

CHAPTER 1

INTRODUCTION

1.1 PURPOSE OF THE EIR

This Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA), to evaluate the environmental impacts resulting from the adoption and implementation of the proposed City of Soledad Downtown Specific Plan (“project” or “proposed Specific Plan”). The City of Soledad (City) is the CEQA Lead Agency for the project.

Adoption or amendment of a specific plan is considered a “project” as defined by Section (§) 15378 of the CEQA Guidelines, and therefore must be evaluated for potentially significant adverse impacts. An initial study was prepared for the project (refer to Appendix A), which determined that the proposed Specific Plan would result in potentially significant adverse environmental impacts; therefore, an EIR is required.

The City of Soledad has proposed a Specific Plan for the downtown area. Although specific plans typically address environmental issues and provide protections for sensitive resources, specific plans also allow for growth and development. Under some specific plans, growth and development is planned over a relatively wide area and is generally large in scope, which increases the potential for significant impacts. For these reasons, EIRs are often prepared for specific plans. An EIR at the specific plan level also allows the CEQA lead agency the ability to “tier” future environmental assessments of individual projects off the specific plan EIR. This aids agencies and developers by streamlining the environmental review process and identifying focal issues that should be addressed in future environmental documentation. Under California Government Code § 65457, residential projects which comply with an adopted specific plan for which an EIR was prepared can be exempted from further review:

65457. (a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specific in this subdivision applies to projects undertaken pursuant to the specific plan.

Section 65457(a) references conditions outlined in Public Resources Code (PRC) § 21166 that may create the need for additional CEQA documentation for subsequent projects:

21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs.

- a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- c) New information, which was not known and could not have been known at the time of the environmental impact report was certified as complete, becomes available.

As specified in § 65457, any of the above may result in the need for additional environmental documentation. The intent of this EIR is to reduce the need for additional documentation within the Plan Area to the extent feasible.

1.2 SCOPE

1.2.1 Tiering and the General Plan

CEQA generally encourages tiering as a means of reducing redundancy in the environmental review process. Section 15152 et.seq. of the CEQA Guidelines outlines the requirements for tiering of environmental documents. Section 15152 specifically notes that EIRs covering broader topics, such as those prepared for general plans, are appropriate for focusing the scope of topics reviewed for subsequent projects.

The existing City of Soledad General Plan (2005) and General Plan EIR (2005) encompass the areas covered by the proposed Specific Plan (the Plan Area) as well as all other areas within the city limits and sphere of influence. Growth and development assumptions for the Plan Area are included in the analysis in the General Plan EIR. As noted in Tables 2-1 through 2-5 contained in Chapter 2, Project Description, of this EIR, the proposed Specific Plan will not result in growth in excess of amounts allowed under the General Plan and previously assessed in the General Plan EIR. Furthermore, the proposed Specific Plan does not substantially change the type and scale of development allowed in the downtown area. Therefore, much of the General Plan EIR analysis and impact conclusions relates to and adequately addresses the impacts of the proposed Specific Plan. Where this was the case, the Initial Study discussion noted the relevance of the General Plan EIR and stated that no further analysis was required. Where significant new information, potential impacts or necessary mitigation exist, the Initial Study noted that further investigation was required to determine impact significance, and the topic was addressed in this EIR.

1.2.2 Scope of the EIR

1.2.2.1 Initial Study

The Initial Study prepared for the proposed Specific Plan (and distributed with the Notice of Preparation [NOP]) concluded that the project would result in potentially significant adverse impacts in the following areas:

- Aesthetics (Historic Resource removal/relocation and impacts to character)
- Air Quality and Greenhouse Gases
- Cultural Resources (Historic Resources)

- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing (Impacts of growth as addressed under other topics)
- Parks and Recreation
- Transportation, Circulation, and Traffic
- Water Resources

The Initial Study found that there were no impacts, or less than significant impacts, in the following areas, or that the impacts were adequately addressed in the General Plan EIR:

- Agricultural and Forestry Resources
- Biological Resources
- Geology
- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Public Services (except Parks)
- Utilities and Service Systems (except Water)

1.2.2.2 Notice of Preparation

The NOP was circulated for 30 days, from May 10, 2012 to June 11, 2012. During that time, comment letters were accepted from agencies and members of the public. The City received comment letters from the State Clearinghouse and the California Department of Transportation (Caltrans). The State Clearinghouse letter identified the posting of the NOP and IS and lists agencies to which notice of the project was sent. The Caltrans letter included general comments related to methodologies recommended for analyzing traffic and circulation impacts resulting from the proposed project. Chapter 4.5, Transportation/Traffic, was developed consistent with Caltrans protocol. Caltrans also commented specifically on the proposed use of one or more roundabouts at the Front Street/U.S. Highway 101 off-ramp/Nestles Road intersection. This proposed component of the project is included as a planning tool for further City consideration at the time capital improvements and/or Gateway site development is proposed. It is not analyzed in detail in the EIR. If it is proposed in the future, additional environmental review and coordination with Caltrans would be necessary.

