two scenarios. Even though the facilities are operating at an unacceptable LOS, the proposed project is not adding trips and therefore, does not have a significant impact.

7. Page 3.274 has an incorrect description of Espinosa Road and the required mitigation.

Response: The incorrect description of Espinosa Road and the required mitigation is revised as follows:

- Espinosa Road west of U.S. Highway 101

  This would require acquisition of right-of-way from adjacent agricultural land. To mitigate the impact on this road segment, it must be widened from two to four lanes.

The project is in the Draft County Fee Program. With an approved County fee program, payment of the fee will mitigate impact to an acceptable LOS C.

This change is reflected in Section 3.0, Revisions to the Draft EIR.

8. The listed Mitigations for the EDE represent a significant financial constraint on the feasibility of implementing the EDE.

Response: Any mitigation requirement which results in increased development costs has potential to constrain new development. This can be especially true for fair-share contributions of new development to new circulation improvements, as major circulation improvements can be inordinately expensive. The impacts to the City circulation network and to U.S. Highway 101 would be mitigated through payment of fees through existing fee programs that are well established. A fee program for impacts on County road facilities has not yet been adopted, so fee amounts have not been established. If such a program is established, the fees to be paid by developers of future projects within the Target Areas would be in addition to City traffic impact fee and to the TAMC regional fee.

LETTER #9

Jeffery R. Gilles, *Partner*
Aaron Johnson, *Partner*
Jason Retterer, *Partner*
Robert E. Rosenthal, *Partner*
Paul A. Rovella, *Partner*
David W. Balch
Peter D. Brazil
Patrick S. M. Casey
Kendra Clark
Jeffrey S. Lind
Sergio H. Parra
Ronald A. Parravano
Matthew R. Rankin
James W. Sullivan
E. Soren Diaz, *Of Counsel*
Doug K. Dusenbury, *Of Counsel*

October 19, 2017

Via Email

Ms. Lisa Brinton, Senior Planner
City of Salinas Community Development Department,
65 West Alisal Street
Salinas, California 93901
lisab@ci.salinas.ca.us

RE: Comments on Economic Development Element Draft EIR

Dear Ms. Brinton,

Our office represents Higashi Farms, Inc. ("Higashi") and Henry Hibino Farms Inc. ("Hibino") who own and operate the farmland on the portion of Carr Lake that is located between Laurel Drive and Highway 101. This area includes designated Economic Opportunity Area V ("Target Area V") in the Draft Environmental Impact Report ("Draft EIR") that the City has prepared for the proposed Economic Development Element of the City's General Plan.

On behalf of Higashi and Hibino, we submit the following comments on the Draft EIR:

1. **Section 2.0 Project Description, pps. 2-40, Target Areas within the Sphere of Influence - Carr Lake**: The Draft EIR includes development assumptions for Carr Lake in the Table and depicts the proposed areas for development on Figure 6. Rather than simply referring the Table and Figure, we recommend that this section of the Draft EIR be revised to include a brief narrative that describes the development assumptions (gross and net acreage and potential square footage of development on each side of Sherwood Road) for Carr Lake and briefly explains the City's rationale for identifying these specific areas for future retail development in Carr Lake. The Draft EIR should also identify the overall acreage of Carr Lake that exists between Laurel Drive and Highway 101, the percentage of this area that would potentially be developed under the project, and the percentage of the area that would remain in open space for agriculture or park uses. **1**

2. **Figure 12, Habitat Map**: Figure 12 shows a large swath of the target area of Carr Lake as "Freshwater Emergent Wetland." However, Table 19, which describes the "Plant Communities/Land Use found in Each Target Area," identifies "agricultural, annual grassland/ruderal, riparian, and freshwater marsh." Table 5 does not identify "freshwater emergent wetland" as existing in Target Area V. In addition, there is no **2**

description of the types of plants and other physical characteristic of "freshwater emergent wetland" in the narrative description of habitat types that appear on pages 3-67 to 3-76. If the "freshwater emergent wetland" habitat type is intended to be the habitat described as "freshwater marsh/open water", we don't think this an accurate description of the habitat type in Target Area V. In fact, a review of the Google Earth imagery since 1998 shows that all of Target Area V has been in agricultural row crop production for decades. (See **Exhibit A**, which is the most recent aerial imagery for this area of Carr Lake from Google Earth). This area does not contain the type of vegetation and plant communities that are described under the "freshwater march/open water" or the "riparian" headings on pps. 3-75 to 3-76 of the Draft EIR. We request the City revise the Draft EIR to delete any reference to either of these habitat types existing in Target Area V. If, for some reason, these areas are taken out of agricultural production prior to a potential development project in Target Area V and an alternative habitat forms, these habitat areas would be described and assessed as part of the subsequent site specific environmental review for such development.

2 Cont.

3. **Figure 15, Flood Hazard Zones**: Figure 15 does not accurately depict the floodway areas of Carr Lake that are located between Laurel Drive and Highway 101. Attached as **Exhibit B** are a printout of a map from the City's GIS mapping and a 2002 map from the Carr Lake Multi-Purpose Flood Control Study that show an additional area, north of and contiguous to Laurel Drive and the area currently depicted as being outside the floodway, as similarly being outside the floodway. Another area that is contiguous to the Chinese Cemetery is outside of the floodway. Please correct Figure 15 accordingly.

3

4. **Alternative 4: Target Area V:** Alternative 4 considers the effect of changing the "retail" land use designations for Target Area V to limited "mixed use" (excludes residential land uses) and it relocates the portion of the Target Area V east of Sherwood Drive to an area contiguous to Laurel Drive.

   As the City is aware, Higashi, Hibino and the City entered into the Settlement Agreement, dated July 24, 2015 and attached as **Exhibit C**. Section 4 of the Settlement Agreement requires the City to evaluate an Alternative in the Draft EIR that designates the approximately 115 acre area of Carr Lake that is depicted on Exhibit A to the Settlement Agreement as "mixed use," which would allow for "**residential**, retail, and office uses." Alternative 4, however, is inconsistent with the Settlement Agreement in two material respects. First, Alternative 4 expressly excludes residential uses from the type of mixed uses that would be allowed under this Alternative. Second, the location of the mixed use area along Laurel Drive is inconsistent with the locations along Laurel Drive that were required to be designated mixed use, as shown on Exhibit A to the Settlement Agreement. Specifically, Alternative 4 does not designate the two small 4.1 and 2.7 acre areas along Laurel

4

Drive that are depicted on Exhibit A to the Settlement Agreement as "mixed use." Accordingly, we request the Draft EIR analyze the Alternative that the City agreed to analyze in the Settlement Agreement. **4 Cont.**

The Higashis and Hibinos are willing to meet with the City to discuss and consider alternative "mixed use" locations south of Laurel Drive that are not depicted on Exhibit A to the Settlement Agreement. However, the City has not reached out to the Higashis, Hibinos, and/or their legal representative to discuss alternative locations, including Alternative 4 that is analyzed in the Draft EIR.

For example, one potential variation of Alternative 4 that could achieve the objectives of the City and still reduce the environmental effects is an alternative that shifts approximately 20 acres of the target area on Laurel Drive to the Highway 101 frontage on the east side of Sherwood.so there is an equal amount of development potential off Laurel and along the Highway 101 frontage. Under this alternative, the overall amount of potential development (115 acres) would remain the same and some additional high visibility retail or mixed use could occur along Highway 101. The alternative would continue to be environmentally superior to the project based on a shift in a significant portion of the development east of Sherwood Drive to Laurel Drive.

We appreciate the opportunity to comment on the Draft EIR and as noted above, we would welcome an opportunity to meet City officials and its consulting team to discuss a variation of Alternative 4 that is consistent with Settlement Agreement and the objectives of the Higashis and Hibinos.

Very truly yours,

Gilles, Rosenthal, Johnson, Rovella & Retterer
L+G, LLP Attorneys at Law

Jason S. Retterer

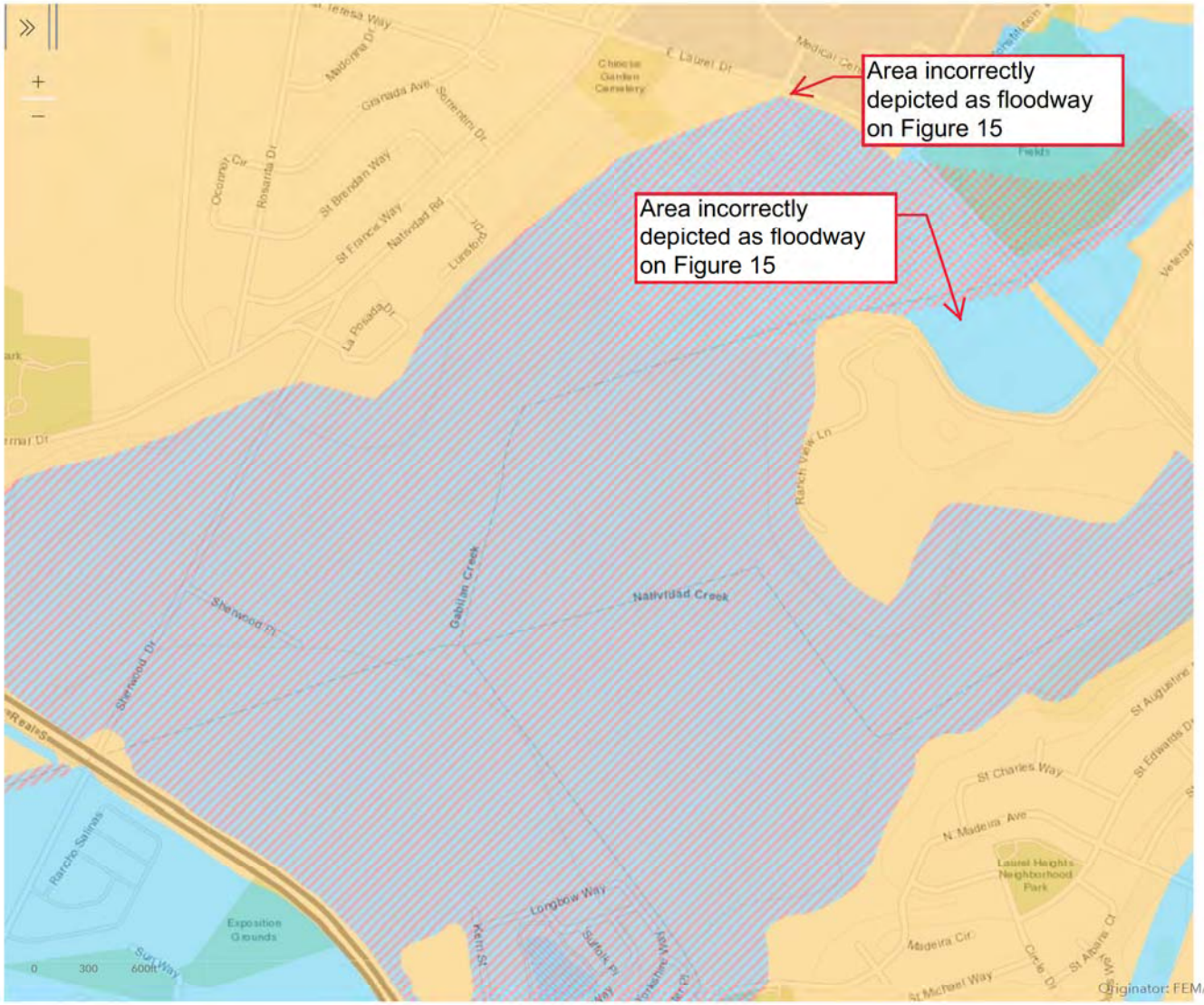
cc: Ken Higashi
Shari Higashi
Kent Hibino
Chris Callihan, Esq.

Encl.

EXHIBIT A


Google Earth Aerial - Target Area V
Write a description for your map.
Legend
Longbow Dr
Greenleaf Way
Suffolk Pl
Mobray Way
Doncaster Pl
N
1000 ft
Google Earth
© 2017 Google

EXHIBIT B


Area incorrectly depicted as floodway on Figure 15
Area incorrectly depicted as floodway on Figure 15
Natividad Creek
Gabilan Creek
Ranch View Ln
Sherwood Pl
Sherwood Dr
St Charles Way
N Madeira Ave
Laurel Heights Neighborhood Park
Exposition Grounds
Rancho Salinas
Longbow Way
Madeira Cir
St Michael Way
E Laurel Dr
Granada Ave
St Brendan Way
St Francis Way
Natividad Rd
La Posada Dr
Rosarita Dr
Lunsford Dr
Chinese Garden Cemetery
0
300
600ft
Originator: FEMA

Carr Lake Multi-Purpose Flood Control Study

Prepared for
Monterey County Water Resources Agency

April 2002

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS
100 12TH Street, Bldg. 2900
Marina, CA 93933
(831) 883-4848
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Carr Lake Multi-Purpose Flood Control Study
Final Report – April 2002

BACKGROUND

Carr Lake is a low-lying area surrounded by the City of Salinas through which flows runoff from a drainage area of approximately 101 square-miles. The major tributaries include Gabilan Creek, Natividad Creek and the Reclamation Ditch that extends south of Salinas, through Heinz Lake and Smith Lake, to Alisal Creek. Outflow from Carr Lake is conveyed by the Reclamation Ditch into Tembladero Slough which drains through the Old Salinas River Channel into Moss Landing Harbor.

Prior to construction of the Reclamation Ditch, there was generally water in Carr Lake year-round. Winter floods would have first refilled the lake and then overflowed into the natural sloughs. Restoring the natural lake function of Carr Lake would require use of capacity that is currently relied upon to attenuate peak flow, and thus reduce discharges in the downstream waterways, and to reduce peak flood levels within the City of Salinas. Therefore, it is not considered feasible to restore the historic function of Carr Lake. Any year-round standing bodies of water that are incorporated into the modification of Carr Lake would have to be constructed by additional excavation below the described grading alternatives in order to provide the same level of flood protection as detailed in this study.

The Reclamation Ditch was constructed between 1917 and 1920 for the purpose of draining a chain of lakes to reclaim the land for agricultural use. During most of the year, the Carr Lake lakebed is dry and is largely used for agriculture. Low flows are conveyed through a 36-inch diameter pipe under the double 8-foot by 8-foot box culvert under Main Street. The culvert configuration at Main Street causes flows in excess of the pipe capacity to back up until water reaches the level of the bottom of the double box culvert. The double box culvert is considerably smaller than culverts both upstream and downstream from it and significantly restricts high flows, thereby limiting downstream flooding.

Currently, the area of Carr Lake between Highway 101 and East Laurel Drive, including the arm that extends to the south and east of N. Madeira Avenue, is designated by FEMA as Floodway. A floodway designation is a National Flood Insurance Program (NFIP) tool intended to assist local communities manage floodplains. The floodway is that area that must be kept free of encroachment so that the 100-year flood may be carried without substantial increases in flood heights. The entire surface area of Carr Lake, defined by a base flood

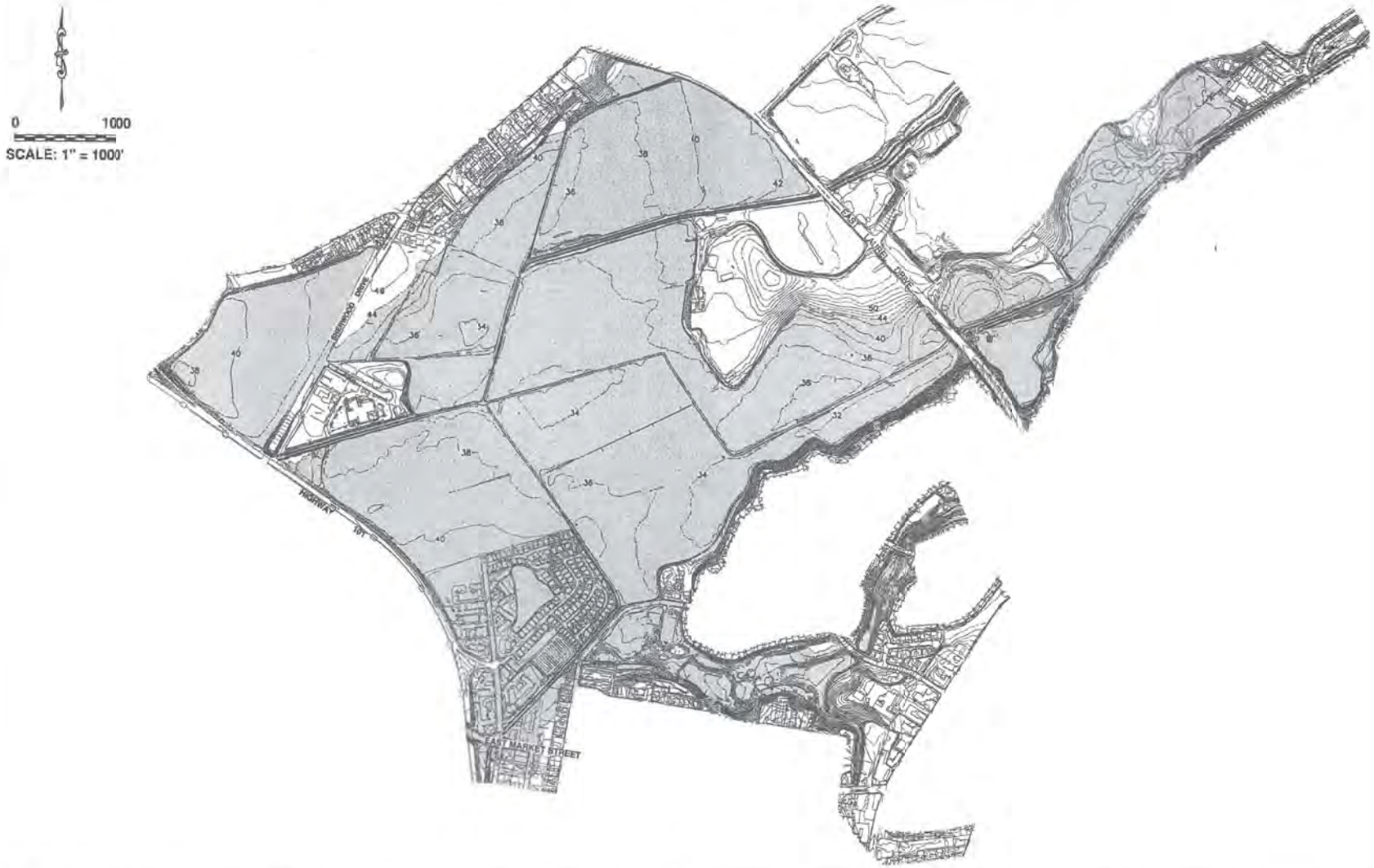
(100-year) elevation of 44-feet (all elevations are NGVD29) is retained as floodway to preserve storage. Exhibit 1 shades Carr Lake at an elevation of 44-feet based on the 2001 mapping. Within the adopted floodway, each project must receive an encroachment review to determine if a project will increase flood heights or cause increased flooding downstream. The regulations call for preventing any increase in flood heights as a result of projects in an adopted floodway, i.e., no increase, not even 0.01 feet, is allowed.

The Carr Lake 100-year floodplain covers over 600 acres including some developed areas. For example, Sherwood Lakes Mobile Home Park and areas along Kern Street, East Market Street and North Madeira Avenue have experienced flooding in less than a 100-year event. The 1999 *Zone 9 Reclamation Ditch and Drainage System Operations Study* reported 100-year conditions more severe than the current Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS). Under existing conditions, it is possible that a 100-year event may even overtop Highway 101. The 1999 *Zone 9 Study* recommended that criteria for design level of protection and rate of recovery of storage be established. Also, the 1999 *Zone 9 Study* recommended that Reclamation Ditch improvement projects should generally proceed starting at the downstream limit (the tide gates at Moss Landing) and move upstream so that downstream conditions do not degrade more than would occur with no project.

