

**RESOLUTION NO. 5185**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ACCEPTING A REVISED ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MIRAVALLE PARTNERSHIP – HAMBEY PROPERTY (BRYANT CANYON CHANNEL IMPROVEMENTS)**

**WHEREAS**, UCP Soledad is applicant and owner of certain property consisting of approximately 41.75 +/- acres and located north of Metz Road and lying between Orchard Lane and Bryant Canyon Road on Assessor's Parcel Number 257-111-022, and;

**WHEREAS**, an Environmental Impact Report ("EIR") was prepared for the proposed residential development of the aforesaid property, and was subsequently certified by the City Council on May 19, 2000; and **WHEREAS**, an application was filed on March 5, 2003 for a Vesting Tentative Map for development of the property (File No. 2002-01) and the City of Soledad Planning Commission conducted a public hearing on September 11, 2003 and a duly noticed public hearing was conducted before the City Council for October 15, 2003 approving the Subdivision Project; and

**WHEREAS**, previously, in taking action on the Subdivision Project, the Planning Commission and the City Council have received several staff reports, reviewed the Vesting Tentative Map and revisions to the map and considered all testimony and reports, including the Certified EIR and the Mitigation Measures approved with the Final EIR, and;

**WHEREAS**, as condition to the development and annexation of the property, UCP Soledad is required to make certain improvements to the Bryant Canyon Channel, which is owned and maintained by the Monterey County Water Resources Agency for the purposes of protecting property, including the subject property, from flooding, and;

**WHEREAS**, the Monterey County Water Resources Agency requested that additional CEQA analysis be completed to consider the impacts of the proposed improvements on the channel prior to the construction of said improvements, and

**WHEREAS**, subsequently, a Final Environmental Impact Report Addendum dated April, 2015 was prepared to analyze the specific environmental impacts of Bryant Canyon Channel Improvements, and said document was revised in March of 2016 to incorporate biological evaluation and suggested minor modifications from the Project proponent's legal counsel ; and

**WHEREAS**, in accordance with CEQA and its implementing regulations at 14 California Code of Regulations 15000 et seq. (CEQA Guidelines), an addendum to the EIR has been prepared because the proposed Bryant Canyon Channel Improvements are consistent with the type and intensity of land uses analyzed in the previously certified GP/Redevelopment Plan EIR, and implementation of the Project, as described in the Addendum, will not result in any new significant impacts, will not cause any substantial increase in the severity of previously identified significant impacts, and does not create a need for new mitigation measures (the mitigation measures adopted as part of the previous EIR are applicable to the Project); and

**WHEREAS**, on February 11, 2016 the Planning Commission for the City of Soledad considered the Addendum for the Bryant Canyon Channel Improvements and determined to recommend certification (or equivalent appropriate action) of the Addendum to the City Council; and

**WHEREAS**, on the basis of substantial evidence in light of the whole record, the City Council has determined that no further environmental review (in the form of an environmental impact report or negative declaration) in connection with the Bryant Canyon Channel Improvements is necessary; and

**WHEREAS**, a duly noticed public hearing on this Project was held on June 1, 2016; and

**WHEREAS**, the City Council has received and considered oral and written comments from the general public, property owners and interested parties.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Soledad as follows:

1. All of the recitals set forth above are true and correct to the best of its knowledge and by this reference, are incorporated herein as findings.
2. The Revised Addendum to the Final Environmental Impact Report for the Miravale Partnership –Hamby Property (Bryant Canyon Channel Improvements), dated April 2016, a copy of which is attached hereto as Exhibit “A”, is adequate for the purposes of CEQA based on the findings included in this resolution and the document and is hereby accepted.
3. A copy of the Addendum shall be attached to the Final Miravale Partnership - Hamby Property Certified EIR, and the Planning Commission and City Council shall consider the contents of the Addendum prior to making any further Project related decisions.

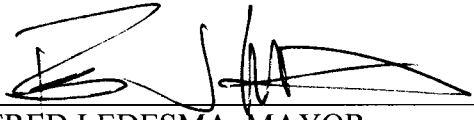
**PASSED AND ADOPTED** by the City Council of the City of Soledad on this 1st day of June 2016, by the following vote:

**AYES**, and in favor thereof, Councilmembers: Patricia D. Stephens, Christopher K. Bourke, Mayor Pro Tem Alejandro Chavez, Richard J. Perez and Mayor Fred J. Ledesma

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

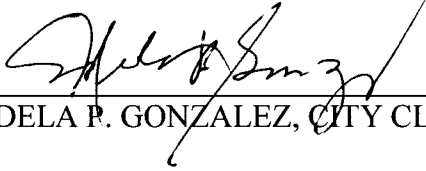
ABSENT, Councilmembers: None



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FRED LEDESMA, MAYOR

ATTEST:



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ADELA P. GONZALEZ, CITY CLERK



Addendum to the  
Environmental Impact Report

For the Miravale Partnership – Hambey Property  
(Bryant Canyon Channel Improvements)

State Clearinghouse No. 97171038

**City of Soledad**  
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April 2016

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## Introduction

This addendum has been prepared to address the environmental effects of the proposed Bryant Canyon Channel Improvements (BCCI), an element of the previously analyzed Miravale Partnership - Hambey Property Project. Although maintained by the Monterey County Water Resources Agency (MCWRA), Bryant Canyon Channel is located primarily within the City of Soledad (see Attachment A). The improvements to the channel are being undertaken to increase storm drainage capacity and improve the system to accommodate approved residential and commercial development of adjacent land. Plans for the Bryant Canyon Channel Improvements are subject to review and approval by the City of Soledad (City) and are included as Attachment B.