1.2.2.3 Scoping Meeting

An informal scoping meeting was held for the project on June 6, 2012, at Soledad City Hall, Community and Economic Development Department, 248 Main Street. The City invited interested agencies, businesses and individuals to comment on the scope of the environmental document, and was available to discuss the project, address any environmental concerns, feasible ways in which project impacts may be minimized to insignificant levels, and potential alternatives to the project. The City received requests from two members of the public to meet and generally discuss the proposed Specific Plan. Future land uses were discussed but no substantive or specific recommendations regarding the project or the scope of the EIR were made.

1.3 FORMAT/USE OF THIS EIR

In accordance with § 15121(a) of the CEQA Guidelines, the purpose of this EIR is to serve as an informational document that "...will inform the public agency decision-makers and the public generally of the significant environmental effects of a project, identify ways to minimize the significant effects, and describe reasonable alternatives to the project..." The EIR describes the environmental effects of buildout of the Plan Area in accordance with the policies and programs set forth in the proposed Specific Plan. The City, as the CEQA Lead Agency, is responsible for administering the preparation of the EIR and for certifying the Final EIR, issuing local permits, and overseeing implementation of the project.

1.4 EIR CONTENTS

The organization of the EIR is intended to make review as easy as possible for all interested parties. The EIR is divided into the following major sections:

Executive Summary. Provides a brief summary of the EIR (project description, impacts, mitigation measures and alternatives) and summarizes the impacts, mitigation measures and residential and secondary impacts (if any) in tabular form for easy reference.

Chapter 1: Introduction. Provides the purpose of the EIR, as well as scope, content and use of the document.

Chapter 2: Project Description. Provides the general background of the project, objectives, a detailed description of the project characteristics, and a listing of necessary permits and government approvals.

Chapter 3: Environmental Setting. Describes the physical setting and surrounding land uses existing at the time of circulation of the NOP, as well as analysis of project consistency with existing land use plans and policies applicable to the Plan Area. This section also defines the cumulative impact scenario.

Chapter 4: Environmental Impacts Analysis. Discusses the impacts associated with buildout of the Plan Area and proposes mitigation measures that would reduce potential impacts to the extent feasible. The Initial Study determined that this project would have potentially significant impacts with respect to several topics, as described above. Chapter 4 evaluates these impacts using a systematic approach.

Chapter 5: Alternatives Analysis. An assessment of alternatives, including the "No Project" Alternative, that are intended to meet most of the basic objectives of the project while reducing or minimizing significant effects, and identification of the Environmentally Superior Alternative.

Chapter 6: Other CEQA Considerations. Identifies growth inducing impacts and a discussion of long-term/short-term productivity and irreversible environmental changes.

Chapter 7: Mitigation Monitoring and Reporting Plan. Contains a matrix of all mitigation measures contained in the EIR, the requirements of the mitigation measures, the applicant's responsibility and timing for implementation of these measures, the party responsible for verification, the method of verification, and verification timing.

Chapter 8: References and Report Preparation. Lists references and report preparers.

Chapter 9: Final EIR Response to Comments. Contains the comment letters received from the public and affected agencies during public review of the Draft EIR and responses to each concern raised in the comment letters.