In September 1999 the Reclamation Ditch Improvement Plan Advisory Committee (RDIPAC) was established and adopted following purpose statement:

> To research and recommend to the Monterey County Water Resources Agency's Board of Director, a flood control improvement plan that balances improvement costs and operation with the economic and environmental impacts, and also minimizes flooding for the Reclamation Ditch watershed.

To this end, MCWRA commissioned this study to investigate the potential for modifying Carr Lake to achieve multiple objectives. This study is intended to provide baseline information that could be used to assess the feasibility of various aspects of establishing a regional park. The primary focus of this study revolves around flood control. The need to manage sediment is recognized and will likely require measures to reduce sediment in Gabilan Creek above Boronda Road through the use of a regional facility east of Boronda Road and/or changes to land management practices. Sediment transport will be the focus of a separate study. This current study investigates the how the operation of Carr Lake could be changed to help limit the need to increase downstream capacity, whereas the 1999 Zone 9 Study investigated how increasing capacity of the Reclamation Ditch could reduce flooding at Carr Lake.



Schaaf & Wheeler CONSULTING CIVIL ENGINEERS 100 TWELFTH STREET, BLDG. 2900 MARINA, CA 93933 (831) 883-4848	MONTEREY COUNTY WATER RESOURCES AGENCY	CARR LAKE MULTI-PURPOSE FLOOD CONTROL STUDY	CARR LAKE FLOODPLAIN AT ELEVATION 44-FEET	EXHIBIT 1

FILE NAME: C:\JOBS\MCFCD\1999\0004\DRAWINGS\EXHIBIT~1.DWG

EXHIBIT C

SETTLEMENT AND RELEASE AGREEMENT

THIS SETTLEMENT AND RELEASE AGREEMENT (the "Agreement") is entered into by and between the City of Salinas (hereinafter referred to as the "City"), Salinas Regional Sports Authority ("Sports Authority") and Higashi Farms, Inc. and Henry Hibino Farms, LLC (hereinafter collectively referred to as the "Carr Lake Property Owners"). The City, Sports Authority and the Carr Lake Property Owners are collectively referred to herein as the "Parties."

RECITALS

A. WHEREAS, the Sports Authority intends to construct and operate the Salinas Regional Soccer Complex ("Soccer Complex") in the City, which consists of two outdoor synthetic soccer fields, lighting, and 2,000 bleacher seats (to be installed in phases); a 34,429 square-foot building containing an indoor soccer arena, integrated concessions areas, bathrooms, and maintenance facilities; eight natural turf soccer fields; an outdoor multi-use sports court; ancillary facilities, including children's play areas and picnic areas; a parking lot with approximately 421 new parking stalls; pedestrian circulation (walking trails); and storm water management features, including bioswales and percolation facilities (all hereinafter collectively referred to as the "Soccer Complex");

B. WHEREAS, the Carr Lake Property Owners farm property that is downstream of the Soccer Complex site and other existing urban development within the City;

C. WHEREAS, on November 18, 2014, the City Council adopted Resolution No. 20673 approving the Mitigated Negative Declaration and Mitigation Monitoring Program pursuant to the California Environmental Quality Act ("CEQA") for the Soccer Complex and approving the remaining agreements and actions necessary to complete the Soccer Complex;

D. WHEREAS, on December 18, 2014, the Carr Lake Property Owners filed a Petition for Writ Mandate ("Petition") against the City and Sports Authority in Monterey County Superior Court (Case No. M130451) that alleges that the City violated CEQA when it approved the MND because the Carr Lake Property Owners were of the opinion that CEQA required the City to prepare an Environmental Impact Report for the Soccer Complex that analyzed the Soccer Complex's hydrological and downstream flooding impacts on property owned and farmed by the Carr Lake Property Owners;

E. WHEREAS, the Parties entered into negotiations in an attempt to amicably resolve the Carr Lake Property Owners' dispute with the City and Sports Authority regarding the City's compliance with CEQA when it approved the various agreements and actions to implement the Soccer Complex (the "Dispute");

F. WHEREAS, the Parties have reached agreement with respect to the essential terms for a settlement of the Dispute, and desire to set forth such essential terms in a comprehensive settlement agreement;

G. WHEREAS, the terms of agreement set for the below were put together by counsel for the Parties with an express understanding and recognition that these terms could not be finally approved by the City without the formal approval of the City Council after the receipt of public input from any interested constituents; and

H. WHEREAS, absent the agreement of the City Council, as reflected below in the signature block reserved for the City, the agreement cannot be finalized or enforced and above-referenced litigation will recommence unless the Parties are able to formulate an alternative approach to settlement that ultimately receives approval from the City Council.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and/or covenants contained in this Settlement Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows.

1. **Recitals Incorporated.** Each recital set forth above is incorporated herein by reference and is made part of this Agreement. Any conflict between the general provisions of the recitals and the specific provisions of the Agreement shall be resolved in accordance with the specific provisions of the Agreement.

2. **Agreement Not Admission.** All Parties understand and agree that nothing in this Agreement, or in the execution of this Agreement, shall constitute or be construed as an admission by any Party of any inadequacy or impropriety in connection with the City's approval of the Soccer Complex.

3. **City's Obligations.**

A. **Amendment to Resolution No. 20673.** The City Council shall amend Resolution No. 20673 to impose the following binding condition of approval relating to future groundwater dewatering during construction of the Soccer Complex:

> "In connection with any construction of the Project, the City and the Applicant shall ensure that dewatering in connection with such construction shall not result in off-site discharges or spill-over into Gabilan Creek, the drainage ditch along Constitution Boulevard, or any other offsite drainage facility or infrastructure other than the City sanitary sewer system."

B. **Financial Contribution for Drainage Solution.** Within ten (10) business days of the last date of signing by a party to the Agreement, the City will deposit $25,000 into an escrow account established for the purpose of paying for future construction and/or installation

of drainage improvements, including but not limited to, tile drains, slide gates, or pumps (hereinafter collectively referred to as the "Drainage Improvements") at Carr Lake. The Carr Lake Property Owners, at their sole discretion, shall determine the type and location of the Drainage Improvements to be installed at Carr Lake. The City shall submit escrow instructions to escrow holder that directs the escrow holder to release payment for the Drainage Improvements to the Carr Lake Property Owners, or their representative, within two (2) business days of receiving written notice from the City Attorney to release the funds to the Carr Lake Property Owners. The City Attorney shall provide written notice to the escrow holder to release the funds within five (5) business days of receipt of Notice of Completion of Drainage Improvements by the Carr Lake Property Owners that specifies the Drainage Improvements that were installed and date of installation, along with either invoices relating to the installed Drainage Improvements or receipts for payment for the installation of the Drainage Improvements.

C. **City Support of Drainage Improvements.** If the Carr Lake Property Owners are required to secure permits, licenses, agreements, or any other entitlements to construct the Drainage Improvements from other local, state and federal agencies, the City, upon the written request of the Carr Lake Property Owners or their representative, shall write one or more letters supporting the permit or entitlement application and requesting that the permitting agencies approve the Drainage Improvements.

D. **Evaluation of Mixed Use Alternative for a Portion of Carr Lake.** The City will describe and analyze a mixed use alternative for Carr Lake (hereinafter referred to as the "Carr Lake Mixed Use Alternative") as a project alternative in the Environmental Impact Report ("EIR") that the City is planning to prepare for its proposed Economic Development Element of its General Plan. The Carr Lake Mixed Use Alternative shall include redesignating the approximately 114.5 acre portion of Carr Lake that is depicted on **Exhibit A** for mixed-use development, which would allow for a mix of residential, retail, and office uses consistent with the density ranges allowed for Mixed Use development set forth in Table LU-2, Land Use Classification, of the Land Use Element of the City's General Plan. Prior to finalizing the language for the Carr Lake Mixed Use Alternative and incorporating and analyzing said alternative in the EIR, the City shall meet with the Carr Lake Property Owners to obtain their comments on the proposed language. As part of its ultimate decision on the Economic Development Element, the City Council shall consider the potential merits of the Carr Lake Mixed Use Alternative, but shall not obligated to approve that alternative unless a majority of the City Council freely determines that the alternative is the most meritorious option available, including the "proposed project" and other alternatives to be included within the EIR.

4. **Sports Authority Obligations.**

A. **Notice of Construction Dewatering**. The Sports Authority shall provide written notice to the Carr Lake Property Owners at least 10-days prior to commencement of any groundwater dewatering during construction of the Soccer Complex. The written notice shall

identify the date(s) of the proposed groundwater dewatering and the location of the specific discharge point(s). If the Sports Authority is required to prepare and submit a groundwater dewatering plan to any regulatory agency prior to undertaking construction dewatering, the Sports Authority shall provide a copy of that plan with the written notice to the Carr Lake Property Owners.

B. **Construction Groundwater Dewatering**. For the purposes of this Agreement, the term "groundwater dewatering" shall be defined as follows: the action of removing groundwater from a construction site by pumping, performed before excavation for footings and foundation construction in order to lower the water table that would otherwise cause problems during excavations or the placement of concrete.

5. Carr Lake Property Owner Obligations

A. **Dismissal with Prejudice.** Carr Lake Property Owners shall dismiss with prejudice all of the Carr Lake Property Owners' causes of action set forth in the Petition after the Agreement is signed by the Parties and the City Council approves the amended resolution described in paragraph 3(A) of the Agreement. Within three (3) business days following the City Council's approval of the amended resolution, attorneys for the Carr Lake Property Owners shall file a Request for Dismissal with Prejudice of the Petition.

6. **Release and Waiver.** Except as to the enforcement of the terms of this Agreement, the Carr Lake Property Owners, the City, and the Sports Authority, on behalf of themselves and their respective successors, assignees, insurers and attorneys release, waive and discharge any and all claims, demands, or causes of action they may have against each other, and each of their successors, assignees, insurers and attorneys, relating to the Dispute.

With respect to the releases contained in the paragraph above, each of the parties acknowledges reading the provisions of Civil Code §1542, which states:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Each of the parties expressly agrees to waive the provisions of Civil Code § 1542 with regard to the releases set forth above in this paragraph (6). The parties further acknowledge that in connection with such releases, they are generally releasing all claims, known or unknown, anticipated or unanticipated, with regard to the Dispute.

7. **Future Projects**. Nothing in this Agreement shall be read to prohibit the Carr Lake Property Owners from challenging, either administratively or judicially, any project that may be approved by the City in the future, nor shall anything in this Agreement be read to prohibit the City from proposing or approving any project in the future.

8. **Attorneys' Fees and Costs Already Incurred.** The Parties shall not seek any further attorneys' fees or cost recovery in any proceeding or forum, and each Party shall be responsible for its own costs and attorneys' fees incurred in connection with the Dispute.

9. **Notices**. All notices required under this Agreement shall be in writing and may be given either personally or by registered or certified mail (return receipt requested). Any Party may at any time, by giving 10 calendar days' written notice to the other Party, designate any other person or address in substitution of the address to which such notice shall be given. Such notice shall be given to the Parties at their addresses set forth below:

For Carr Lake Property Owners:

Ken Higahsi
Higashi Farms, Inc.
6 Quail Run Circle, Suite 201
Salinas, CA 93907
(831) 809-1498
ken@greenettes.com

Kent Hibino
Henry Hibino Farms, LLC
106 Rico St
Salinas CA 93907
(831) 594-2096
hibinofarms@yahoo.com

With a copy to:

Jason S. Retterer
L+G, LLP
318 Cayuga St.
Salinas, CA 93901
(831) 269-7127
jason@lg-attorneys.com

For City:

City of Salinas
Attn: City Attorney
200 Lincoln Ave.
Salinas, CA 93901
(831) 758-7418

chrisc@ci.salinas.ca.us

With a copy to:

James G. Moose
Remy Moose Manley, LLP
555 Capitol Mall, Suite 800
Sacramento, CA 95814
(916) 443-2745
jmoose@rmmenvirolaw.com

For Sports Authority:

Warren Wayland
Hayashi & Wayland
1188 Padre Dr # 101,
Salinas, CA 93901
(831) 759-6306
warrenw@hw-cpa.com

With a copy to:

Brian Finegan
Attorney At Law
60 West Alisal Street
Salinas, CA 93901
(831) 757-3641
brian@bfinegan.com

10. **Specific Performance**. Upon a breach by any Party, the aggrieved party may institute proceedings to compel injunctive relief or specific performance by the Party in breach of its obligations, including specific performance of any obligation to make monetary contributions. The Parties have determined that monetary damages (which, for the purposes of this Section, do not include payment of monetary consideration) are inappropriate, would be extremely difficult and impractical to fix or determine, and that the equitable remedies described herein are appropriate for the enforcement of the Agreement.

11. **Attorneys' Fees Arising Out of Enforcement of the Agreement.** In any action to enforce this Agreement, the prevailing Party shall recover its reasonable attorneys' fees and costs.

12. **Governing Law**. This Agreement shall be governed by and interpreted and construed in accordance with the laws of the State of California with venue in Monterey County.

13. **Construction**. This Agreement shall in all cases be construed according to its fair and plain meaning, and not strictly for or against any of the Parties. As used in this Agreement, the masculine or neuter gender and single or plural numbers shall be deemed to include the others wherever the context so indicates or requires. Nothing in this Agreement shall be deemed to restrict the City's land use authority or police power in any way with respect to future legislative, administrative, or other actions by the City.

14. **Entire Agreement**. This Agreement, including Exhibit A hereto, constitutes the entire agreement and understanding of the Parties hereto with respect to the subject matter contained herein. All prior agreements or understandings, oral or written, are merged into this Agreement and are of no further force or effect

15. **Counterparts**. This Agreement may be executed in counterparts and by facsimile or electronic signatures, and when joined together, all counterparts shall constitute one agreement, which shall be binding on all of the Parties, even though all signatures may not be on one original or the same counterpart.

16. **Amendments**. This Agreement may only be modified or amended by a written amendment thereto executed by all of the Parties.

17. **Successors and Assigns**. This Agreement shall inure to the benefit of and be binding upon the Parties, and their respective heirs, administrators, successors, assigns, agents, employees, officers, partners and directors. Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties or their respective successors and assigns, any rights or benefits under or by reason of this Agreement.

18. **No Waiver**. The failure of any Party to enforce any of its rights arising by reason of any breach of covenant on the part of any other Party will not constitute a waiver of such breach. No custom or practice that exists or arises between or among the Parties in the course of administering this Agreement will be construed to waive any Party's rights to (i) insist upon the performance by any other Party of any covenant in this Agreement or (ii) exercise any rights given it on the account of any breach of such covenant. A waiver of any particular breach will not be deemed to be a waiver of same or any other subsequent breach.

19. **Headings**. The descriptive headings used in this Agreement are for convenience only and shall not affect the meaning of any provision of this Agreement.

20. **Authority to Sign**. The individuals signing this Agreement on behalf of each party represent and warrant that they are authorized to do so on behalf of their respective parties. The parties to this Agreement further represent and warrant that this Agreement is valid upon execution by the parties, and that no other person or entity has an interest in this matter such that he/she/it must sign this Agreement in order for it to be valid. By approving the Agreement as to

form in advance of consideration of the Agreement by the City Council, the City Attorney is not representing that he has authority to bind the City to the Agreement. Any such binding approval can only be made by the City Council.

21. **Severability**. The invalidity of any portion of this Agreement shall not invalidate the remainder.

22. **Advice of Counsel.** Each Party has received independent legal advice from its attorneys with respect to the advisability of making the settlement provided for herein, and with respect to the advisability of executing this Agreement. Each Party has been fully advised by its attorneys with respect to its rights and obligations under this Agreement and understands those rights and obligations. No rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Agreement.

23. **Cooperation**. Each Party agrees to cooperate with the other in implementation of this Agreement.

IN WITNESS WHEREOF the undersigned, as authorized representatives of the City of Salinas, the Carr Lake Property Owners, and the Sports Authority have signed this Agreement as of the dates written below.

Dated: 7-21-15

City of Salinas

By: Joe Gunter

Its: Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

Dated: 7-22-15

Higashi Farms, Inc.

By: KENNETH HIGASHI

Its: PRESIDENT

Dated: 7/22/15

Henry Hibino Farms, LLC

By: KENT HIBINO

Its: GEN. MANAGER

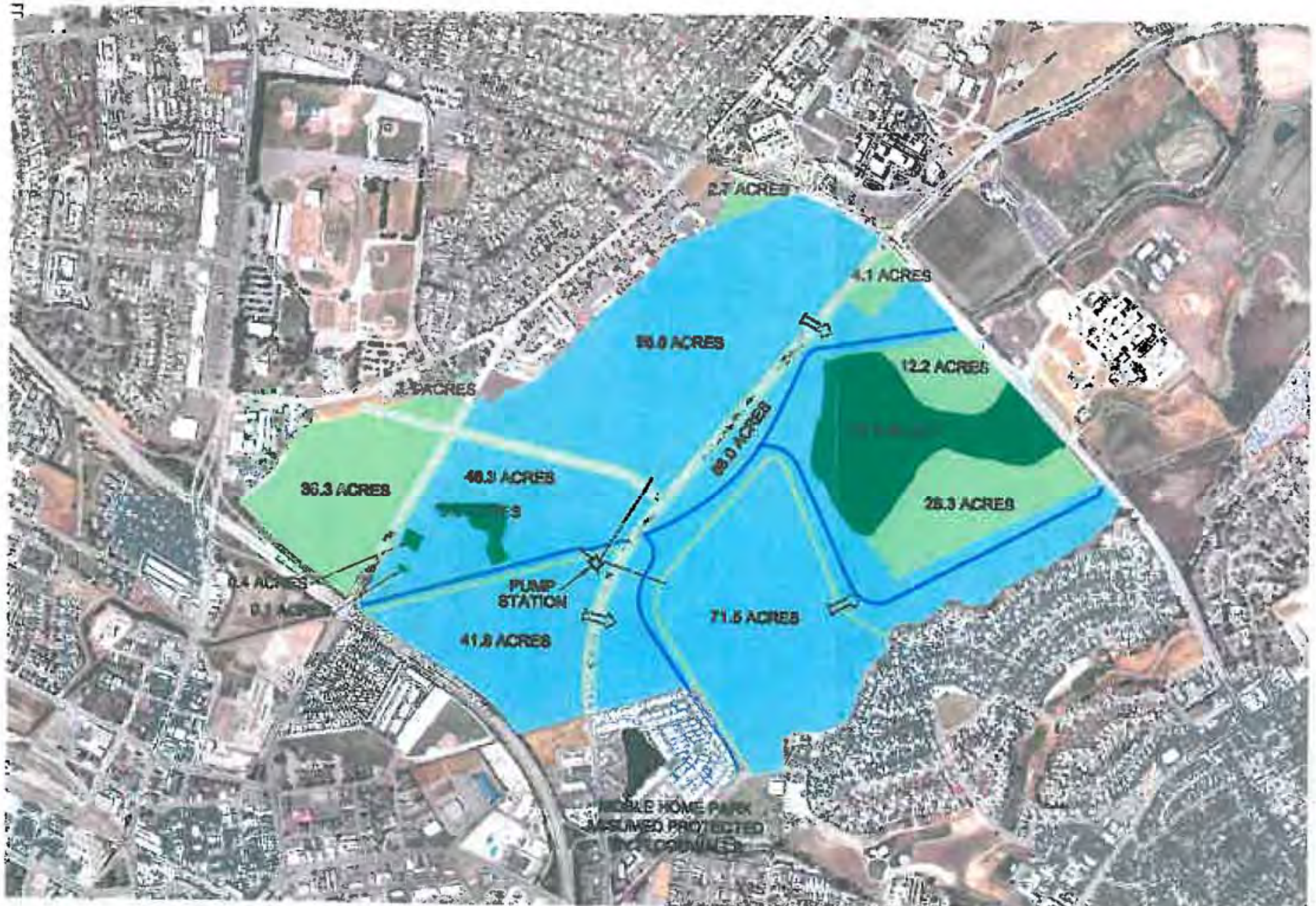
Dated: 7/24/15

Salinas Regional Sports Authority

By: F. WARREN WAYLAND

Its: President

OFF-CHANNEL CONFIGURATION 1, 114.5 ACRES REMOVED FROM FLOODPLAIN



1000 1000 3000

SCALE: 1"=1000'

LEGEND

AREA CURRENTLY OUT OF FLOODPLAIN (BASED ON 48.25' CONTOUR)

POTENTIAL AREA REMOVED FROM FLOODPLAIN

AREA IN FLOODPLAIN

POTENTIAL ROADWAY IMPROVEMENTS

MAIN STREAM/CHANNEL

FLOW CONTROL STRUCTURE

OFF-CHANNEL CONFIGURATION 1 SUMMARY

POTENTIAL AREA REMOVED FROM FLOODPLAIN (NOT INCLUDING ROADS AND EMBANKMENTS SHOWN)	86.7 ACRES
ROADS AND EMBANKMENTS SHOWN REMOVED FROM FLOODPLAIN	27.8 ACRES

EARTHWORK SUMMARY

TOTAL FILL:	1,480,000 CY
TOTAL CUT:	1,753,000 CY

NOTES:
1. NO MODIFICATIONS TO FLOODPLAIN AREAS HAVE BEEN ASSUMED BEYOND THOSE INDICATED.
2. THIS EXHIBIT IS A PRELIMINARY CONCEPT FOR THE PURPOSES OF THIS REPORT ONLY.
3. PUMP STATION TO DRAIN LOW AREAS IN OFF-CHANNEL CELLS, NOT ON DURING STORM.

