

1 Introduction

This document is an Environmental Impact Report (EIR) for the proposed Rio Ranch Marketplace project located in the County of Monterey, California. This section discusses (1) the project and EIR background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; and (4) the lead, responsible, and trustee agencies; and (5) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed project is described in detail in Section 2.0, *Project Description*.

1.1 Environmental Impact Report Background

The County of Monterey distributed a Notice of Preparation (NOP) of the EIR for a 33-day agency and public review period starting on July 27, 2017, and ending on August 28, 2017. A scoping meeting was not required nor held for the project pursuant to CEQA Guidelines sections 15082 and 15206.

The County received letters from three agencies in response to the NOP during the public review period. The NOP and NOP response letters are presented in Appendix A of this EIR. Table 2 on the following page summarizes the content of the letters and where the issues raised are addressed in the EIR.

1.2 Purpose and Legal Authority

The proposed project requires the discretionary approval of the County of Monterey; therefore, the project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

“...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This EIR has been prepared as a project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

“This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.”

This EIR is to serve as an informational document for the public, the County of Monterey decision makers, as well as any other public agencies that may have discretionary review over certain aspects of the project. The process will include a public hearing before the Planning Commission to consider certification of a Final EIR and approval of the project. The Planning Commission’s decision is appealable to the Board of Supervisor. If the Planning Commission’s decision on the project is appealed, the project and EIR would be considered by the Board of Supervisors at a separate “de novo” public hearing.

Table 2 NOP Comments and EIR Response

Commenter	Comment/Request	EIR Section
Agency Comments		
Carmel Valley Association (CVA)	Requests the traffic study include traffic measurements along specific segments and at specific intersections, and requests all raw data is provided for public review in the EIR. Lists the segments and intersections that should be included in the traffic study; and lists the significance criteria and traffic standards that should be considered when determining impacts.	Refer to Section 4.8, <i>Transportation and Traffic</i> .
Transportation Agency for Monterey County (TAMC)	TAMC supports the development of a detailed Traffic Impact Analysis to inform the EIR about the impacts to local and regional road networks. TAMC supports the early inclusion and consideration of active transportation strategies in the development of projects, including those noted in the NOP. Consideration should be given to the installation of electric vehicle charging stations, as new construction provides an opportunity to install this needed infrastructure. TAMC supports the use of Intersections Control Evaluations (ICE analysis) when major modifications to intersections are considered.	Refer to Section 4.8, <i>Transportation and Traffic</i> .
California Department of Transportation (Caltrans), District 5	Supports local planning efforts that are consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. States the traffic study should include the information needed to analyze the impacts (both cumulative and project-specific); recommends that the analysis be prepared in accordance with the Department’s “ <i>Guide for the Preparation of Traffic Impact Studies</i> ,” and an alternative methodology that produces technically comparable results. States the traffic study should include information on existing traffic volumes within the study area, including the State transportation system, and should be based on recent traffic volumes less than two years old. Counts older than two years cannot be used as a baseline.	Refer to Section 4.8, <i>Transportation and Traffic</i> .

1.3 Scope and Content

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties beginning on July 27, 2017. The NOP, included in Appendix A, indicated that all issues listed in the CEQA Checklist Appendix G would be discussed in the EIR. This EIR also covers other CEQA required topics required to be addressed pursuant to the *CEQA Guidelines*. Section 5, *Other CEQA Required Discussions*, covers these topics including Growth-Inducing Effects, Significant Irreversible Changes, and Energy Effects. Environmental issues addressed under the CEQA Checklist Appendix G are listed below by issues found to be potentially significant and addressed in Section 4, *Environmental Impact Analysis*, or issues found to be less than significant and addressed in Section 4.9, *Effects Found to Be Less Than Significant*.

Environmental topic areas that are addressed in this EIR include:

Issues Found to be Potentially Significant

- Air Quality
- Biological Resources
- Climate Change
- Cultural, Tribal Cultural, and Paleontological Resources
- Geology/Soils
- Hydrology/Water Quality
- Noise
- Transportation and Traffic

Issues Found to be Less Than Significant

- Aesthetics¹
- Agriculture and Forestry¹
- Air Quality (Threshold 1)
- Biological Resources (Threshold 2,3,4, and 6)
- Geology and Soils (Threshold 5)
- Hazards/Hazardous Materials¹
- Hydrology/Water Quality (Threshold 8, 10, and 11)
- Land Use and Planning¹
- Mineral Resources¹
- Noise (Thresholds 5 and 6)
- Population and Housing¹
- Public Services¹
- Recreation¹
- Transportation and Circulation (Threshold 3 and 5)
- Utilities and Service Systems (Threshold 1, 2, 5, 6, and 7)

Issues Found to be Significant and Unavoidable

- Transportation and Circulation (Threshold 1 and 2)

This EIR addresses the environmental topic areas referenced above and identifies potentially significant environmental impacts, including both individual and cumulative impacts. In addition, the EIR recommends feasible Mitigation Measures that would reduce impacts to a level below thresholds of significance or eliminate adverse environmental effects when applicable. The EIR also addresses environmental topic areas that would be significant and unavoidable.

The impact analyses contained in Section 4, *Environmental Impact Analysis*, of the EIR include a description of the physical and regulatory setting within each issue area, the methodologies used, followed by an analysis of the project's impacts. Each specific impact is called out separately and

¹ All thresholds for these issue areas are addressed in Section 4.9, *Effects Found Not to Be Significant*.

numbered, followed by an explanation of how the level of impact was determined. When appropriate, feasible Mitigation Measures to reduce significant impacts are included following the impact discussion. Measures are numbered to correspond to the impact that they mitigate. Finally, following the Mitigation Measures is a discussion of the residual impact that remains, if any, following implementation of recommended measures.

The alternatives section of the EIR (Section 6) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative and a reduced development scenarios.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *Guidelines* state:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

1.4 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The County of Monterey is the lead agency for the project because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no responsible or trustee agencies for this project.

1.5 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency (County of Monterey) must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. Often, the lead agency holds a scoping meeting during the 30-day NOP review period, although this meeting is not required under CEQA. The project NOP was filed with the State Clearinghouse on July 26, 2017.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct,

- indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) Mitigation Measures; and h) discussion of irreversible changes.
3. **Notice of Completion (NOC).** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, the public Notice of Draft EIR Availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit comments from the public and respond in writing to all written comments received that raise significant environmental issues during a minimum 45-day public comment period (Public Resources Code Sections 21104 and 21253).
 4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
 5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
 6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
 7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the Mitigation Measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
 8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for Mitigation Measures that were adopted or made conditions of project approval to mitigate significant effects.
 9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1 Environmental Review Process