1.5 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The CEQA Guidelines distinguish among “Lead,” “Responsible,” and “Trustee” agencies based on their responsibilities for approving or carrying out certain aspects of a project. The City of Soledad is the Lead Agency for the project because it has the primary responsibility for approving the proposed Specific Plan and subsequent construction projects. A “Responsible Agency” refers to an agency other than the Lead Agency that has discretionary authority to carry out or approve the project. Although no other agency has overall approval authority over the proposed Specific Plan, some agencies may exercise approval authority over permits associated with components of the Plan, including Caltrans. Responsible Agencies for the proposed Specific Plan or components of the Plan include:

- Caltrans
- Central Coast Regional Water Quality Control Board
- Monterey Transit Authority
- Union Pacific Railroad

The roles of the Responsible Agencies vary according to their jurisdictional powers. Specific future approvals by agency include, but are not limited to:

1.5.1 City of Soledad

- Planning Commission Recommendation
- City Council Adoption of proposed Specific Plan and Certification of EIR
- Amendment of Development Code to designate the Plan Area and suspend current zoning
- Formation of Assessment/Improvement Districts (possible public vote)
- Design review for individual projects
- Infrastructure, fee and service agreements for water
- Infrastructure, fee and service agreements for wastewater

1.5.2 Caltrans

- Authority over activities affecting jurisdictional roadways, including Front Street

1.5.3 Central Coast Regional Water Quality Control Board

- Stormwater permits for individual projects over 1 acre in size

1.5.4 Monterey Transit Authority

- Authority over activities affecting transit

1.5.5 Union Pacific Railroad

- Authority over activities affecting rail lines, adjacent parcels and crossings

An agency's authority to approve any portion of the proposed Specific Plan will be determined at such time a specific proposal is made.

A "Trustee Agency" refers to a state agency having jurisdiction by law over natural resources affected by a project but without the legal authority to approve or carry out the project (CEQA Guidelines § 15386). No Trustee Agencies have been identified for this project.

1.6 ENVIRONMENTAL IMPACT REVIEW PROCESS

1.6.1 Notice of Preparation

Immediately after deciding that an EIR is required, the Lead Agency must send a Notice of Preparation (NOP) soliciting input on the scope and content of the EIR. The NOP is sent to all "Responsible," "Trustee," and relevant federal agencies; to the State Clearinghouse, if one or more state agencies is a Responsible or Trustee agency; and to any other parties previously requesting notice in writing (CEQA Guidelines § 15082; PRC § 21092.2). The NOP must also be posted in the office of the County Clerk for 30 days. The NOP may also be posted on site or in a paper of general circulation.

The NOP for the proposed project was distributed on May 9, 2012 (including a notice in *The Soledad Bee*) and is included in Appendix A in this document. Comments received in response to the NOP are also included in Appendix A.

1.6.2 Scoping Meeting

Recent legislation has changed the requirements for holding public scoping meetings. Previously, scoping meetings were recommended but not required. Currently, scoping meetings are required for projects involving Caltrans, and for projects of "regional, areawide or statewide significance." The scoping meeting is generally held during the NOP review period or soon thereafter.

An informal scoping meeting was held for the project on June 6, 2012, at Soledad City Hall (refer to Section 1.2.2.3, above).

1.6.3 Draft EIR

The Draft EIR provides the public and decision-makers with an initial evaluation of potential environmental impacts of the proposed project. The Draft EIR must contain the following elements: a table of contents or index; a summary of the findings of the EIR; the project description; the environmental setting; environmental impact analysis; mitigation measures to reduce identified significant adverse impacts; an assessment of significant irreversible environmental changes and growth inducing impacts; an evaluation of cumulative impacts; a description of effects found not to be significant; a discussion of project alternatives; and references.

1.6.3.1 Notice of Completion

A Notice of Completion (NOC) states that an EIR has been prepared for a particular project and states where the Draft EIR can be reviewed. The Lead Agency must file a NOC with the State Clearinghouse as soon as it completes a Draft EIR.

1.6.3.2 Public Notice and Review of Draft EIR

A lead agency must prepare a Public Notice of Availability (NOA) of a Draft EIR at the same time it sends the NOC to the State Clearinghouse. The NOA must be posted in the County Clerk's office for 30 days (PRC § 21092). The Lead Agency must send a copy of the notice to anyone requesting it (CEQA Guidelines § 15087). Additionally, public notice of the availability of a Draft EIR must be given by at least one of the following methods: 1) publication in a newspaper of general circulation; 2) posting on and off the project site; or 3) direct mailing to owners and occupants of contiguous property. The City chose to publish the notice in The Soledad Bee. The Lead Agency must consult with and request comments on the Draft EIR from Responsible and Trustee Agencies, and adjacent cities and counties, as applicable (PRC §§ 21104 and 21253). When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be at least 45 days unless the State Clearinghouse approves a shorter period; in no case may the public review period be less than 30 days (PRC § 21091).