EXHIBIT 3

CARR LAKE FLOODPLAIN MODIFICATION ANALYSIS

CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED FOR CITY OF SALINAS

RBF CONSULTING

EXHIBIT A

Response to Letter #9, L+G LLP

1. Section 2.0 Project Description, pp. 2-40, Target Areas within the Sphere of Influence - Carr Lake: The Draft EIR includes development assumptions for Carr Lake in the Table and depicts the proposed areas for development on Figure 6. Rather than simply referring the Table and Figure, we recommend that this section of the Draft EIR be revised to include a brief narrative that describes the development assumptions (gross and net acreage and potential square footage of development on each side of Sherwood Road) for Carr Lake and briefly explains the City's rationale for identifying these specific areas for future retail development in Carr Lake. The Draft EIR should also identify the overall acreage of Carr Lake that exists between Laurel Drive and Highway 101, the percentage of this area that would potentially be developed under the project, and the percentage of the area that would remain in open space for agriculture or park uses.

Response: As described on draft EIR page 2-40, the Retail use is intended to support recreational uses envisioned for land within the remainder of EOA V. EDE policy ED-LU-1.4 is the basis for designating a portion of Carr Lake for Retail use. The specific areas were selected primarily due to their adjacency to existing urban development (logical urban expansion) and visibility from U.S. Highway 101. The assessment of impacts of Retail development within Target Area V is conducted at a programmatic level in the draft EIR. The data requested in the comment was not developed, as it was not necessary to assess the environmental impacts of developing each portion of Target Area V independent of the other as part of the program of activities evaluated in the draft EIR.

Based on the data available, the western of the two polygons is approximately 51 acres. The eastern polygon is approximately 64 acres. The portion of EOA V located between Laurel Drive and U.S. Highway 101 (including the Target Area polygons) is approximately 581 acres. With the exception of the Target Area acreage and several acres located between the two Target Area polygons that is designated Public/Semi Public, the balance of the 581 acres would remain designated Park.

2. Figure 12, Habitat Map: Figure 12 shows a large swath of the target area of Carr Lake as "Freshwater Emergent Wetland." However, Table 19, which describes the "Plant Communities/Land Use found in Each Target Area," identifies "agricultural, annual grassland/ruderal, riparian, and freshwater marsh." Table 5 does not identify "freshwater emergent wetland" as existing in Target Area V. In addition, there is no description of the types of plants and other physical characteristic of "freshwater emergent wetland" in the narrative description of habitat types that appear on pages 3-67 to 3-76. This area does not contain the type of vegetation and plant communities that are described under the "freshwater march/open water" or the "riparian" headings on

pp. 3-75 to 3-76 of the Draft EIR. We request the City revise the Draft EIR to delete any reference to either of these habitat types existing in Target Area V.

Response: Figure 12 of the draft EIR mistakenly showed that freshwater marsh habitat was present in Target Area V; no wetland or riparian habitat is present in Target Area V. As detailed in this final EIR in Section 3.0, Revisions to the Draft EIR, a number of changes have been made to text and tables in draft EIR Section 3.4, Biological Resources, which remove indications that freshwater marsh or riparian habitats are present in any Target Area. This resulted in additional revisions to show that the proposed project is not expected to impact these sensitive natural communities, or to impact certain special-status wildlife species that are associated with such specialized habitats.

Figure 12 also indicated with a green polygon that a portion of Target Area V is freshwater emergent wetland; this is based on the U.S. Fish and Wildlife Service *National Wetlands Inventory*. Much of historic Carr Lake is mapped as potential wetland by this database because during severe storm events, the agricultural lands are flooded when the reclamation ditch system overflows. In addition, agricultural ditches are present in Target Area V that are part of the reclamation ditch system. For these reasons, regulatory agency permitting may be required if certain portions of Target Area V are developed. The National Wetlands Inventory should have been shown as an information source on Figure 12. Section 3.0, Revisions to the Draft EIR, includes a revision to Figure 12 for this purpose.

The freshwater marsh issue for Figure 12 prompted a review of the other two habitat maps prepared for the EDE (Figures 11 and 13). The Freshwater Marsh/Open Water habitat areas shown in Figure 11 were also removed and the legend modified. Section 3.0, Revisions to the Draft EIR, includes a revision to Figure 11 for this purpose.

3. Figure 15, Flood Hazard Zones: Figure 15 does not accurately depict the floodway areas of Carr Lake that are located between Laurel Drive and Highway 101. Attached as Exhibit B are a printout of a map from the City's GIS mapping and a 2002 map from the Carr Lake Multi-Purpose Flood Control Study that show an additional area, north of and contiguous to Laurel Drive and the area currently depicted as being outside the floodway, as similarly being outside the floodway. Another area that is contiguous to the Chinese Cemetery is outside of the floodway. Please correct Figure 15 accordingly.

Response: Figure 15 was reviewed against the City's FEMA Flood Hazard Map found at: https://www.cityofsalinas.org/fema-flood-map. The information in Figure 15 was confirmed to be consistent with this information source.

4. Alternative 4: Target Area V: Alternative 4 considers the effect of changing the "retail" land use designations for Target Area V to limited "mixed use" (excludes residential land uses) and it relocates the portion of the Target Area V east of Sherwood Drive to an area contiguous to Laurel Drive. As the City is aware, Higashi, Hibino and the City

entered into the Settlement Agreement, dated July 24, 2015 and attached as Exhibit C. Section 4 of the Settlement Agreement requires the City to evaluate an Alternative in the Draft EIR that designates the approximately 115 acre area of Carr Lake that is depicted on Exhibit A to the Settlement Agreement as "mixed use," which would allow for "residential, retail, and office uses." Alternative 4, however, is inconsistent with the Settlement Agreement in two material respects. First, Alternative 4 expressly excludes residential uses from the type of mixed uses that would be allowed under this Alternative. Second, the location of the mixed use area along Laurel Drive is inconsistent with the locations along Laurel Drive that were required to be designated mixed use, as shown on Exhibit A to the Settlement Agreement. Specifically, Alternative 4 does not designate the two small 4.1 and 2.7 acre areas along Laurel Drive that are depicted on Exhibit A to the Settlement Agreement as "mixed use."

Accordingly, we request the Draft EIR analyze the Alternative that the City agreed to analyze in the Settlement Agreement.

Response: Regarding the first inconsistency of Alternative 4 in the draft EIR with the Settlement Agreement, the draft EIR evaluation of impacts of the alternative assumes mixed use consisting of only office and retail uses. The definition of the mixed use land use designation as it applies to this alternative is cited on draft EIR page 6-37 is limited to these two uses. It is acknowledged that this limitation is inconsistent with the Settlement Agreement. Further, the two small parcels noted in the comment were inadvertently omitted from Alternative 4. These two small parcels are shown on Figure 26 in the draft EIR. The discussion of Alternative 4 begins on page 6-37 of the draft EIR. Several revisions to the text and a revision to Figure 25 are identified in Section 3.0, Revisions to the Draft EIR, to address the comment and the inconsistencies.

The definition of Alternative 4 under the second bullet on page 6-37 of the draft EIR does limit the mix of permitted uses under the Mixed Use land use designation that would apply to Target Area V to office and retail. This was done to reflect that the land use direction for the Target Areas is largely driven by the need to expand employment generation potential; inclusion of residential uses within the Target Areas would not inherently advance this goal. However, the Mixed Use land use designation as described in the General Plan does allow residential use. The text on page 6-37 prohibiting residential development has been deleted as described in Section 3.0. This change would enable future developers of land within Target Area V the flexibility to include residential uses in future project proposals.

The analysis of Alternative 4 impacts in the draft EIR has not been modified to reflect the potential that residential use could be proposed by future developers of Target Area V. As noted in numerous locations in the draft EIR, all future individual projects proposed within the Target Areas must undergo additional CEQA review. Should developers of future

projects proposed within Target Area V choose to include residential uses, the mix of uses proposed at that time would be evaluated in the CEQA documentation for the projects.

As described in Section 3.0, the text on page 6-37 has been revised to add a bullet point to address the inadvertent omission of the two small parcels noted in the comment. The revision notes that the combined 6.8 acres included in these parcels would be removed from the portion of Target Area V located west of Sherwood Drive and relocated to the two parcels. In this way, the total 115-acre size of Target Area V is maintained, as is the assumed 810,448 feet of building capacity assumed for the alternative. To reflect this change, Figure 25, Target Area V Alternative, has also been revised to show the two small parcels, with the corresponding removal of approximately 6.8 acres from the Target Area V polygon located west of Sherwood Drive.

Alternative 4 is proposed in large part to reduce exposure of new development in Target Area V to flood hazards. Please refer to the discussion of hydrology and water quality impacts of Alternative 4 on draft EIR page 6-43 for more information. The two smaller parcels that are being added to Alternative 4 would not decrease the effectiveness of Alternative 4 in reducing flood hazards. These two parcels are located on land that also could be raised above the flood elevation as shown in Figure 26 of the draft EIR.

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BUILDING HEALTHY COMMUNITIES EAST SALINAS

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October 19, 2017

To: Lisa Brinton, Senior Planner
City of Salinas Community Development Department
65 West Alisal Street
Salinas, CA 93901

RE: Comments on City of Salinas Draft Program Environmental Impact Report (EIR), for the City of Salinas Draft Economic Development Element project (EDE).

Dear Lisa Brinton,

Thank you for the opportunity to continue to provide comments on the proposed Draft Economic Development Element and now the Draft EIR, which was made available on September 5th, 2017. Building Healthy Communities' (BHC) Land Use Action and Economic Equity Team have collectively reviewed the Draft EIR and ask you to include our organization's comments and considerations in your amended EDE project documents.

Comments and considerations provided in this letter seek to promote goals which aim to help achieve equitable economic development rooted in racial equity, anti-displacement practices and environmental justice. Furthermore, opportunities created by the EDE and the impacts highlighted in the Draft EIR should take into consideration the City's newly adopted inclusionary housing ordinance. New developments and affordable housing needs are not mutually exclusive. The creation of new economic opportunities and employment needs to be met by equitable access to housing. This will assist in fostering communities that promote healthy opportunities and outcomes, which in turn lead to a more equitable and sustainable quality of life. 1

Agricultural Land

We agree that the development of agricultural land for urban uses described is necessary and unavoidable, especially since the development of vacant land within the City's existing Sphere of Influence (SOI) and infill development strategies are insufficient in addressing the City's projected employment goals. Nevertheless, it is important to highlight that the conversion of agriculture land for urban uses and infill development can both be pursued simultaneously. 2

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Currently, the City of Salinas has roughly 2.0 acres of green space per 1000 people, which is below the 5.0 acres/1000p recommended by the American Planning Association.[1] To ensure that the development of agricultural lands requires less mitigation and residents have access to green space, designating certain areas for recreational use, i.e., parks and open spaces, can help lessen the aesthetic changes to the area and assist in the promotion of healthier communities. 3

A deeper understanding of agricultural easements (mentioned under Agriculture and Forest Resources) and their benefits to conservation would provide additional insight in this section. This can help readers understand how agricultural easements assist in the reduction of environmental impacts. Also, it is important to evaluate the potential effects adjacent urban uses can have on agricultural yields, which was missing in this section. 4

The proposed project description provided a thorough understanding of the new development and employment capacity, but lacked information specific to industrial use designation. The 147 acres designated for industrial use will undoubtedly contribute to environmental impacts, which will require additional mitigation measures. Providing information on prospective industrial developments and corresponding mitigation measures, can further ensure city wide environmental protection. Furthermore, the City should look to industries which will support higher wages, comprehensive employee benefits, and sustainable employment options. New industries in the area should be seen as opportunities for Salinas residents to have access to more livable wages and a higher standard of living. 5

Air Quality

New development in the City of Salinas is necessary to address community needs, especially those of underserved communities living in the East side. Nevertheless, these development goals cannot be pursued without making sure that environmental impacts are not disproportionately affecting neighborhoods that are inhabited by residents living below the 6

[1] Standards for Outdoor Recreational Areas. (n.d.). Retrieved October 19, 2017, from https://www.planning.org/pas/reports/report194.htm
P. 2-28 (2017, February). Salinas Neighborhood Vibrancy-Urban Greening Plan. Retrieved October 18, 2017, from https://www.cityofsalinas.org/sites/default/files/departments_files/public_works_files/urban-greening-plan_0.pdf

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federal poverty line. This is also true in the use of pesticides in agricultural lands near residential areas. The CalEPA and DPR recorded concentrations 40% above levels of health concern at the Salinas airport in 2013, which is located within a mile of three elementary schools in East Salinas.[2] For this reason, wider buffer zones should be set in place to ensure communities are not exposed to contaminants in their air supply. **6 Cont.**

In addition, the development of industrial spaces and other businesses can have a profound effect on air quality. The section on Air Quality should include an explanation on how Mitigation Measure AQ- would help reduce these impacts. It would also be helpful to identify residential areas adjacent to potential high volume roads that might experience worsened air quality from the traffic generated by new development. It would be helpful to understand how new development and new traffic might worsen traffic-related air quality in the vicinity of these roads and how those localized impacts can be mitigated. Historically it is the less affluent communities who are exposed to the most air pollution. Preventing this from happening should be a high priority.

Climate Change

The climate change discussion related to Mitigation Measure GHG-1 should include additional guidance on the types of mitigation, or at least performance criteria, expected to reduce GHG emissions. This mitigation measure provides limited insight as to how GHG emissions can/will be reduced. Therefore, adding an initial or interim reduction target, while the City adopts a more concrete reduction plan, can provide guidance on GHG reduction goals. If this mitigation measure is left for some future plan to decide, little can be done to assist in the reduction of GHG emissions. **7**

Transportation & Noise

Transportation can often have a severe effect on underserved communities, particularly pertaining to lack of walkways, bike paths, unsafe street crossings, and high traffic areas. **8**

[2] Taylor, D. L. (2014, September 26). Pesticides in Salinas air exceed certain levels. Retrieved October 19, 2017, from http://www.thecalifornian.com/story/money/2014/09/25/pesticides-salinas-air-exceed-certain-levels/16238453/

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Transportation mitigation should include direction which seeks to enhance the pedestrian environment, which will directly counteract with measures such as road widenings. Road widenings have the potential to directly affect underserved communities, limiting them access to surrounding areas. The impacts of these road widenings should be analyzed and, if necessary, mitigation included. **8 Cont.**

Noise created by potential transportation projects should also be considered. Many underserved communities are already subjected to higher noise levels, therefore, ensuring appropriate mitigation strategies to limit noise in these areas is imperative. Taking a deeper look at which communities might be affected by transportation projects could help identify the more vulnerable communities. Many of the noise strategies referenced in the project documents seem to rely on barriers for noise attenuation. Setbacks, berms, and soundwalls all impact walkability, leading to more automobile use and the associated impacts. It would be helpful if the policies and mitigation provided greater detail on balancing walkability and noise mitigation. **9**

Recommendations

Our organizations see the current Draft EIR as a great opportunity for the City to plan for more sustainable development, which includes both infill development strategies and the conversion of agricultural land for urban uses. **10**

- Several policies highlighted in the General Plan describe development that is less dependent on automobiles, which the EDE seems to be aligned with. However, not enough information is provided to explain how these practices can benefit and improve environmental, health, and equity outcomes.
- Additional mitigation and strategies that seek to foster more walkable communities can help reduce environmental impacts, especially those pertaining to traffic and high noise levels.
- The development of tools to measure improved environmental, health and equity outcomes can help ensure progress. These tools include but are not limited to; Pathway diagrams, Health Impact Assessments for new developments, Health Equity Review Tool, Racial Equity Impact Assessment tool, ITHIM model, and a Healthy Development Review Checklist.

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The BHC Land Use & Economic Equity Action Team appreciates the opportunity to comment on the Draft Environmental Impact Report. We look forward to continue working with the City of Salinas on future efforts to ensure healthy and vibrant communties.

Sincerely,

Luis Juarez, Artistic Director
Baktun 12

Monica Gurmilan, Land Use & Economic Equity Organizer
Building Healthy Communities

Alfred Diaz-Infante, President & CEO
CHISPA

Juan Gomez, MILPA Director
MILPA

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Cesar Lara, Executive Director
Monterey Bay Central Labor Council, AFL-CIO

Juan Carlos, Artistic Director & Community Based Artist
Urban Arts Collaborative

BAKTUN TWELVE

BUILDING HEALTHY COMMUNITIES EAST SALINAS
OUR NEW ALISAL

CHISPA
WE BUILD NEIGHBORHOODS

MONTEREY BAY CENTRAL LABOR COUNCIL
AFL CIO
THE UNION OF THE UNIONS

MILPA

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EAST SALINAS

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Response to Letter #10, Building Healthy Communities Land Use & Economic Equity Team

1. Opportunities created by the EDE and the impacts highlighted in the draft EIR should take into consideration the City's newly adopted inclusionary housing ordinance. New developments and affordable housing needs are not mutually exclusive. The creation of new economic opportunities and employment needs to be met by equitable access to housing. This will assist in fostering communities that promote healthy opportunities and outcomes, which in turn lead to a more equitable and sustainable quality of life.

Response: Please see the Project Description in Section 2.0 of the draft EIR regarding the purpose and objectives of the proposed project. Affordable housing is not addressed in economic development elements. Affordable housing is addressed in the General Plan Housing and Land Use elements. The EDE, if adopted, will become a part of the City's General Plan. The proposed project objectives are to provide additional jobs to facilitate economic growth. New housing opportunities are currently provided within the existing city limits, primarily in, but not limited to the Future Growth Areas. Finally, the City plans to embark upon a complete General Plan update in 2018, at which time affordable housing needs within the city, in the context of land use and housing, will continue to be addressed.

2. We agree that the development of agricultural land for urban uses described is necessary and unavoidable, especially since the development of vacant land within the City's existing Sphere of Influence and infill development strategies are insufficient in addressing the City's projected employment goals. Nevertheless, it is important to highlight that the conversion of agriculture land for urban uses and infill development can both be pursued simultaneously.

Response: It is acknowledged that infill development can be pursued simultaneously with expanded growth outside of the current city limits. The City has, and continues to actively pursuing infill development and in fact, many infill development projects have been constructed in the downtown and within other areas of the City over the past several years. This comment does not raise an environmental issue and therefore, no further response is necessary.

3. Currently, the City of Salinas has roughly 2.0 acres of green space per 1000 people, which is below the 5.0 acres/1000p recommended by the American Planning Association. To ensure that the development of agricultural lands requires less mitigation and residents have access to green space, designating certain areas for recreational use, i.e., parks and open spaces, can help lessen the aesthetic changes to the area and assist in the promotion of healthier communities.