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the lead agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document. The purpose of this Addendum is to evaluate the changed conditions associated with the BCCI in relation to the previously prepared and certified Final Environmental Impact Report (EIR) for the Miravale Partnership - Hambey Property Project. The City is the lead agency for compliance with CEQA.

## Background

A Draft EIR for the Miravale Partnership - Hambey Property (Miravale-Hambey EIR) was prepared and circulated for public review on December 27, 1999 (City of Soledad, 1999). Public review ended on March 17, 2000, exceeding the 45-day public review period required by CEQA. Written comments were received from the following agencies and organizations: Monterey Bay Unified Air Pollution Control District (MBUAPCD); State of California Office of Planning and Research; Association of Monterey Bay Area Governments; Soledad Unified School District; Bestor Engineers; Monterey County Building and Inspection Department; City of Soledad Fire Chief; Monterey County Local Government Formation Commission; Soledad Cemetery District; and the State of California Department of Transportation (Caltrans). Verbal testimony was also received by the Soledad Planning Commission on January 13, 2000. Responses to these comments and minor revisions to the Draft EIR were included in the Final EIR for the project (City of Soledad, 2000). As noted by the City (2000), the entire EIR consists of two volumes: the Draft EIR and the Final EIR. These two documents constitute the Final EIR for the project and, for the purposes of this addendum, are collectively referred to as the Miravale - Hambey EIR in the following discussion.

The project analyzed in the Miravale - Hambey EIR was described in Section 1, Introduction, of the Draft EIR (City of Soledad 1999, p. 1-1), as follows:

The proposed project is a mixed-use development on approximately 238 acres. The project includes the development of 862 single-family residences, with an average lot size of 6,938 square feet on the western portion (Phase 1), and 6,780 square feet on the eastern portion of the site (Phase 2). Additionally, 68 multi-family units, a 13.8-acre neighborhood commercial retail site, two parks 3.35 and 8.5 acres in size, and a 9-acre school site are included in the project.

The project was also described in greater detail in Section 3, Project Description, of the Draft EIR. The Draft EIR (p. 3-5) states that the "EIR encompasses the environmental consequences of development of the total project area including both Phase 1 and Phase 2."

Table 3-2 of the Draft EIR provides a breakdown of 'Land Use Characteristics' for Phase 2, including a 3.13 acre building area for Bryant Canyon Channel. In addition, Section 4.9, Public Utilities, specifically states that:

The proposed project includes improvements to Bryant Canyon Channel to increase storm drainage capacity and improve the system. This portion of the project would require right-of-way dedication to the Monterey County Water Resources Agency for the expansion of the channel. These improvements would be constructed to the requirements of the Monterey County Water Resources Agency, Caltrans, Union Pacific Railroad, and the City of Soledad, as necessary. The City Engineer expects the existing Bryant Canyon Channel north of Metz Road would be widened and improved. The City Engineer also expects existing drop structure, channel slope, and box and pipe culvert improvements to be required to accommodate the development in Bryant Canyon south of Metz Road to the Salinas River. These improvements would not have the potential to cause significant environmental effects as they are located in areas that have already been developed or are in areas where no know resources of value exist. In addition, the development of these facilities would not create environmental impacts to adjacent properties due to the temporary nature of construction-related impacts, and the fact that long-term impacts to adjacent uses would not occur. The final design of improvements would be subject to review and approval by the City Engineer prior to the issuance of building permits for the project...

The Miravale - Hambey EIR analysis addressed the following topics: land use and planning; geology and soils; hydrology and water quality; biological resources; transportation and circulation; noise; air quality; hazardous materials; public utilities; public services; aesthetics; and cultural resources. The EIR found that significant unavoidable impacts would result from the Miravale Partnership - Hambey Property Project due to conversion of prime and unique farmland as well as operational noise and mobile source emissions related to increased traffic resulting from the development. The EIR also identified significant impacts to hydrology and water quality, biological resources, transportation and circulation, noise, air quality, hazardous materials, public utilities, aesthetics and cultural resources that could be reduced to less-than-significant levels with mitigation.

## CEQA Guidelines Regarding Changes to a Project

CEQA Guidelines Section 15162 specifies the type of documentation required when changes are proposed to a project. CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall

determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Section 15164 of the CEQA Guidelines includes situations when a subsequent or supplemental EIR is not required. CEQA Guidelines Section 15164 states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Refinements to the project as described in this addendum and any altered conditions since certification of the EIR:

- would not result in any new significant environmental effects,
- would not substantially increase the severity of previously identified effects,

- would not result in mitigation measures or alternatives previously found to be infeasible becoming feasible, and
- would not result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment.