1.6.4 Final EIR

A Final EIR must include: 1) the Draft EIR; 2) copies of comments received during public review; 3) list of persons and entities commenting on the Draft EIR; and 4) responses of the Lead Agency to significant environmental points raised in the comments.

1.6.4.1 Certification of Final EIR

To approve a project for which an EIR has been prepared, the Lead Agency must make certain specific findings that: 1) the Final EIR has been completed in compliance with CEQA; 2) the Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and 3) the Final EIR represents the independent judgment and analysis of the Lead Agency (CEQA Guidelines § 15090).

For each significant impact identified in the Final EIR, the Lead Agency (and Responsible Agencies) must find, based on substantial evidence in the record, that 1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR; 2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding and such changes have been adopted by such other agency or can and should be adopted by such other agency; or 3) specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines § 15091).

The Lead Agency may approve a project for which significant and unavoidable adverse impacts have been identified in the Final EIR. In such cases, findings of overriding considerations must be made by the Lead Agency, which state that the benefits of the project outweigh the significant unavoidable impacts (CEQA Guidelines § 15093).

1.6.5 Lead Agency Project Decision

A Lead Agency may: 1) disapprove a project because of its significant environmental effects; 2) require changes in a project to reduce or avoid significant environmental effects; or 3) approve a project in spite of its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines § 15041 through 15043).

1.6.6 Mitigation Monitoring and Reporting Plan

When an agency makes findings on significant effects identified in the Final EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval (PRC § 21081.6). The program must include the requirements of the mitigation measures, implementation timing, and the party, timing and method of verification.

1.6.7 Notice of Determination

An agency must file a Notice of Determination (NOD) after deciding to approve a project for which an EIR is prepared (CEQA Guidelines § 15094). If the Lead Agency is a local agency, it must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting such notice. Posting of the NOD starts a 30-day statute of limitations on legal challenges to the adequacy of the Final EIR (PRC § 21167[c]).

1.7 COMMONLY USED ACRONYMS

The following acronyms are used extensively in the EIR. The acronyms are spelled out the first time they are used in a chapter, but are also provided in Table 1-1 below.

Table 1-1. Commonly Used Acronyms

Acronym	Term
ADA	Americans with Disabilities Act
AMBAG	Association of Monterey Bay Area Governments
ARB	California Air Resources Board
BMP	Best Management Practice
C-1	Retail Central Business
C-2	General Commercial
CAA	Clean Air Act
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
<u>CAPCOA</u>	<u>California Air Pollution Control Officers Association</u>
CASQA	California Stormwater Quality Association
CAT	Climate Action Team
CCAA	California Clean Air Act
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act

Acronym	Term
CPUC	California Public Utilities Commission
C-R	Commercial Residential
CWC	California Water Code
DC	Downtown Commercial
DC/GC	Downtown Commercial/General Commercial
DC/HDR	Downtown Commercial/High Density Residential
DC/SC	Downtown Commercial/Service Commercial
DHS	California Department of Health Services
DWR	Department of Water Resources
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
EPA	United States Environmental Protection Agency
FAR	Floor area ratio
GC	General Commercial
GHGs	Greenhouse Gases
HABS	Historic American Building Survey
H-C	Highway Commercial
I	Industrial (Land Use)
LCFS	Low Carbon Fuel Standard
M	Industrial (Zoning)
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MCWRA	Monterey County Water Resources Agency
MDR	Medium Density Residential
MDR/SFR	Medium Density Residential/Single Family Residential
MMtCO ₂ e	Million Metric Tonnes of CO ₂ equivalent
MS4	Municipal Separate Storm Sewer System
MST	Monterey-Salinas Transit
NCCAB	North Central Coast Air Basin
NOA	Notice of Availability

Acronym	Term
NOC	Notice of Completion
NOD	Notice of Determination
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
PF	Public Facilities (Land Use and Zoning)
PF/GC	Public Facilities/General Commercial
PRC	Public Resources Code
R-2	Duplex Residential
R-3	High Density Multiple Residential
RDA	Redevelopment Agency
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SC	Service Commercial
SF	Square feet
SFR/NC	Single Family Residential/Neighborhood Commercial
<u>SMAQMD</u>	<u>Sacramento Metropolitan Air Quality Management District</u>
SR	State Route
SWMP	Storm Water Management Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDS	Total Dissolved Solids
UPRR	Union Pacific Railroad
US	United States
USACE	United States Army Corps of Engineers
UWMP	Urban Water Management Plan
VRMS	Visual Resource Management System