Response: General Plan policy COS-7.13 requires development within the City's Future Growth Areas, which are not part of the proposed project, to provide parks at the City's

standard of 3 acres per 1,000 residents. While parks are most often found in residential neighborhoods, the Salinas Zoning Code does allow parks within areas designated Commercial and Industrial General Commercial, but are not allow in areas designated Industrial Business Park or Industrial General. Therefore, parks could be developed within some areas addressed by the EDE. The City will address the provision of parks during its General Plan update, anticipated to commence in 2018. No changes to the draft EIR are necessary.

4. A deeper understanding of agricultural easements (mentioned under Agriculture and Forest Resources) and their benefits to conservation would provide additional insight in this section. This can help readers understand how agricultural easements assist in the reduction of environmental impacts. Also, it is important to evaluate the potential effects adjacent urban uses can have on agricultural yields, which was missing in this section.

Response: An agricultural conservation easement is a deed restriction landowners may place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views. Agricultural easements are discussed throughout Section 3.2, Agriculture and Forest Resources, of the draft EIR. Mitigation measure AG-1 in the draft EIR explains how agricultural conservation easements will be required for the conversion of Important Farmland for projects pursuant to the EDE. Section 3.2, Agriculture and Forest Resources address the proposed project's potential effects on adjacent agricultural land. Refer to draft EIR pages 3-14 through 3-17.

5. The proposed project description provided a thorough understanding of the new development and employment capacity, but lacked information specific to industrial use designation. The 147 acres designated for industrial use will undoubtedly contribute to environmental impacts, which will require additional mitigation measures. Providing information on prospective industrial developments and corresponding mitigation measures, can further ensure city wide environmental protection. Furthermore, the City should look to industries which will support higher wages, comprehensive employee benefits, and sustainable employment options. New industries in the area should be seen as opportunities for Salinas residents to have access to more livable wages and a higher standard of living

Response: The intent of the Industrial land use designation in the EDE corresponds to the General Plan Land Use Element of General Industrial. General Industrial uses allowed include food processing, packing, trucking, container manufacturing and similar industries (General Plan page LU-33). The draft EIR addressed environmental impacts associated with development of the 147 acres of Industrial, as well as the 279 acres of Retail, and 132 acres of Business Park. No other environmental issues were raised in this comment and therefore, no further response is necessary.

6. New development in the City of Salinas is necessary to address community needs, especially those of underserved communities living in the East side. Nevertheless, these development goals cannot be pursued without making sure that environmental impacts are not disproportionately affecting neighborhoods that are inhabited by residents living below the federal poverty line. The section on Air Quality should include an explanation on how Mitigation Measure AQ- would help reduce these impacts. It would also be helpful to identify residential areas adjacent to potential high volume roads that might experience worsened air quality from the traffic generated by new development. It would be helpful to understand how new development and new traffic might worsen traffic-related air quality in the vicinity of these roads and how those localized impacts can be mitigated. Historically it is the less affluent communities who are exposed to the most air pollution. Preventing this from happening should be a high priority.

Response: Air quality is address in Section 3.3 of the draft EIR. The analysis was conducted based upon the methodologies recommended by the Monterey Bay Air Resources District. One mitigation measure was included to reduce significant construction-level air quality impacts to a less-than-significant level. All other air quality impacts were determined to be less than significant.

The project does not propose residential neighborhoods or schools near agricultural lands. Therefore, the proposed project would not result in impacts affecting residents, those living above or below the poverty line. When the City embarks on the General Plan update in 2018, environmental justice issues will be addressed as required by SB 1000 (2016). Environmental justice programs address a range of topics, including air quality, access to food, adequate public services, and active transportation options.

7. The climate change discussion related to Mitigation Measure GHG-1 should include additional guidance on the types of mitigation, or at least performance criteria, expected to reduce GHG emissions. This mitigation measure provides limited insight as to how GHG emissions can/will be reduced. Therefore, adding an initial or interim reduction target, while the City adopts a more concrete reduction plan, can provide guidance on GHG reduction goals. If this mitigation measure is left for some future plan to decide, little can be done to assist in the reduction of GHG emissions.

Response: Please refer to the response to comment #53 in Letter #6 from LandWatch

8. Transportation can often have a severe effect on underserved communities, particularly pertaining to lack of walkways, bike paths, unsafe street crossings, and high traffic areas. Transportation mitigation should include direction which seeks to enhance the pedestrian environment, which will directly counteract with measures such as road widenings. Road widenings have the potential to directly affect underserved

communities, limiting them access to surrounding areas. The impacts of these road widenings should be analyzed and, if necessary, mitigation included.

Response: Transportation is addressed in Section 3.12 of the draft EIR. This section of the draft EIR summarizes the *Economic Development Element Draft Transportation Impact Analysis* prepared for the City by Fehr & Peers. This report is included in its entirety in Appendix I of the draft EIR. The report included an analysis of the proposed project effects on numerous roadways throughout the city, truck routes, pedestrian facilities, bicycle facilities, and transit service.

The City will study city-wide transportation and circulation issues in detail when the City embarks on a General Plan update in 2018. The transportation section of the draft EIR adequately evaluates the transportation impacts of the proposed project.

9. Noise created by potential transportation projects should also be considered. Many underserved communities are already subjected to higher noise levels, therefore, insuring appropriate mitigation strategies to limit noise in these areas is imperative. Taking a deeper look at which communities might be affected by transportation projects could help identify the more vulnerable communities. Many of the noise strategies referenced in the project documents seem to rely on barriers for noise attenuation. Setbacks, berms, and soundwalls all impact walkability, leading to more automobile use and the associated impacts. It would be helpful if the policies and mitigation provided greater detail on balancing walkability and noise mitigation.

Response: Noise is addressed in Section 3.10 of the draft EIR. The noise analysis considers increased noise volumes along a wide range of major roadways that would result from increases in traffic volumes generated by future development within the Target Areas. The standards that apply to transportation noise are uniform across the city. Mitigation Measure N-2, which addresses increased traffic noise, does not rely solely on barriers for noise attenuation. The measure requires future development to mitigate noise by defining site design, building orientation, setbacks, noise barriers, or other measures needed to ensure noise exposure does not exceed standards identified in the General Plan and the Municipal Code (draft EIR, page 3-230).

10. Our organizations see the current draft EIR as a great opportunity for the City to plan for more sustainable development, which includes both infill development strategies and the conversion of agricultural land for urban uses.

    The comment also includes three statements/recommendations

Response: Comment acknowledged. The comment and recommendations do not address environmental topics requiring a response.

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LETTER #11

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS
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Salinas, California 93901-4527 www.co.monterey.ca.us/rma

October 19, 2017

Emailed & Hand Delivered

Lisa Brinton, Senior Planner
Community Development Department
CITY OF SALINAS
65 West Alisal Street
Salinas, California 93901

RE: Draft Program Economic Development Element Environment Impact Report (EIR) for the proposed City of Salinas – Economic Development Element of the General Plan

Dear Ms. Brinton :

Thank you for the opportunity to comment on the Draft Programmatic EIR for the Draft Economic Development Element of the Salinas General Plan. On August 29, 2006, after extensive negotiations, the City of Salinas and Monterey County approved a Memorandum of Understanding (MOU) regarding land use expansion for the Greater Salinas Area (GSA). This MOU identifies future growth areas and addresses mitigation for loss of agricultural land as well as financing for services and facilities (e.g. traffic fees). The intent of this MOU, at least from the County's perspective, is to protect certain agricultural lands from development pressures. The highest priority (concern) was to stop growth south of Blanco Road and west of the Westside bypass (conceptual alignment identified in City and County General Plans).

County staff finds that the Economic Development Element of the General Plan extends/proposes land uses beyond the agreed lands within the GSA MOU. City and County staff have discussed options to help frame the range of alternatives for evaluation in the DEIR. However, the City cannot adopt an alternative that conflicts with the GSA MOU because amending the GSA MOU is uncertain at this point. In accordance with the 2006 MOU, the county has diligently worked to preserve agricultural land to the west and south of the City's SOI. Over the last eleven years over 30,000 acres have been acquired under the Williamson Act and Agricultural Conservation Easements. 1

The EDE (project for purposes of the DEIR) identifies areas proposed as "Target" areas and "Economic Development Reserve" (EDR) south of Blanco Road. Expansion of proposed land use development into prime farmland outside the Sphere of Influence (SOI) or areas established in the GSA MOU is troublesome because it directly conflicts with the intent of the GSA MOU, especially the area south of the city limits (Blanco Road).

Because of the importance of lands having Blanco clay soils for irrigated agricultural lands, County finds that the analysis does not adequately mitigate the loss of prime Agricultural land. We concur with letters submitted by the Monterey County Agricultural Commissioner's Office and Local Agency Formation Commission (LAFCO). 2

County staff supports infill growth using boundaries defined by the city limits, sphere of influence, and GSA MOU. It is reasonable to consider lands between the City limit and Westside bypass as a potential infill area. In addition, the MOU has anticipated growth generally to the north of the City limits. We recommend that the City follow these criteria to provide reasonable, orderly growth and honor the agreed City growth strategy. 3

Sincerely,

Jacqueline R. Onciano
RMA Chief of Planning

Cc: Carl P. Holm, AICP, Director, Monterey County Resource Management Agency

Response to Letter #11, Monterey County Resource Management Agency

1. County staff finds that the Economic Development Element of the General Plan extends/proposes land uses beyond the agreed lands within the GSA MOU. The EDE (project for purposes of the DEIR) identifies areas proposed as "Target" areas and "Economic Development Reserve" (EDR) south of Blanco Road. The City cannot adopt an alternative that conflicts with the GSA MOU because amending the GSA MOU is uncertain at this point. Expansion of proposed land use development into prime farmland outside the Sphere of Influence (SOI) or areas established in the GSA MOU is troublesome because it directly conflicts with the intent of the GSA MOU, especially the area south of the city limits (Blanco Road).

Response: The City acknowledges that the EDE includes a vision for direction of future growth and development capacity that was not considered as part of the 2006 GSA MOU. The City further acknowledges that, without the County's agreement, the EDE as proposed cannot go forward. If the City Council chooses to approve the EDE as proposed, such action would be taken with the understanding and awareness that the City will need to persuade the County Board of Supervisors to amend the 2006 GSA MOU to accommodate the EDE. More specifically, the draft EIR acknowledges that, given that future development in the five Target Areas outside of the city limits and SOI could be inconsistent with the direction of the City's future growth as agreed to in the GSA MOU, the City and County will need to coordinate amendments to reflect the City's future intention to annex and develop in the Target Areas. The draft EIR acknowledges that the County may not agree to amend the GSA MOU, and therefore proposes Alternatives 2 and 3 in Section 6.0 of the draft EIR to address inconsistency with the GSA MOU.

Alternative 2 – GSA MOU Amendment addresses the County's concern with proposed future growth in Target Area N, the area south of the City limits (Blanco Road). Alternative 2 eliminates Target Area N from the proposed project and relocates the development capacity included in Target Area N to the north in Target Area K.

Alternative 3 – GSA MOU Consistency reflects changes in the proposed project that would be required to ensure that it is consistent with the GSA MOU limits on City growth should the County determine it is unwilling to amend the GSA MOU. Alternative 3 eliminates Target Areas B, F, K and N from the proposed project, thus limiting the direction of future growth to east of the General Plan Westside Bypass (Target Area L2).

2. Because of the importance of lands having Blanco clay soils for irrigated agricultural land, the County finds that the analysis does not adequately mitigate the loss of prime Agricultural land.

Response: The commenter does not identify in what way the draft EIR does not adequately mitigate the loss of Prime Farmland; a specific response therefore cannot be provided. The

draft EIR evaluates the impacts of the proposed project. The draft EIR concluded that the proposed project would result in loss of 502 acres of Important Farmland (including Prime Farmland) and that this loss is significant and unavoidable. Mitigation measure AG-1 would not reduce the impact to less than significant. The issue of loss of agricultural land and imposition of feasible mitigation for the significant impact is addressed consistent with CEQA requirements.

Please refer to the responses to comment #38 and #55 in Letter #6 from LandWatch.

3. County staff supports infill growth using boundaries defined by the city limits, sphere of influence, and GSA MOU. It is reasonable to consider lands between the City limit and Westside bypass as potential infill area. In addition, the MOU has anticipated growth generally to the north of the City limits. We recommend that the City follow these criteria to provide reasonable, orderly growth and honor the agree City growth strategy.

Response: Comment acknowledged. Please refer to the response to comment #1 above.

LETTER #12

SALINAS CITY CENTER

October 19, 2017

Lisa Brinton
Project Manager - Economic Development Element
Community & Economic Development Department
City of Salinas
65 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Comments of Salinas City Center Improvement Association on Draft Program Environmental Impact Report for draft City of Salinas Economic Development Element

Dear Ms. Briton:

Below are Salinas City Center Improvement Association comments concerning the Draft Program Environmental Impact Report for the draft City of Salinas Economic Development Element. As noted in the report, an environmental review of the draft City of Salinas Economic Development Element is necessary under the California Environmental Quality Act (CEQA) before the element is incorporated via amendment into the City of Salinas General Plan.

The Salinas City Center Improvement Association does not have any comments - supportive or critical - to the environmental review of the six "Target Areas" evaluated in the report. It can be argued that new development in the six Target Areas may have both positive and negative impacts on downtown Salinas. The report is correct to assert that "it would be speculative to assess potential for the proposed project to result in urban decay impacts" because "no information is currently available about the future individual project types that may locate" in the six Target Areas.

Rather, our concern is that downtown Salinas and the Downtown Vibrancy Plan for Economic Opportunity Area P were essentially ignored in discussions of "the potentially feasible alternatives to the proposed project that would meet most of the basic project objectives while reducing or avoiding one or more of the significant impacts of the proposed project." 1

Indeed, two out of the three photographs on the front of the Draft Program Environmental Impact Report depict downtown Salinas. (See attachment.) Yet increasing funding and speeding implementation of the Downtown Vibrancy Plan as an alternative is barely mentioned. There are

no references to the potential of Economic Opportunity Area P if the city's focus on the Downtown Vibrancy Plan was intensified. 1 Cont.

As noted in the report, "the underlying purpose of the EDE is to provide additional land supply needed to meet long-term employment generation needs through General Plan buildout and to promote availability of new sites to support business growth through focused land use planning, targeted circulation, utility infrastructure improvements, and expanded resource availability." Evaluation of the Downtown Vibrancy Plan and the potential of intensive economic development/redevelopment in Economic Opportunity Area P would seem to be an obvious alternative to "a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation."

Such intensification would transform the Downtown Vibrancy Plan and infill development within Economic Opportunity Area P into an alternative in the Draft Program Environmental Impact Report, rather than current incorporation as part of the draft Economic Development Element. The report mentions that the "Purpose of the EDE" includes "Maintain the viability of the downtown in all of its components: mixed us, residential retail, entertainment, professional and commercial services. and government center." Some specific EDE Policy/Action Items listed in the report that are related to the Downtown Vibrancy Plan:

- "Policy ED-C-2.2 - Fund and implement the Downtown Vibrancy Plan recommendations and improve broader access to and within the downtown core area."
- "Action C-2.2.1 - Improve connectivity and vehicular/non-vehicular access within the downtown core area by implementing circulation and other connectivity-focused improvements identified in the Downtown Vibrancy Plan…"
- "Action C-2.2.3 - Revitalize the streetscape within the downtown core area consistent with recommendations in the Downtown Vibrancy Plan and secure dedicated sources of funding for maintenance."

There are several other purposes, policies, and actions related to the downtown area. What if city investments in these items was increased and accelerated?

It is notable that three parties that responded to the Notice of Preparation - LandWatch Monterey County, Building Healthy Communities East Salinas Land Use Action Team, and Ag Land Trust of Monterey County - asked the city to evaluate infill as an alternative. While these groups may not necessarily support infill development in downtown Salinas, their comments to the City of Salinas asking for robust analysis of infill as an alternative are valid. 2

In response, the City states that "the City received a comment on the NOP with a recommendation to consider an alternative that relocates new proposed development capacity within the Target Areas to infill sites within the City. The City elected not to evaluate this

alternative in detail" because the draft Economic Development Element "already assumes that institutional and visitor-service sector employment needs will be met through substantial infill/ revitalization within the city limits and new development within the existing SOI [Sphere of Influence]." No specifics are mentioned about the potential of the Downtown Vibrancy Plan. **2 Cont.**

Why does the Salinas City Center Improvement Association seek greater attention in the Draft Program Environmental Impact Report to the alternative of infill development and development of vacant land within downtown Salinas? We understand the history of downtowns in America, including in Salinas.

The danger of the city's excitement and emphasis on the six Target Areas is that the Downtown Vibrancy Plan will get less funding and staff support when the next recession comes to the region. As the city focuses financial resources and staff on the six fresh new Target Areas, the Downtown Vibrancy Plan for Economic Opportunity Area P may become an afterthought. Economic Opportunity Area P may become the city's convenient place to put the problems, as so often happens with downtown areas in American cities as new outer rings of development are cultivated.

Our intention is to avoid that fate. We believe city decision makers, their constituents, and responsible and trustee agencies need to be routinely and consistently reminded that there is a plan for economic development in downtown Salinas. The City should regard the intensification and acceleration of the Downtown Vibrancy Plan as a legitimate alternative plan for economic development activities and outline such a plan in the report. **3**

Sincerely,

Kevin Dayton
Government Affairs Director
Salinas City Center Improvement Association

DRAFT PROGRAM EIR

City of Salinas Economic Development Element

State Clearinghouse No. 2015111036

Downtown Salinas (Economic Development Area P)

City of Salinas

September 1, 2017

Response to Letter #12, Salinas City Center Improvement Association

1. Downtown Salinas and the Downtown Vibrancy Plan for Economic Opportunity Area P were essentially ignored in discussions of "the potentially feasible alternatives to the proposed project that would meet most of the basic project objectives while reducing or avoiding one or more of the significant impacts of the proposed project. Increasing funding and speeding implementation of the Downtown Vibrancy Plan as an alternative is barely mentioned. Economic Opportunity Area P would seem to be an obvious alternative to "a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation."

   The comment references one policy and two actions included in the EDE that address the Downtown Vibrancy Plan.

Response: As noted in the comment, the EDE contains policies which reinforce implementation of the completed Downtown Vibrancy Plan. The City is currently and will continue its effort to facilitate implementing the Downtown Vibrancy Plan as an important initiative. Alternatives to a proposed project are based on their potential to substantially lessen or avoid significant environmental impacts of the proposed project. The City's current and on-going effort to implement the Downtown Vibrancy Plan would not inherently constitute such an alternative. Please refer to draft EIR page 6-1 for more information.

2. The City received comments from several agencies/groups requesting evaluation of an infill alternative. The City elected not to evaluate this alternative in detail because the draft Economic Development Element "already assumes that institutional and visitor-service sector employment needs will be met through substantial infill/revitalization within the city limits and new development within the existing SOI [Sphere of Influence]." No specifics are mentioned about the potential of the Downtown Vibrancy Plan.

Response: As noted in the response to comment #1 above, the EDE contains a policy and actions that reflect the City's on-going, proactive effort to implement the completed Downtown Vibrancy Plan. The EDE reinforces the importance of implementing infill projects such as the Downtown Vibrancy Plan consistent with existing General Plan policy.

3. We believe city decision makers, their constituents, and responsible and trustee agencies need to be routinely and consistently reminded that there is a plan for economic development in downtown Salinas. The City should regard the intensification and acceleration of the Downtown Vibrancy Plan as a legitimate alternative plan for economic development activities and outline such a plan in the report.

Response: Please see the response to comment #1 above regarding the Downtown Vibrancy Plan as a draft EIR alternative. The comment does not raise additional environmental topics.

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SPARC
SALINAS PLANNING
AND RESEARCH CORPORATION

October 19, 2017

Lisa Brinton
Project Manager - Economic Development Element
Community & Economic Development Department
City of Salinas
65 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Draft Program Environmental Impact Report for draft City of Salinas Economic Development Element

Dear Ms. Brinton:

As you may know the Salinas Planning And Research Corporation (SPARC) a 501.c.3 non-profit organization was instrumental in initiating the broadly-based planning approaches embodied in the Economic Development Element. (EDE)

Founded in 2007 the mission of SPARC is, *"To examine the social, economic and cultural issues affecting the development and growth of the City of Salinas. Through these efforts, SPARC will work with public sector leaders, private businesses and local residents to help Salinas create coordinated Community-wide development policies and other recommendations to benefit all segments of our community."*

We had seen the disconnected way of many the planning efforts of government bodies and their tendency to work in separate silos without understanding or appreciation for the broader impact of their planning decisions on the community. We felt there was a better way.

SPARC's accomplishments include creating the Consolidate Government Center Master Plan which unified City, County, State and Federal assets in a downtown urban plan which coordinated a new parking structure which would provide joint use for County Staff and visitors to Downtown, new mixed-use opportunities, a Civic Plaza and a well-defined pedestrian walk way linking the government center to downtown.

This plan led directly to the Memorandum of Understanding between the County of Monterey and the City of Salinas regarding the Mutual Planning and Implementation of a Government Center in Downtown Salinas, dated May 8, 2012.

We were also instrumental in the founding of the Salinas Regional Sports Authority. (SRSA) Our board members Alfred Diaz-Infante and Warren Waylon recognized the overwhelming unmet

demand for soccer fields in Salinas and proposed that SPARC get involved. SPARC spun off the SRSA, a new non-profit organization to develop and manage new soccer fields and seeded its new board with leadership from SPARC. With control of the property, SRSA is now in the fundraising phase for the development of the Constitution Boulevard Soccer Complex.

Our efforts to continue this broadly-based planning approach extended to our work and advocacy in the development of a broad new citywide development policies and a long-range master plan.

Our success with the Soccer fields and our approach to planning came to the attention of the new City Manager Ray Corpuz. Mr. Corpuz brought a track record of success in economic development and saw the value of our approach to policy and planning and we began meeting with him even before he officially started work as City Manager.

Mr. Corpuz asked SPARC to apply our approach to help the City with the creation of an Economic Development Element to be integrated into the City's General Plan. We took this on and became cosponsors and effectively coauthors of much of the EDE and led an extensive Community Outreach effort unprecedented in the region.

The resulting draft EDE document has been honored with an Award of Merit from the California Chapter of the American Planning Association, an Award of Excellence for Economic Planning and Development from their Northern California Chapter and the State-wide Outstanding Award for a Planning Document from the Association of Environmental Professionals.

We all know about the serious economic constraints that have created decades of financial challenges that threaten and limit City services and threaten our quality of life. Loss of retail tax dollars and of major employers who could not find adequate industrial zoned land to expand their operations have resulted from artificial constrictions on Economic Development.

The EDE in its Purpose of the Economic Development Element states, "[A] key constraint to economic development is the lack of available vacant land within the city limits and within the City's Sphere of Influence. Vacant land is needed to accommodate expansion of existing businesses and attract new businesses to meet future employment needs and promote a healthy jobs and housing balance. The City has repeatedly lost desirable opportunities for private investment for this reason."

The award-winning version of the EDE identified comprehensive city-wide land-use plan to identify opportunity areas to accommodate this critical need in addition to the substantial amount of infill development within the City limits.

For decades powerful and well-funded organizations whose interests are not in alignment with the interests of the residents of Salinas have restricted opportunities and for decades their effective advocacy has impeded Salinas's ability to provide services, jobs and affordable housing for its residents.

We understand from our meeting with the City Manager and planning staff the impact of these organizations in influencing City policy including a political climate that has led to the proposed Land Use and Circulation Policy Map (Figure LU-3A) a vastly diminished proposal from that embodied in the award-winning EDE.

We also understand regulatory deadlines which are motivating current adoption of this shadow of the EDE draft created by substantial community engagement and supported by community stakeholders.

We urge the City to take a stand and approve this very limited proposal to secure at least these economic opportunities and acting in the best interest not of outside special interests but in the best interests of the residents of the City of Salinas.

Thank you for your consideration.

Sincerely,

Peter Kasavan FAIA

President

Cc: Mayor and City Council
City Manager

Response to Letter #13, Salinas Planning and Research Corporation

No environmental topics were raised in the comment letter. No response is necessary.

October 19, 2017

City of Salinas Community Development Department
Attn: Lisa Brinton, Senior Planner
65 W. Alisal Street
Salinas, CA 93901

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SALINAS ECONOMIC DEVELOPMENT ELEMENT

Dear Ms. Brinton,

We appreciate the opportunity to comments on the City of Salinas (City) draft Environmental Impact Report (EIR) for its proposed Economic Development Element (EDE) of the City's General Plan. Salinas Valley Recycles (SVR) is the regional resource recovery and solid waste management agency for Salinas, eastern Monterey County and the four south county cities, and we have a vested public interest in seeing the EDE and supporting EIR fully represent the economic development benefits to our regional communities. As a regional public utility service provider, SVR's operations and public services are an integral component of this and any community's economic wellbeing. We appreciate your acknowledgement of our activities and benefits in the EDE and draft EIR.

We wish to first recognize just a few among the many, many EDE Goals, Policies and Actions the City is considering adopting that align directly with our regional Agency's own strategic goals and objectives, as well as those of the State of California.

Goal; Land Use, Circulation and Infrastructure
Policy ED I-3.5 – "Pursue public-private partnerships to increase access to and potential fund energy, water, **resource recycling and reuse**, dark fiber communications, and **other infrastructure capacity**."
Action I-3.5.1 – "Seek new sources of infrastructure funding, through public/private partnerships."

SVR has and continues to pursue public-private partnerships for various public utility and resource recovery services and State mandates to serve Salinas and all our member agencies and applaud the City for recognizing this value in its EDE. It is well documented in our industry that recycling and reuse businesses produce 5-8 times as many jobs and increased local economic benefit as the declining practice of relying on landfills. In this light, our agency is considering two long-term facility site options, one in the City (improving the existing Sun Street Recycle Center and Transfer

Station as previously planned, located in Target area T) and one new site (outside Target area K) that would support this and other EDE goals, policies and actions.

Goal: Job Opportunities, "Attract companies to Salinas that help diversify the local economy…"
Policy ED-II-1 – "Maintain and adequate inventory of sites or a variety of business types and services."
Action II-1.1.5 – "Target industries that support (e.g. **supply chain companies for packaging, recycling**, industrial refrigeration, etc.) and augment (e.g. frozen vegetable products) the Salinas Valley agricultural industry."
Action II-1.1.7 – "Target economic diversification in economic sectors other than agriculture, such as health care, **alternative energy**, aqua-culture, communications, and/or others, by creating business attraction plan for desired economic sectors."
Policy ED-II-1.4.2 – Encourage a variety of growing industry clusters in the region to **expand by locating in Salinas**.
Action II-1.4.2 - "Meet with executives of businesses in growing industry clusters in the region to **promote Salinas as an opportunity for business**"

SVR supports these policies and actions as they align directly with our agency's current effort to attract new and innovative business that would directly support the agricultural supply chain as it relates to packaging and agricultural wastes that could be repurposed back into the local and California economies and/or converted to new renewable energy sources for local use. These actions further support the new and innovative solutions to the expanding problem with California's over-reliance on unstable Chinese and Asian market for sale of the majority of our recovered recyclable materials.

Goal: Quality of Life
In general terms, SVR provides services that are essential to so many of the key objectives for the community's Quality of Life. Solid waste management, recycling, resource recovery, household hazardous waste management and public education are critical to any large urban community's health and wellbeing. Lacking these essential public utility services can lead to increased litter, illegal dumping in and around the community, increased transportation impacts for citizens/businesses seeking these services at greater distances outside the City, reduced compliance with State mandates, and erosion of public education efforts.

Concerns
Considering the support defined within these documents, there are perceived conflicts with the EDE and EIR related to the City Administration's stated positions on SVR's continued presence in or near the City of Salinas. The position that our primarily City-serving operations be closed down or moved outside the City have been written and publicly stated numerous times and appears to conflict with many EDE goals and policies, some of which are restated above. 1

In particular, the section on Solid Waste (3.15 Effects Found Not To Be Significant) specifically refers to our agency's Sun Street Transfer Station as the destination for recycling and household hazardous waste. This section further defines the available landfill capacity for our agency and in the region when our capacity is used up. SVR provided and concurs with the information on landfill capacity and current public service facilities in Salinas. However, the City Administration's position that we close down or relocate our agency operations outside of Salinas raises possible concern that the effects of such action may not be consistent with the finding of "Not Significant".

As stated above, lacking an effective, convenient and accessible public utility service facility for the community and franchised waste hauler's benefit has the potential to create new impacts such as increased greenhouse gas production from the 100,000 plus customer visits we receive each year at our Salinas facilities. Consolidation of franchised and public waste into large transfer trucks would be eliminated and all these customers would individually have to travel greater distances to receive these services and place more vehicles on already impacted roadways in other communities. Potential litter and illegal dumping increases would make the city less attractive to new or expanding businesses and reduce the community's quality of life. Current jobs could be lost and the potential for increasing jobs and economic benefits associated with EDE policy for public-private partnerships and investments, and innovative resource recovery and reuse systems would be curtailed. **1 Cont.**

As with our community's own landfill, other landfills outside our 2,400-square mile service area will be facing future challenges and State mandates related to their own landfill capacity and cannot be guaranteed to meet our community needs long-term. Continued consideration of landfill capacity as the only measure for impact assessment in EIR/CEQA documents is contrary to State policy and regulations that expands waste recovery mandates on a very regular basis. **2**

There are so many of these well-designed goals, policies and actions that support SVR's own strategic goals and objectives, and those of the State. We thank the City for considering these needs in establishing this new chapter to Salinas's General Plan and considering the needs of the community as it relates to Infrastructure, Jobs Creation, and Quality of Life and the important contributions that a well-considered recycling and resource recovery system can do to support the EDE.

We appreciated the opportunity to participate in development of the EDE and comment on its draft EIR and look forward to collaboratively solving the Salinas and our entire region's resource recovery and waste management needs.

Sincerely,

Patrick Mathews, General Manager/CAO
Salinas Valley Solid Waste Authority

Response to Letter #14, Salinas Valley Recycles

1 There are perceived conflicts with the EDE and EIR related to the City Administration's stated positions on SVR's continued presence in or near the City of Salinas. The position that our primarily City-serving operations be closed down or moved outside the City have been written and publicly stated numerous times and appears to conflict with many EDE goals and policies, some of which are restated above. However, the City Administration's position that we close down or relocate our agency operations outside of Salinas raises possible concern that the effects of such action may not be consistent with the finding of "Not Significant".

Response: The draft EIR analyzed the potential impact of disposing of new solid waste generated during construction and operations of potential future development within the six Target Areas. Given that the solid waste disposal capacity of Johnson Canyon Landfill is approximately 38 years, it was it was determined that the development of these six areas, in and of itself, would not trigger the need for development of additional landfill capacity that might otherwise result in adverse environmental effects. The comment regarding the City's position on the removal of the Sun Street Transfer station does not substantially change the solid waste disposal capacity of the Johnson Canyon Landfill and; therefore, the related impact remains less than significant.

2. Continued consideration of landfill capacity as the only measure for impact assessment in EIR/CEQA documents is contrary to State policy and regulations that expands waste recovery mandates on a very regular basis.

Response. It is recognized that local jurisdictions are required to comply with state regulations regarding solid waste. The Municipal Code contains a range of regulations designed in part to accomplish such compliance for activities within the city. State waste management and reduction mandates generally must be achieved through the operations of local or regional agencies with responsibility for managing solid waste. Salinas Valley Recycles is that agency in terms of managing solid waste produced within the City of Salinas. On-going coordination between Salinas Valley Recycles and the City is needed to ensure that Salinas Valley Recycles is able to comply with the wide range of State regulatory requirements for managing and disposing of solid waste.

LETTER #15

Ohlone/Costanoan-Esselen Nation

Previously acknowledged as
The San Carlos Band of
Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942

www.ohlonecostanoanesselennation.org

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people. Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, indentifying Tribal areas.

Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value. Please be advised that it is our first priority that our ancestor's remains be protected and undisturbed. We desire that all sacred burial items be left with our ancestors on site or as culturally determined by OCEN. All cultural items returned to Ohlone/Costanoan-Esselen Nation. We ask for the respect that is afforded all of our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

OCEN's Tribal leadership desires to be provided with archaeological reports/surveys, including subsurface testing, and presence/absence testing. OCEN request to be included in mitigation and recovery programs, reburial of any of our ancestral remains, placement of all cultural items, and that a Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council be used within our aboriginal territory.

OCEN **requests consultation on <u>all projects</u> affecting our aboriginal homelands, <u>which include all ground disturbance</u>** (not limited to ground disturbance). It is our request to consult on projects to establish a procedure, 1. provide OCEN with all reports, 2. establish procedure for disturbance of unknown sites, 3. procedure for known sites, etc.

We ask that a sacred lands search with the Northwest Information Center, Sonoma State University and the Native American Heritage Commission. Please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you

1

Sincerely and Respectfully Yours,

Louise J. Miranda Ramirez, Chairperson
Ohlone/Costanoan-Esselen Nation
(408) 629-5189

Cc: OCEN Tribal Council

City of Salinas
COMMUNITY DEVELOPMENT DEPARTMENT
65 W. Alisal Street • Salinas, California 93901
(831) 758-7241 • (831) 758-7938 (Fax) • www.ci.salinas.ca.us

FROM: **CITY OF SALINAS COMMUNITY DEVELOPMENT DEPARTMENT**

SUBJECT: **NOTICE OF AVAILABILITY OF THE CITY OF SALINAS DRAFT ECONOMIC DEVELOPMENT ELEMENT DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT – REQUEST FOR COMMENTS**

The City of Salinas is proposing general plan amendments needed to formally adopt a new element of the City of Salinas General Plan. The proposed City of Salinas Draft Economic Development Element (the "EDE") was originally completed in April 2014 and accepted, but not adopted, by the Salinas City Council in June 2014. The document was updated in 2017.

The EDE reflects the City's recognition of the desirability of adding to its General Plan a comprehensive policy framework that focuses and directs the City's economic development activities. If adopted in total after the completion of environmental review, the EDE would guide future decisions of the City Council and the community in all aspects of City policy related to economic development. The City's primary interest is to raise economic development priorities to a legislative, General Plan policy level, and by doing so, ensure that economic development is considered in all City Council planning and decision making actions.

Notice is hereby given that the City of Salinas has prepared a Draft Program Environmental Impact Report (EIR) pursuant to the requirements of California Environmental Quality Act (CEQA), for the City of Salinas Draft Economic Development Element project. Based on the findings of the Draft Program EIR, this proposed project will have a range of significant environmental impacts. Please see the Project Description section below for more information about the proposed project.

Public Comment Requested and Public Comment Period. The City is soliciting comments on the content of the Draft Program EIR from interested persons and organizations concerned with the project in accordance with State CEQA Guidelines Section 15087. The City of Salinas requests that you review the project materials and provide any comments related to your agency's area of responsibility. **The public comment review period begins Tuesday, September 5, 2017 and ends at 5:00 PM on Thursday, October 19, 2017.** If you wish to submit comments, they must be received by the City no later than 5:00 PM on Thursday, October 19, 2017. All written public and agency comments should be directed to: Lisa Brinton, Senior Planner, City of Salinas Community Development Department, 65 West Alisal Street, Salinas, California 93901. Comments may also be provided by email to: lisab@ci.salinas.ca.us. Please include the name of a contact person for your agency, if applicable.

Distribution of Ohlone/Costanoan-Esselen Nation Tribal Rancherias, Districts, Landgrants and Historic Landmarks

OCEN DIRECT LINEAL DESCENT

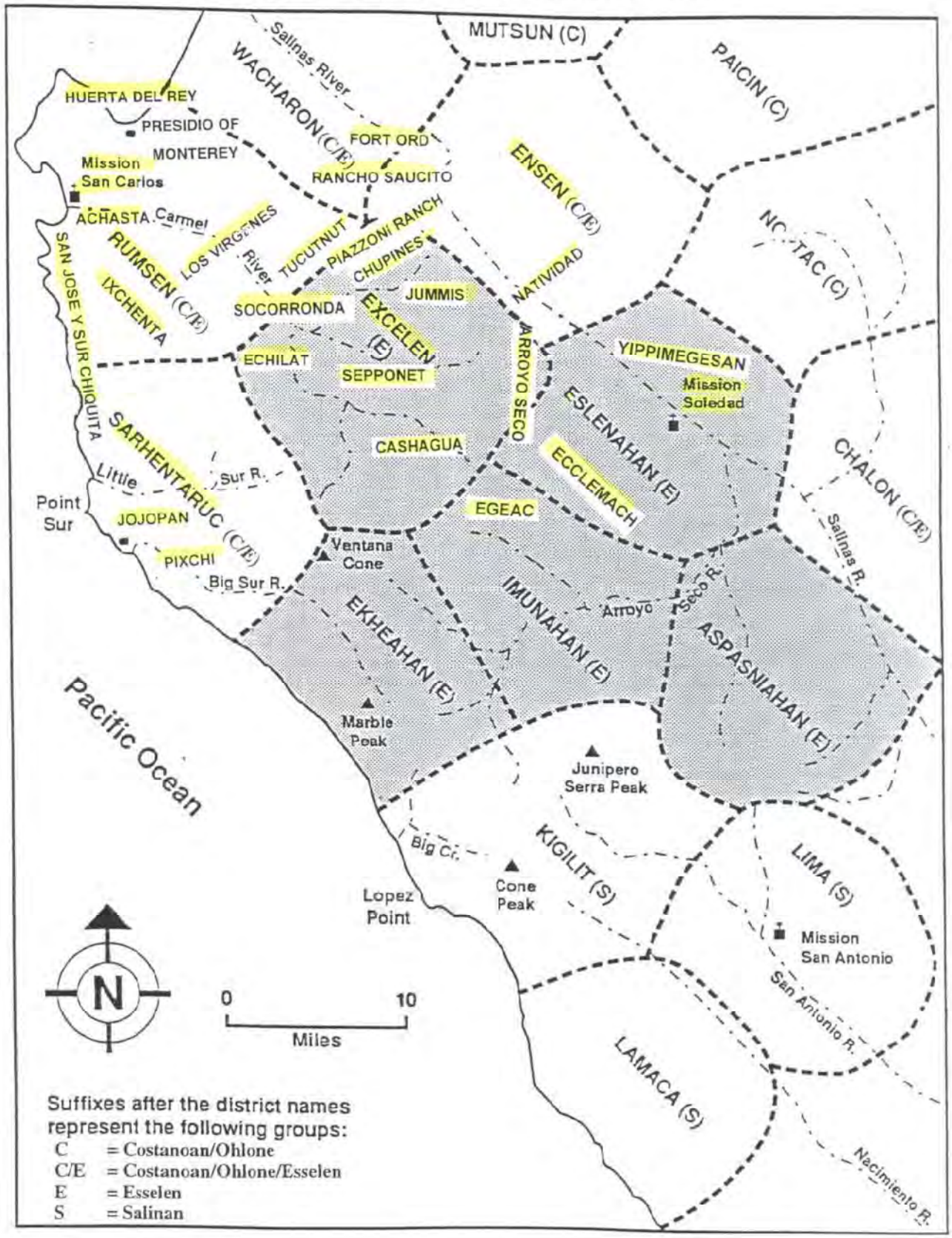
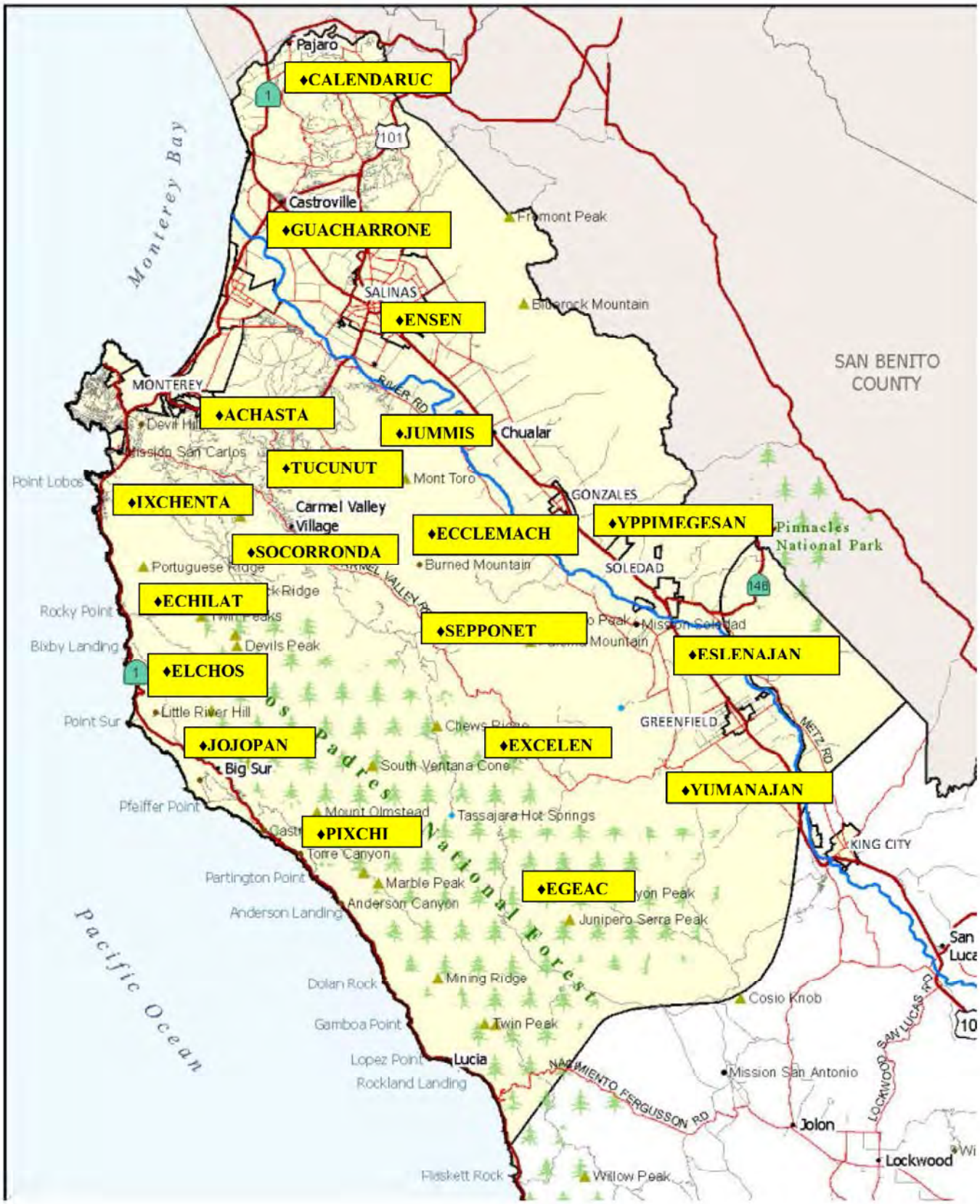


Figure 2:

Map after Taylor 1856; Levy 1973; Hester 1978; Milliken 1990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♦SEPPONET
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♦JOJOPAN
♦EXCELEN
♦YUMANAJAN
♦PIXCHI
♦EGEAC
Pajaro
Castroville
SALINAS
MONTERREY
Chualar
GONZALES
SOLEDAD
GREENFIELD
KING CITY
Carmel Valley Village
Mont Toro
Burned Mountain
Portuguese Ridge
Devils Peak
Little River Hill
Chews Ridge
South Ventana Cone
Big Sur
Mount Olmstead
Tassajara Hot Springs
Torre Canyon
Marble Peak
Anderson Canyon
Junipero Serra Peak
Mining Ridge
Cosio Knob
Twin Peak
Lucia
Mission San Antonio
Jolon
Lockwood
Willow Peak
Fremont Peak
Elderock Mountain
Mission San Carlos
Point Lobos
Rocky Point
Bixby Landing
Point Sur
Pfeiffer Point
Partington Point
Anderson Landing
Dolan Rock
Gamboa Point
Lopez Point
Rockland Landing
Pisskett Rock
Monterey Bay
Pacific Ocean
Los Padres National Forest
SAN BENITO COUNTY
Pinnacles National Park
RIVER RD
METZ RD
NACIMIENTO FERGUSSON RD
LOCKWOOD SAN LUCAS RD
CHUALAR VALLEY RD
101
146

Response to Letter #15, Ohlone/Coastanoan-Esselen Nation

1. We ask that for sacred lands search with the Northwest Information Center, Sonoma State University and the Native American Heritage Commission.

Response: A Cultural Resources Assessment Report (CRAR) was prepared for the draft EIR by WSA. WSA obtained a records search through the Northwest Information Center at Sonoma State University. WSA also contacted the Native American Heritage Commission and eleven local Native American tribal representatives through correspondence and/or phone calls during the preparation of the CRAR. In addition, as required per AB 52, the City conducted consultation with the Ohlone/Coastanoan-Esselen Nation. Consultation was also conducted pursuant to SB 18.

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3.0
Revisions to the Draft EIR

3.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132 requires a final EIR contain either the draft EIR or a revision of the draft EIR. This final EIR incorporates the draft EIR by reference and includes revisions to the draft EIR required in response to comments provided in Section 2.0.

3.2 DRAFT EIR REVISIONS

This section contains revisions to text, tables, and/or graphics from the draft EIR. Additions to the text are presented in underlined text (underline) and deletions are shown in strikethrough text (~~strikethrough~~). The location of the change and explanatory notes precede each revision.

Text on page S-6 of the draft EIR is revised as follows:

AG-1. Developers of future projects within each Target Area shall provide mitigation for conversion of important farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use resulting from development within the Target Areas. ~~At a minimum,~~ ~~m~~Mitigation shall include payment of an agricultural land conservation in-lieu fee in effect at the time individual projects are proposed within the Target Areas or dedication of a permanent conservation easement to a qualified third-party farmland conservation entity on off-site agricultural land of equal or better quality at a ratio of 1:1. Equal or better quality is land with a California Department of Conservation Farmland Mapping and Monitoring Program farmland classification that is equal to or better than the classification of farmland being converted. The conservation easement shall be placed on land in proximity of the City. If payment of an in-lieu fee is proposed by individual project applicants, the fee amount shall be based on the fair market value of ~~permanent conservation easements on~~ agricultural land at the time individual project applications are submitted. This amount may be updated, if necessary, at the time of project approval. The fair market value shall be identified through a nexus study or other mechanism approved by the City Attorney. The specific mitigation option to be implemented shall be identified in the CEQA documentation for future individual projects. Individual developers shall demonstrate compliance with the

selected performance standard to the Community Development Director prior to issuance of a grading permit by the City.

Text on page S-7 of the draft EIR is revised as follows:

AG-2. To avoid conflicts between future urban development within Target Area B and Target Area V and the Williamson Act contracted use of land within each Target Area, one of the following mitigation options will be implemented by the City:

a. Development defined as incompatible with a Williamson Act contract pursuant to Government Code Section 51201(e) will be prohibited within the portions of Target Areas B and V that are under Williamson Act contract until the applicable Williamson Act contracts are terminated through cancellation or non-renewal; or

b. The boundaries of Target Areas B and V will be modified to exclude the acreage within a Williamson Act contract~~.; or.~~

~~c. The portions of Target Areas B and V located on land within a Williamson Act contract will be removed from the Target Area. The equivalent acreage of land to be removed may be relocated to a different Target Area. A general plan amendment and additional CEQA compliance may be required for such a change.~~

Prior to approval of future individual projects within Target Areas B or V that conflict with Williamson Act contracts, one or more of the mitigation options shall be implemented through project design, conditions of approval, and/or project-specific CEQA mitigation requirements.

Text on page S-19 of the draft EIR is revised as follows:

~~Loss of Monterey dusky-footed woodrat – development Within Target Area V~~	~~Potentially Significant~~	~~BIO-5. A qualified biologist shall conduct pre-construction surveys for woodrat nests within Target Area V, including a 30-foot buffer around project impact areas. All woodrat nests shall be flagged for avoidance of direct construction impacts and a 10-foot equipment exclusion buffer shall be established around dens that shall not be removed and are in proximity to the construction area.~~ ~~If avoidance of active woodrat nests is not feasible, woodrat nests shall be dismantled by the qualified biologist no more than three days prior to construction. Woodrats shall be evicted from their nests prior to the removal of the nests and onset of any clearing or ground disturbing activities to avoid direct injury or mortality of the woodrats.~~ ~~The nests shall be dismantled and the nesting material and/or food caches moved to a new location outside of the project impact area. Prior to nest deconstruction, each active nest shall be disturbed by the qualified biologist such that all woodrats leave the nest and seek~~	~~Less than Significant~~

		~~refuge out of the project impact area. Nests are to be slowly dismantled by hand in order to allow the occupants to disperse. Should young prior to the age of weaning be found in the nest, the nest shall be reconstructed in place and left undisturbed for three weeks or a period of time deemed adequate by the qualified biologist for the young to wean.~~ ~~All vegetation and duff materials shall be removed from three feet around the nest prior to dismantling so that the occupants do not attempt to rebuild within the project impact area. Nesting materials shall be placed nearby in a location similar to the original location (e.g. the base of a nearby hardwood tree or shrub, near a downed log, or in the open), if such a location is readily available. The spacing between active relocated nests shall not be less than 100 feet, unless the qualified biologist has determined that the habitat can support higher densities of nests, or if the original nests were closer than 100 feet to one another.~~ ~~The applicants for projects within Target Area V will be responsible for implementation of this mitigation measure, with oversight by the City Community Development Department as needed. Compliance with this measure shall be documented and submitted to the City prior to ground disturbance.~~	

Text on page S-24 of the draft EIR is revised as follows:

~~Loss of Sensitive Natural Communities – development within Target Area V~~	~~Potentially Significant~~	~~Mitigation measure BIO-7.~~	~~Less than Significant~~
Cumulative impacts to special-status Congdon's tarplant, California red-legged frog, California tiger salamander, nesting birds, western burrowing owl, ~~dusky-footed woodrat,~~ and special-status species bats, and wetlands/waters ~~and riparian habitat~~	Potentially Cumula-tively Significant	Mitigation measures BIO-1 to BIO-4, BIO-6, and BIO-7~~8~~. Mitigation measures BIO-1 to BIO-4 and ~~to~~ BIO-6 each address individual cumulative impacts to a special-status species. Mitigation measure BIO-7 addresses impacts to wetlands. ~~, and mitigation measure BIO-8 addresses impacts to riparian habitat.~~	Less than Cumula-tively Significant

Table 8 on page 2-46 of the draft EIR is revised as follows:

Table 2 Inventory of Potential Infill Parcels within the City Limits

Parcel Size	# of Parcels	Acreage
2.0 – 4.99 Acres	324	962
5.0 Acres and Above	12	122
Total	**446**	**2184**

Source: City of Salinas 2017

Text on page 3-35 of the draft EIR is revised as follows:

AG-1. Developers of future projects within each Target Area shall provide mitigation for conversion of important farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use resulting from development within the Target Areas. ~~At a minimum, m~~Mitigation shall include payment of an agricultural land conservation in-lieu fee in effect at the time individual projects are proposed within the Target Areas or dedication of a permanent conservation easement to a qualified third-party farmland conservation entity on off-site agricultural land of equal or better quality at a ratio of 1:1. Equal or better quality is land with a California Department of Conservation Farmland Mapping and Monitoring Program farmland classification that is equal to or better than the classification of farmland being converted. The conservation easement shall be placed on land in proximity of the City. If payment of an in-lieu fee is proposed by individual project applicants, the fee amount shall be based on the fair market value of ~~permanent conservation easements on~~ agricultural land at the time individual project applications are submitted. This amount may be updated, if necessary, at the time of project approval. The fair market value shall be identified through a nexus study or other mechanism approved by the City Attorney. The specific mitigation option to be implemented shall be identified in the CEQA documentation for future individual projects. Individual developers shall demonstrate compliance with the selected performance standard to the Community Development Director prior to issuance of a grading permit by the City.

Text on page 3-37 of the draft EIR is revised as follows:

AG-2. To avoid conflicts between future urban development within Target Area B and Target Area V and the Williamson Act contracted use of land within each Target Area, one of the following mitigation options will be implemented by the City:

a. Development defined as incompatible with a Williamson Act contract pursuant to Government Code Section 51201(e) will be prohibited within the portions of Target Areas B and V that are under Williamson Act contract until the applicable Williamson Act contracts are terminated through cancellation or non-renewal; or

b. The boundaries of Target Areas B and V will be modified to exclude the acreage within a Williamson Act contract.~~; or.~~

~~c. The portions of Target Areas B and V located on land within a Williamson Act contract will be removed from the Target Area. The equivalent acreage of land to be removed may be relocated to a different Target Area. A general plan amendment and additional CEQA compliance may be required for such a change.~~

Prior to approval of future individual projects within Target Areas B or V that conflict with Williamson Act contracts, one or more of the mitigation options shall be implemented through project design, conditions of approval, and/or project-specific CEQA mitigation requirements.

Text on page 3-67 of the draft EIR is revised as follows:

Table 19, Plant Communities/Land Uses Found in Each Target Area, lists each plant community found in the individual Target Areas at the time of the surveys. Figures 11 to 13, Habitat Map - North, Central, and South, respectively, show the dominant plant communities in these areas. Known linear aquatic features, such as Natividad Creek and major agricultural drainages, are shown within the Target Areas and the project vicinity due to their potential sensitivity as special-status species habitat and/or the possibility the features fall under the jurisdiction of one or more resource agencies. The maps are not intended to provide site specific detail. Their purpose is to identify representative communities and land uses at a broad planning level. Where small patches of one or more habitat type are located within a much larger dominant habitat type, the small inclusion may not be labeled. USFWS *National Wetlands Inventory* data was included in the figures if designated wetlands were shown as present within a Target Area. ~~However, an effort was made to map freshwater marsh, open water, and wetland habitat types at a higher level of detail due to their potential sensitivity.~~ For any new development proposed within a Target Area, site specific biological resource investigation will be required.

Text on page 3-67 of the draft EIR is revised as follows:

~~As shown on the habitat maps, some Target Areas support small isolated patches of riparian vegetation, presumably sustained by agricultural run-off.~~ Target Area V is within Carr Lake, a mesic area where Natividad Creek and Gabilan Creek converge and where a majority of storm water run-off from Salinas is collected…

Table 19 on page 3-67 of the draft EIR is revised as follows:

Table 19 Plant Communities/Land Uses Found in Each Target Area

Target Area	Plant Communities/Land Uses
B	Agricultural, annual grassland/ruderal
F	Agricultural, annual grassland/ruderal
K	Agricultural, annual grassland/ruderal, ornamental, urban
L2	Agricultural, ornamental
N	Agricultural, annual grassland/ruderal, ornamental
V	Agricultural, annual grassland/ruderal~~, riparian, freshwater marsh~~

Source: EMC Planning Group 2016

Figure 11, Habitat Map-North on page 3-69 of the draft EIR is revised as follows:

The "Freshwater Marsh/Open Water" polygons have been removed from Target Area K and the legend entry for Freshwater Marsh/Open Water has been removed.

Figure 12, Habitat Map-Central on page 3-71 of the draft EIR is revised as follows:

The "4" and "Freshwater Marsh" labels have been removed from Target Area V and the legend. Also, in the legend after "Freshwater Emergent Wetland" the following text has been added: (Wetland type based on the USFWS *National Wetlands Inventory* (2015).

Text on pages 3-75 to 3-76 of the draft EIR is revised as follows:

~~**Freshwater Marsh/Open Water.** Freshwater marsh or open water is found within Target Area V. Freshwater marsh is typically dominated by perennial, emergent monocots one to 15 feet in height (Holland 1986). It typically occurs on sites that lack a significant current and are permanently flooded by freshwater along the edges of water bodies, dune swales, slough terrace edges, banks, channels, and mouth margins of rivers, bottomlands, ditch margins, lagoons, ponds, reservoir margins, and along geologic faults. Plant species observed in these areas include southern bulrush (*Schoenoplectus californicus*), Baltic rush (*Juncus balticus*), cocklebur (*Xanthium strumarium*), water pepper (*Persicaria hydropiperoides*), yellow waterweed (*Ludwigia peploides*), water cress (*Nasturtium officinale*), and umbrella sedge (*Cyperus* sp.).~~

~~Wildlife species observed and/or expected to occur in this habitat include sora (*Porzana carolina*), American coot (*Fulica americana*), marsh wren (*Cistothorus palustris*), common yellowthroat~~

(*Geothlypis trichas*), song sparrow (*Melospiza melodia*), great blue heron (*Ardea herodias*), killdeer, mallard (*Anas platyrhynchos*), red-winged blackbird, barn swallow (*Hirundo rustica*), Pacific chorus frog (*Pseudacris regilla*), gopher snake, raccoon, coyote, and black-tailed deer.

Riparian. Riparian vegetation is found within Target Area V. Riparian areas consist of mainly two types: riparian scrub and riparian woodland. Riparian scrub is a streamside thicket, varying from open to impenetrable, and dominated by willow species. This community establishes early after severe flooding events, and graduates to riparian woodland as tree species have a chance to establish over time. Species observed include red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), pacific willow (*Salix lasiandra* var. *lasiandra*), coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), white alder (*Alnus rhombifolia*), black cottonwood (*Populus trichocarpa*), western sycamore (*Platanus racemosa*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), box elder (*Acer negundo*), coyote brush (*Baccharis pilularis*), California rose (*Rosa californica*), Himalayan blackberry (*Rubus armeniacus*), California blackberry (*Rubus ursinus*), western poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), willow-herb (*Epilobium ciliatum*), and hoary nettle (*Urtica dioica* ssp. *holosericea*).

Wildlife species observed and expected include Cooper's hawk, red-tailed hawk, bushtit, chestnut-backed chickadee, song sparrow, white-crowned sparrow, golden-crowned sparrow, fox sparrow (*Passerella iliaca*), California towhee, red-winged blackbird, Nuttall's woodpecker (*Picoides nuttallii*), downy woodpecker (*Picoides pubescens*), hairy woodpecker (*Picoides villosus*), northern

Flicker (Colaptes auratus), western scrub-jay, tree swallow (Tachycineta bicolor), violet-green swallow (Tachycineta thalassina), oak titmouse (Baeolophus inornatus), Bewick's wren (Thryomanes bewickii), ruby-crowned kinglet (Regulus calendula), hermit thrush (Catharus guttatus), Wilson's warbler (Cardellina pusilla), black-headed grosbeak (Pheucticus melanocephalus), warbling vireo (Vireo gilvus), western fence lizard, Pacific chorus frog, western yellow-bellied racer (Coluber constrictor mormon), aquatic garter snake (Thamnophis atratus), California kingsnake (Lampropeltis californiae), California ground squirrel, western gray squirrel (Sciurus griseus), bobcat (Lynx rufus), gray fox (Urocyon cinereoargenteus), coyote, and black-tailed deer.

Text on page 3-76 of the draft EIR is revised as follows:

As shown in Table 19, Target Area V contains riparian scrub/woodland and freshwater marsh plant communities. Wetland and waterway features may be under the jurisdiction of USACE and other regulatory agencies.

Text on page 3-78 of the draft EIR is revised as follows:

~~**Steelhead (*Oncorhynchus mykiss irideus*).** The Federally threatened (South-Central California Coast Evolutionary Significant Unit) and State Species of Special Concern Steelhead is an anadromous fish that relies on streams, rivers, estuaries, and marine habitats during its lifecycle. Adult steelhead migrate from the ocean up streams and rivers where they lay eggs (spawn) in areas with small- to medium-sized gravel in riffles with good oxygen flow. The eggs take from 1.5 to 4 months to hatch. Hatchlings remain in the gravel until their yolk is absorbed, and then emerge and actively feed. Young steelhead typically remain in freshwater creeks and rivers from one to four years before migrating to the ocean where they spend two to three years before returning to their natal stream to spawn. Spawning typically occurs between December and June. According to the General Plan (2002), steelhead have been detected in upper Gabilan Creek. Also, Tembladero Slough and Gabilan Creek are USFWS designated Critical Habitat for this species. This species may also occur within aquatic habitats in Target Area V.~~

Text on page 3-81 of the draft EIR is revised as follows:

~~**Yellow Warbler (*Setophaga petechial*).** A federal and state Species of Special Concern, the yellow warbler is a neo-tropical migrant that nests in the United States and Canada and overwinters in Central and South America. This species typically nests in willow riparian vegetation in California. This species may occur within riparian vegetation or in isolated patches of willows found within Target Area V.~~

~~**Yellow-breasted Chat (*Icteria virens*).** A state Species of Special Concern, the yellow-breasted chat is a neo-tropical migrant that nests in the United States and Canada and overwinters in Central America. This species nests in areas with dense vegetation, including abandoned farm fields, clearcuts, powerline corridors, fencerows, forest edges and openings, swamps, and riparian areas near streams and ponds. It nests in low, dense vegetation such as blackberry thickets in riparian zones. This species may occur within riparian vegetation, willow thickets, or other dense vegetation or in isolated patches of willows found within Target Area V.~~

Text in on pages 3-81 to 3-82 of the draft EIR is revised as follows:

~~**Monterey Dusky-footed Woodrat (*Neotoma fuscipes luciana*).** A state Species of Special Concern, the Monterey dusky-footed woodrat occurs in a variety of woodland and scrub habitats in Monterey County. Woodrats occur in riparian and oak woodland forests or thick chaparral habitat. Dusky-footed woodrats build large, complex nests of sticks and other woody debris. Nests are typically located near the bases of trees or shrubs, under snags, under dense brush, in the lowest branches of trees, and are often found within riparian areas. Dusky-footed woodrats favor dense canopy cover and areas with poison oak. The breeding season generally begins inFebruary and continues through September, and females have a single brood per year~~

Source: U.S. Department of Agriculture 2011, City of Salinas 2014, Monterey County GIS Database 2010, Esri 2015
*Note: Plant communities in Target Areas have only been preliminarily mapped. Additional survey work will be required.

Plant Communities/Land Uses

1 Agricultural
2 Annual Grassland/Ruderal
3 Urban

Target Areas

Aquatic Features

0 1,200 Feet

Figure 11
Habitat Map - North

Salinas Economic Development Element Program EIR

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Source: U.S. Department of Agriculture 2011, City of Salinas 2014, Monterey County GIS Database 2010, Esri 2015
*Note: Plant communities in Target Areas have only been preliminarily mapped. Additional survey work will be required.

Plant Communities/Land Uses

- 1 Agricultural
- 2 Annual Grassland/Ruderal
- 3 Urban
- Target Areas
- Freshwater Emergent Wetland (Wetland type based on the USFWS National Wetlands Inventory, 2015)
- Aquatic Features

0 1,500 Feet

Figure 12
Habitat Map - Central
Salinas Economic Development Element Program EIR

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~~(Carraway and Verts 1991). Woodrat nests were observed in the riparian area of Natividad Creek north of Target Area V. This species may occur within riparian vegetation found in the vicinity of or within this Target Area.~~

~~**Sensitive Natural Communities.** Sensitive natural communities are defined by local, state, or federal agencies as habitats that support special status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity. Aquatic habitats such as coastal and valley freshwater marsh, riparian, and pond habitats are found within Target Area V and are considered sensitive natural communities.~~

Text on page 3-92 of the draft EIR is revised as follows:

Among the inquiries set forth in Appendix G to the CEQA Guidelines is the question of whether a proposed project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. As described in the Environmental Setting, there are no habitat conservation plans or other conservation plans that apply to the project area; no further discussion of this topic is required. Similarly, because the proposed project would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; ~~or~~ threaten to eliminate a plant or animal community; or have a substantial adverse effect on any riparian habitat or other sensitive natural community; no further discussion of these topics is required.

Text on pages 3-98 to 3-99 of the draft EIR is revised as follows:

~~IMPACT: FUTURE DEVELOPMENT WITHIN TARGET AREA V MAY IMPACT SPECIAL-STATUS MONTEREY DUSKY-FOOTED WOODRAT (LESS THAN SIGNIFICANT WITH MITIGATION)~~

~~Construction of projects within Target Area V could result in in impacts to Monterey dusky-footed woodrat, which could be significant. Woodrat nests were observed in the riparian area of Natividad Creek and this species has the potential to occur in vegetation associated with waterways or canals. If present within Target Area V, significant impacts to this species could occur during construction clearing and grading activities. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.~~

~~Mitigation Measure~~

~~BIO-5. A qualified biologist shall conduct pre-construction surveys for woodrat nests within Target Area V, including a 30-foot buffer around project impact areas. All woodrat nests shall be flagged for avoidance of direct construction impacts and a 10-foot equipment exclusion buffer shall be established around dens that shall not be removed and are in proximity to the construction area.~~

If avoidance of active woodrat nests is not feasible, woodrat nests shall be dismantled by the qualified biologist no more than three days prior to construction. Woodrats shall be evicted from their nests prior to the removal of the nests and onset of any clearing or ground disturbing activities to avoid direct injury or mortality of the woodrats.

The nests shall be dismantled and the nesting material and/or food caches moved to a new location outside of the project impact area. Prior to nest deconstruction, each active nest shall be disturbed by the qualified biologist such that all woodrats leave the nest and seek refuge out of the project impact area. Nests are to be slowly dismantled by hand in order to allow the occupants to disperse. Should young prior to the age of weaning be found in the nest, the nest shall be reconstructed in place and left undisturbed for three weeks or a period of time deemed adequate by the qualified biologist for the young to wean.

All vegetation and duff materials shall be removed from three feet around the nest prior to dismantling so that the occupants do not attempt to rebuild within the project impact area. Nesting materials shall be placed nearby in a location similar to the original location (e.g. the base of a nearby hardwood tree or shrub, near a downed log, or in the open), if such a location is readily available. The spacing between active relocated nests shall not be less than 100 feet, unless the qualified biologist has determined that the habitat can support higher densities of nests, or if the original nests were closer than 100 feet to one another.

The applicants for projects within Target Area V will be responsible for implementation of this mitigation measure, with oversight by the City Community Development Department as needed. Compliance with this measure shall be documented and submitted to the City prior to ground disturbance.

With implementation of mitigation measure BIO-5, the proposed project would not 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, potential direct impacts to special status Monterey dusky-footed woodrat are less than significant with mitigation incorporated.

Text on pages 3-102 to 3-103 of the draft EIR is revised as follows:

IMPACT: FUTURE DEVELOPMENT WITHIN TARGET AREA V MAY IMPACT RIPARIAN HABITATS/SENSITIVE NATURAL COMMUNITIES (LESS THAN SIGNIFICANT WITH MITIGATION)

General Plan measure COS-16 requires project developers to protect and enhance riparian corridors through setbacks and open space easements within development areas along Gabilan and Natividad Creeks and other streams. A 100-foot setback area must be established along

~~Gabilan and Natividad creeks, other unnamed creeks, and wetlands not associated with creeks (i.e., seasonal wetland swales or ponds). No building or structure is to be developed in the setback area; however, the City will consider exceptions for passive recreational uses (i.e., trails, playfields, and picnic areas).~~

~~Based on the results of the reconnaissance level survey and aerial imagery review, Target Area V contains riparian and/or freshwater marsh vegetation. Both plant communities are considered sensitive by the CDFW. With implementation of mitigation measure BIO-7 above, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, this impact is less than significant with mitigation incorporated.~~

Text on page 3-136 of the draft EIR is revised as follows:

The Ohlone/Costanoan-Esselen Nation is the only tribe that requested notice of projects proposed within its aboriginal territory pursuant to AB 52. In response, the City conducted an AB 52 consultation with Louise Miranda-Ramirez on April 20, 2016. The Ohlone/Costanoan-Esselen Nation was also the only tribe that responded to the City's ~~request for~~ notice of opportunity for consultation pursuant to SB 18. This consultation was conducted on April 11, 2017. Summaries of the consultations are included in the Regulatory Setting section below.

Text on page 3-142 of the draft EIR is revised as follows:

A search of the University of California Museum of Paleontology Paleontological Collections Database for ~~Merced~~ Monterey County (http://ucmpdb.berkeley.edu) revealed that most of the known fossil localities are within one of several types of geologic formations.

Text on page 3-274 of the draft EIR is revised as follows:

This would require acquisition of right-of-way from adjacent agricultural land. To mitigate the impact on this road segment, it must be widened from two to four lanes. The project is included in the Draft County Fee Program. With an approved County fee program, payment of the fee would mitigate the impact to an ~~This would provide~~ acceptable LOS C. ~~conditions.~~

Text on page 6-18 of the draft EIR is revised as follows:

Table 49 shows that Target Area N has been eliminated and that the sums of the gross and net Retail acreage land for ~~Target Area L2 and~~ Target Area K (70 acres and 54 acres respectively as shown in Table 7) are consolidated and reduced to 43 acres and 33 acres solely within Target Area K to reflect the higher .40 FAR.

Text on page 6-37 of the draft EIR is revised as follows:

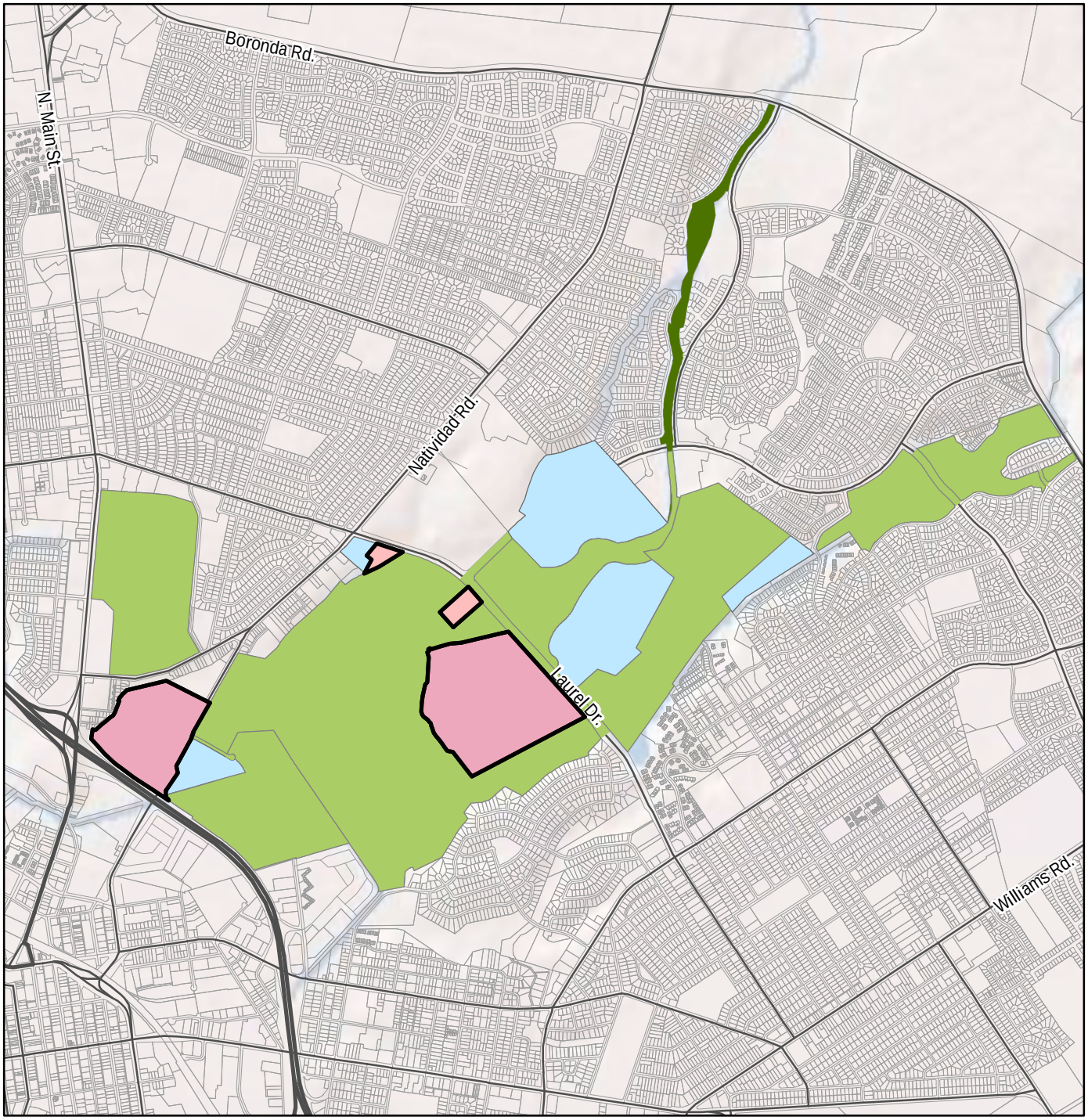
- relocate a 79-acre portion of Target Area V, represented by the southeastern most of the two polygons included in the Target Area, to an alternative location within Carr Lake adjacent to Laurel Drive. ~~The 79-acre portion of Target Area V would be retained at the alternative location.~~

- Reduce the size of the westernmost polygon included in the Target Area by 6.8 acres. Redistribute 4.1 acres to a location within Carr Lake adjacent to Laurel Drive. Redistribute the remaining 2.7 acres to another location within Carr Lake adjacent to Laurel Drive.

- change the proposed land use designation for Target Area V from Retail to Mixed Use ~~with a limitation that residential development is not a permitted use~~. The environmental benefits of this change are related to reducing vehicle trip generation and reducing related environmental effects. The change would also provide enhanced flexibility for economic development whose tax benefits can be used to offset costs for infrastructure improvements that catalyze the City's recreation destination vision for Carr Lake as expressed in the EDE. For purposes of evaluating the environmental effects of Alternative 4, the mix of uses is assumed to be retail and office.

Figure 25, Target Area V Alternative on page 6-39 of the draft EIR is revised as follows:

The westernmost Mixed Use polygon is reduced in size by 6.8 acres. This acreage is redistributed to two locations along Laurel Drive, one of which is 2.7 acres and the other of which is 4.1 acres.



Source: City of Salinas 2014, Monterey County GIS Database 2010, Esri 2015

Figure 25

Target Area V Alternative

Salinas Economic Development Element Program EIR

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APPENDIX A

NOTICE OF COMPLETION
NOTICE OF AVAILABILITY

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

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 # 2015111036

Project Title: City of Salinas Economic Development Element

Lead Agency: City of Salinas | Contact Person: Ms. Lisa Brinton, Sr. Planner

Mailing Address: 65 W. Alisal Street | Phone: 831-758-7387

City: Salinas | Zip: 93901 | County: Monterey

Project Location: County: Monterey | City/Nearest Community: Salinas

Cross Streets: Various | Zip Code:

Longitude/Latitude (degrees, minutes and seconds): ____° ____′ ____″ N / ____° ____′ ____″ W Total Acres:

Assessor's Parcel No.: Various | Section: | Twp.: | Range: | Base:

Within 2 Miles: State Hwy #: 101, 68, 183 | Waterways: Carr Lake, Reclamation Ditch, intermittent streams

Airports: Salinas Municipal | Railways: | Schools: Various

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) 2015111036 Other:

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other:

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. 1,570,2[illegible] Acres 132 Employees ____
☒ Commercial: Sq.ft. 1,464,4[illegible] Acres 279 Employees ____
☒ Industrial: Sq.ft. 1,502,8[illegible] Acres 147 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: GHGs

Present Land Use/Zoning/General Plan Designation:

Parks (115 acres within city). Agricultural (443 acres within unincorporated Monterey County)

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

The City proposes to adopt a new Economic Development Element (EDE) of the General Plan as a general plan amendment. Additional amendments to existing General Plan text, tables, and graphics are proposed to integrate EDE content. One "Target Area" within the city limits and five Target Areas outside, but adjacent to, the City's Sphere of Influence are proposed for development to meet projected employment demand through General Plan buildout. New building capacity projected at 5,255,959 square feet is comprised of industrial, retail, and business park uses. 8,981 new jobs are projected. Prior to City consideration of future development proposals within Target Areas located outside the Sphere of Influence, approvals for Sphere of Influence amendments and annexations must be obtained from Monterey County LAFCO.

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.

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**".

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

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

Starting Date September 5, 2017 Ending Date October 19, 2017

Lead Agency (Complete if applicable):

Consulting Firm: EMC Planning Group
Address: 301 Lighthouse Ave, Suite C
City/State/Zip: Monterey, CA 93940
Contact: Ron Sissem, Principal
Phone: 831-649-1799, ext. 207

Applicant: City of Salinas Community Development Dept
Address: 65 W. Alisal St.
City/State/Zip: Salinas, CA 93901
Phone: 831-758-7206

Signature of Lead Agency Representative: _____ **Date:** _____

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

City of Salinas
COMMUNITY DEVELOPMENT DEPARTMENT
65 W. Alisal Street • Salinas, California 93901
(831) 758-7241 • (831) 758-7938 (Fax) • www.ci.salinas.ca.us

FROM: **CITY OF SALINAS COMMUNITY DEVELOPMENT DEPARTMENT**

SUBJECT: **NOTICE OF AVAILABILITY OF THE CITY OF SALINAS DRAFT ECONOMIC DEVELOPMENT ELEMENT DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT – REQUEST FOR COMMENTS**

The City of Salinas is proposing general plan amendments needed to formally adopt a new element of the City of Salinas General Plan. The proposed City of Salinas Draft Economic Development Element (the "EDE") was originally completed in April 2014 and accepted, but not adopted, by the Salinas City Council in June 2014. The document was updated in 2017.

The EDE reflects the City's recognition of the desirability of adding to its General Plan a comprehensive policy framework that focuses and directs the City's economic development activities. If adopted in total after the completion of environmental review, the EDE would guide future decisions of the City Council and the community in all aspects of City policy related to economic development. The City's primary interest is to raise economic development priorities to a legislative, General Plan policy level, and by doing so, ensure that economic development is considered in all City Council planning and decision making actions.

Notice is hereby given that the City of Salinas has prepared a Draft Program Environmental Impact Report (EIR) pursuant to the requirements of California Environmental Quality Act (CEQA), for the City of Salinas Draft Economic Development Element project. Based on the findings of the Draft Program EIR, this proposed project will have a range of significant environmental impacts. Please see the Project Description section below for more information about the proposed project.

Public Comment Requested and Public Comment Period. The City is soliciting comments on the content of the Draft Program EIR from interested persons and organizations concerned with the project in accordance with State CEQA Guidelines Section 15087. The City of Salinas requests that you review the project materials and provide any comments related to your agency's area of responsibility. **The public comment review period begins Tuesday, September 5, 2017 and ends at 5:00 PM on Thursday, October 19, 2017.** If you wish to submit comments, they must be received by the City no later than 5:00 PM on Thursday, October 19, 2017. All written public and agency comments should be directed to: Lisa Brinton, Senior Planner, City of Salinas Community Development Department, 65 West Alisal Street, Salinas, California 93901. Comments may also be provided by email to: lisab@ci.salinas.ca.us. Please include the name of a contact person for your agency, if applicable.

City of Salinas
COMMUNITY DEVELOPMENT DEPARTMENT
65 W. Alisal Street • Salinas, California 93901
(831) 758-7241 • (831) 758-7938 (Fax) • www.ci.salinas.ca.us

Availability of the Draft Program EIR. The Draft Program EIR is 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.

The City of Salinas Planning Commission and the City of Salinas City Council will conduct public hearings at which the proposed project will be considered. The public hearing dates will be duly noticed once they are determined. Public hearings are anticipated to occur in November and/or December 2017. The public hearings will be held at the Salinas City Council Chambers located at 200 Lincoln Avenue, Salinas, CA. Once they are noticed, information on the public hearings may be obtained from Lisa Brinton, Senior Planner at: 831-758-7387 or by email at: lisab@ci.salinas.ca.us.

Project Description. Proposed Draft EDE policies which have potential to result in physical change, the environmental impacts of which must be evaluated under CEQA, are identified in the Draft Program EIR. The proposed project would provide capacity for new land development to meet the balance of the City's projected employment needs through buildout of the existing General Plan that cannot be met through infill development within the city limits and development of vacant land within the City's existing Sphere of Influence.

New development capacity would be directed to six (6) "Target Areas". The Target Areas contain a total of 558 acres of land. One of the Target Areas (115 acres) is located within the city limits. The remaining five (5) Target Areas (443 acres) are located outside the City's Sphere of Influence, but adjacent to it. A total of 5,255,959 square feet of new building capacity could be accommodated within the six (6) Target Areas. This development is projected to generate approximately 8,981 jobs.

All future individual development projects proposed within any of the six (6) Target Areas will undergo additional CEQA review to examine their project-specific environmental impacts. Future development proposed within the one Target Area located within the city limits could then be considered and approved by the City. The City does not have land use control over the five (5) Target Areas located outside the Sphere of Influence. For development of these Target Areas to occur in the future, the City must request and receive approval from the Monterey County Local Agency Formation Commission to amend the City's Sphere of Influence to include the Target Areas and to annex the Target Areas. The City would then have authority to approve future development proposals for these areas. The five (5) Target Areas would be considered new Future Growth Areas per the General Plan, and would therefore require a specific plan to guide future development and the approval of future development proposals.

APPENDIX B

VACANT LAND INVENTORY DATA

Vacant/Underutilized Parcels (2 to 4.99 Acres)

	OBJECTID	CountyFID	CountyOID	APN	GIS_ACRES	GIS_SQFT	COS_Parcel	Shape_Length	Shape_Area
	43	118373	119027	1.77E+11	2.00208	87211	1	1184.127252	87210.557
	42	20662	20341	1.54E+11	2.01492	87770	1	1293.049895	87769.9212
	40	20167	20453	2.61E+11	2.03979	88853	1	1800.835317	88853.1428
	41	20312	20049	2481025000	2.10596	91736	1	1225.92675	91735.8779
	39	20090	19913	2481027000	2.11216	92006	1	1228.329153	92005.8996
	35	19145	19732	3863026000	2.12152	92413	1	1205.873021	92413.299
	38	19683	20140	2881025000	2.13523	93011	1	1317.7144	93010.7784
	34	19007	19653	2481030000	2.16798	94437	1	1230.186368	94437.1228
	37	19573	19595	1.77E+11	2.21848	96637	1	1315.507028	96637.0561
	36	19508	19576	2031026000	2.32077	101093	1	1501.503784	101092.782
	22	18887	18669	2481028000	2.37701	103543	1	1296.393899	103542.543
	44	119383	119180	3011052000	2.42128	105471	1	1631.224516	105470.787
	21	18309	18526	1.54E+11	2.45029	106735	1	1672.504605	106734.615
	24	18997	18765	3863027000	2.46712	107468	1	1306.290923	107467.638
	23	18994	18762	3863024000	2.46779	107497	1	1315.542399	107496.943
	33	17941	17646	4601056000	2.6867	117033	1	1476.062373	117032.511
	32	17580	17391	4601062000	2.76039	120242	1	1939.632873	120242.497
	31	17311	17112	3161008000	2.96607	129202	1	1568.885046	129201.856
	29	16922	16877	1.53E+11	3.04295	132551	1	1662.766137	132550.941
	28	16777	16857	2.53E+11	3.05241	132963	1	1622.300554	132962.705
	30	16975	16714	2.61E+11	3.20813	139746	1	2535.702899	139746.221
	27	16470	15955	4605016000	3.27465	142644	1	2053.29687	142643.897
	26	16164	16461	2481007000	3.36636	146639	1	1572.963831	146638.818
	25	16042	16104	2031033000	3.40152	148170	1	1763.089296	148170.541
	20	15546	15445	16231025000	3.76814	164140	1	1752.659835	164140.358
	18	15075	15754	3161014000	3.91265	170435	1	1725.619098	170434.939
	19	15284	15066	3461011000	4.39602	191491	1	2027.039903	191490.639
	17	15056	14949	2.61E+11	4.41538	192334	1	1960.771496	192333.76
	10	14664	14865	2481029000	4.53187	197408	1	1836.224773	197407.921
	9	14581	14806	2952012000	4.60673	200669	1	1886.947314	200669.161
	11	14798	14202	3161030000	4.78221	208313	1	2197.539616	208313.325
	12	14827	14507	3461013000	4.89124	213062	1	2188.874727	213062.292
Parcels	**32**			**Acres**	**96.4858**				

Vacant/Underutilized Parcels (5.00 Acres and Above)

	OBJECTID	CountyFID	CountyOID	APN	GIS_ACRES	GIS_SQFT	COS_Parcel	Shape_Length	Shape_Area
	8	13812	13654	3012015000	5.6793	247390	1	2121.407714	247390.451
	6	13130	13226	2.53E+11	5.85086	254863	1	2256.511197	254863.245
	7	13296	12955	3012018000	6.33499	275952	1	2142.859318	275952.326
	16	12740	12735	3171027000	7.04814	307017	1	2286.24533	307017.181
	15	12604	12339	4601066000	7.48319	325968	1	3767.259935	325967.808
	13	12208	12476	3211022000	7.53879	328390	1	2921.906101	328389.676
	14	12470	12176	1.53E+11	8.52874	371512	1	10958.96982	371512.183
	4	10167	10173	3171014000	10.86602	473324	1	2744.089779	473323.794
	5	10307	9988	3862001000	13.12772	571844	1	3066.417407	571843.658
	3	9797	9702	2.07E+11	14.45214	629535	1	3489.002565	629535.517
	2	9207	9290	2.61E+11	16.89538	735963	1	5557.953659	735963.229
	1	9061	8973	2481024000	18.35431	799514	1	3587.744499	799513.971
Parcels	**12**			**Acres**	**122.15958**				
Total Parc	**44**			**Total Acres**	**218.64538**				

ERRATA SHEET TO THE

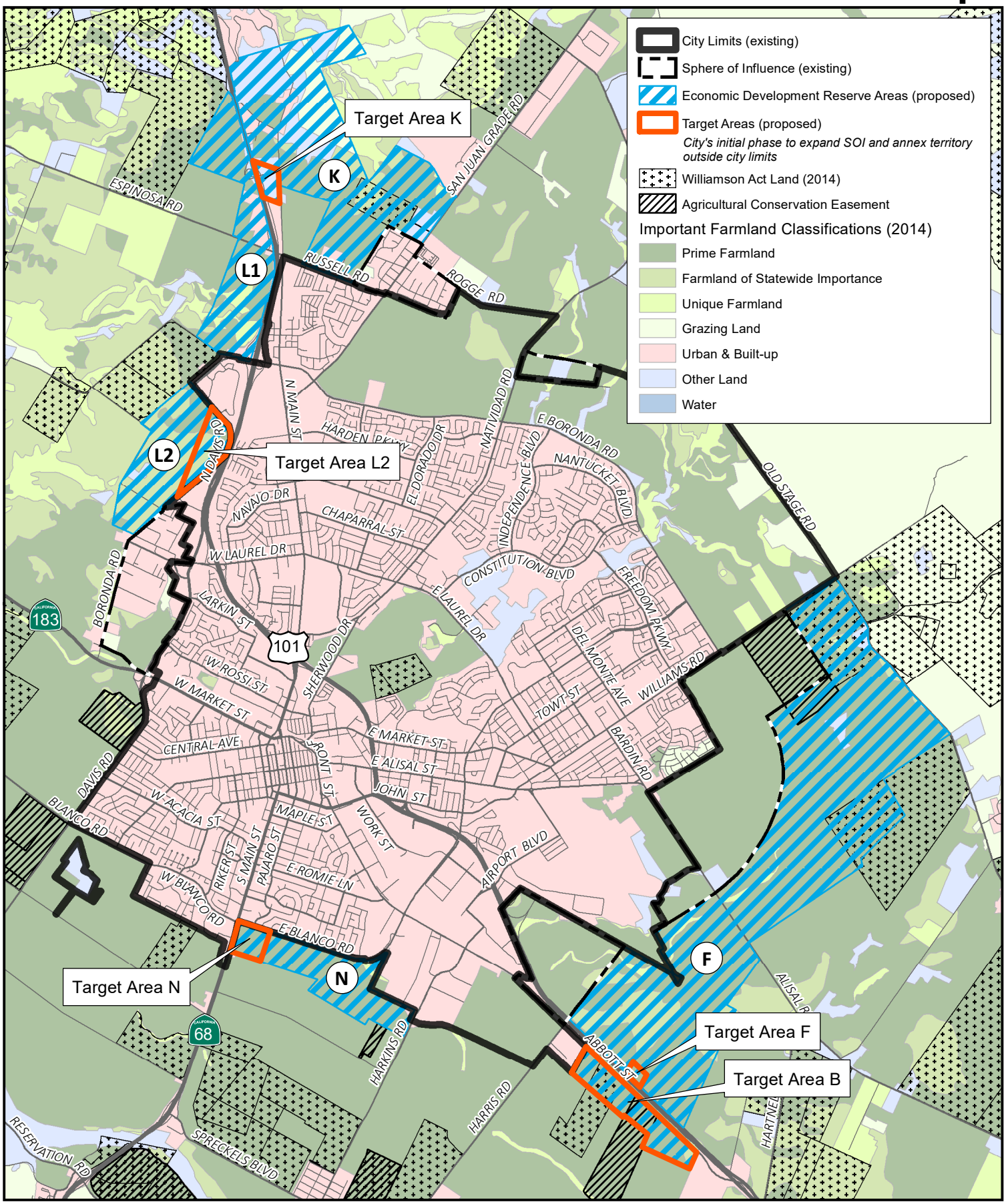
CITY OF SALINAS ECONOMIC DEVELOPMENT ELEMENT FINAL PROGRAM EIR

November 14, 2017

MAP OMISSION

The Final Program EIR includes Letter #5 from the Monterey County Local Agency Formation Commission. The last two pages of the comment letter, which consist of Maps 4 and 5, were inadvertently omitted from the comment letter. Maps 4 and 5 are attached for reference.

Map 4



LAFCO *of Monterey County*
LOCAL AGENCY FORMATION COMMISSION

P.O. Box 1369
Salinas, CA 93902
Telephone (831) 754-5838

132 W. Gabilan St., Suite 102
Salinas, CA 93901
FAX (831) 754-5831

N

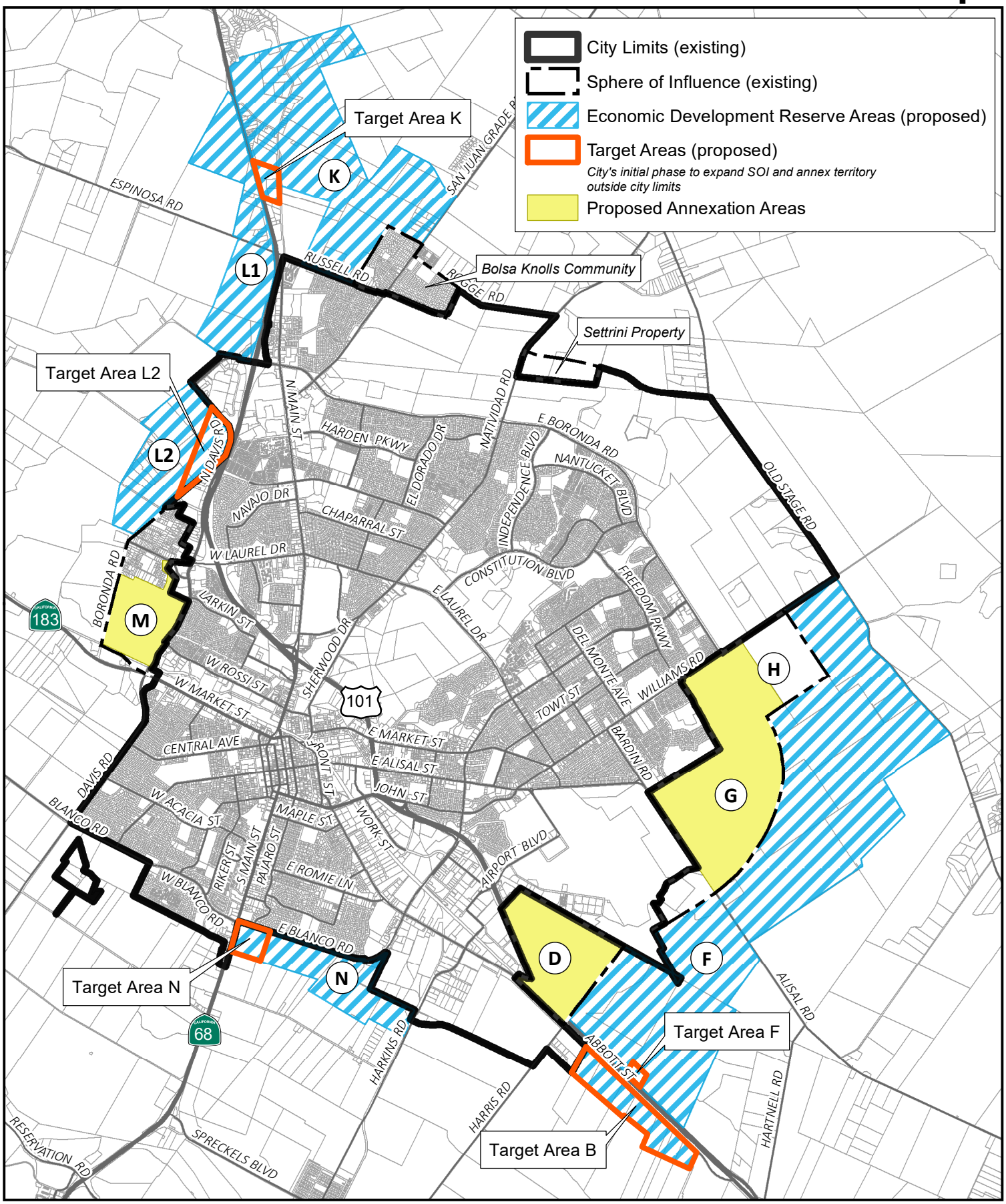
0 0.5 1
Miles

CITY OF SALINAS

Prime Farmland Within Proposed Growth Areas

Map Prepared: 10/13/2017

Map 5



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Miles

CITY OF SALINAS

Proposed Annexation Areas
Within City's Sphere of Influence

Map Prepared: 10/13/2017

ERRATA SHEET TO THE

CITY OF SALINAS ECONOMIC DEVELOPMENT ELEMENT FINAL PROGRAM EIR

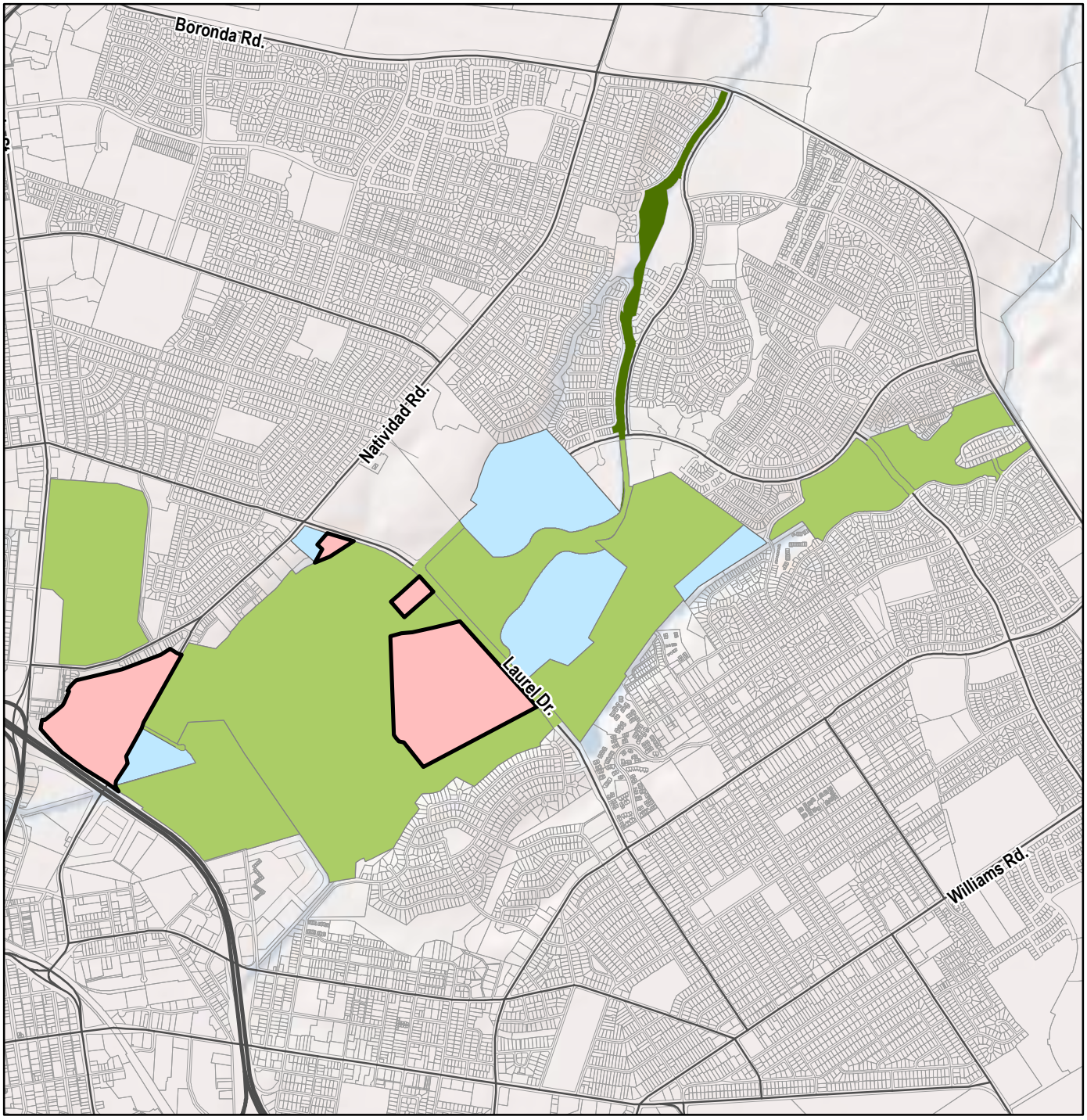
November 29, 2017

TARGET AREA V ALTERNATIVE TEXT AND MAP REVISION

The Final Program EIR (final EIR) includes responses to Letter #9 from L+G LLP. The response to comment #4 describes changes to draft EIR Figure 25, Target Area V Alternative, in response to the comment. Draft EIR Figure 25 was revised in response to the comment and the revised figure is included in Section 3.0 of the final EIR.

After the final EIR was completed, an error was identified in the revised Figure 25. The 6.8 acres that were removed from the westernmost polygon within Target Area V (the polygon located west of Sherwood Drive) and relocated to two smaller locations along E. Laurel Drive should have instead been removed from the large polygon located along E. Laurel Drive shown in the figure. Figure 25, Target Area V Alternative, has been modified from the version shown in the final EIR for this purpose. The modified Figure 25 is attached.

This change does not materially affect the analysis of environmental effects of the Target Area V Alternative included in the draft EIR or the final EIR. The change retains the total of 115 acres included in Target Area V and the 810,448 square feet of building development capacity assumed for Target Area V.



Source: City of Salinas 2014, Monterey County GIS Database 2010, Esri 2015

Figure 25

Target Area V Alternative

Salinas Economic Development Element Program EIR