Therefore, this addendum to the Miravale - Hambey EIR is considered the appropriate document to evaluate the environmental consequences of the proposed BCCI project refinements.

## Description of Bryant Canyon Channel Improvements

The Bryant Canyon Channel, located in Soledad, California, was constructed in 2002 from Metz Road to a 90-degree bend approximately 4,400 linear feet upstream extending what is known as the Soledad Ditch. This construction was in response to significant flooding which occurred along Bryant Canyon Road in March 1995 (Schaaf & Wheeler, 2014). The trapezoidal channel is earthen, with 2:1 slopes and a bottom width of 12 feet. The channel is typically dry, only carrying flows during and following rain events. Prior to channel construction, flows from small seasonal rain events were carried by a roadside ditch along Bryant Canyon Road, with larger flows spread across the alluvial plain. According to Schaaf & Wheeler (2014), the channel slope, approximately 1.2%, necessitated the use of drop structures to reduce channel flow velocities to an acceptable level. Three gabion drop structures were constructed in 2002 as well as a temporary 66-inch temporary culvert, placed where the channel crosses Bryant Canyon Road.

The current plans (Attachment B) propose construction of an additional 9 drop structures and construction of a 10-foot wide by 6-foot high box culvert to replace the temporary culvert noted above. Specific work to be completed as part of the proposed Bryant Canyon Channel Improvement Project is described below. Construction units are stated in cubic yards (CU), bank cubic yards (BCY), loose cubic yards (LCY), embankment cubic yards (ECY), square yards (SY), and linear feet (LF), as appropriate to the activity or materials.

### 1. Construction of 9 gabion drop structures

Item	Unit	Quantity
Gabions, galvanized steel, 12" deep	SY	293
Gabions, galvanized steel, 18" deep	SY	11
Gabions, galvanized steel, 36" deep	SY	71
Geotextile, woven, 600-lb tensile strength	SY	400
Excavation, Crawler Backhoe, 2CY	BCY	300
Backfill, structural, 150 HP Dozer	LCY	90
Compaction, 18" vibration. plate, 6" lift, 2 passes	ECY	90
Slab on grade, no reinforcement, 4"	SF	90
Rip Rap Approach Apron, dumped, 200lb	TON	78

Item	Unit	Quantity
Cutoff Wall	CY	8

2. Channel excavation of approximately 1,300 CY
3. Replacement of the existing 66-inch temporary culvert where the channel crosses Bryant Canyon Road

Item	Unit	Quantity
Box culvert, precast, 8 feet (ft) joints, 10 ft x 6 ft	LF	90
Rip-rap (No. 1 Backing, Method B <sup>1</sup> )	CY	90
Geotextile fabric, woven, 600-pound (lb) tensile strength	SY	100
Wingwalls	CY	51
Slurry backfill	CY	210
<b>Paving Replacement</b>		
Prep and roll subbase	SY	73
Base course, 3 in deep	SY	73
Binder course, 2 in deep	SY	73
Asphalt wearing course, 2 in deep	SY	73

<sup>1</sup> Caltrans Standard D84

4. Installing rock slope protection with geotextile fabric on the west side of the channel

Item	Unit	Quantity
Rip-rap (No. 1 Backing, Method B)	CY	1,200
Geotextile fabric, woven, 600-lb tensile strength	SY	2,000
Rip-rap (No. 1 Backing, Method B)	CY	840
Cutoff wall at confluence	CY	52

5. Reinforcement of the 90-degree bend through modification of the outboard rock-slope protected bank by raising it higher and grouting the rock

Item	Unit	Quantity
Rip-rap (No. 1 Backing, Method B)	CY	1,250
Geotextile fabric, woven, 600-lb tensile strength	SY	300
Excavation, Crawler Backhoe, 2CY	BCY	200
Cutoff wall	CY	13

6. Construction of an access road for use during construction and maintenance

Item	Unit	Quantity
Excavation, Crawler Backhoe, 2CY	BCY	40
Backfill, structural, 150 horsepower (HP) dozer	LCY	40
Stabilization fabric	SY	93
Prep and roll subbase	SY	80
Base course, 3 inches (in) deep	SY	80
Binder course, 2 in deep	SY	80
Asphalt wearing course, 2 in deep	SY	80
Bollards	each	3

In addition to an excavator and/or backhoe, other equipment that may be used during construction of improvements includes a dump truck, compactor and loader. Construction activities will occur when there are low or no flow conditions in the channel.

Sheet 11 of the project plans (Attachment B) include general and improvement plan notes. These specify that work hours will be restricted to 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays. No construction of improvements will be undertaken on observed national holidays. The plans also identify the need for a traffic control plan during construction, which will be developed by the contractor and submitted to Monterey County Public Works for review. Both Sheet 11 and Sheet 16 of the plans specify erosion control requirements and include a proposed seed mixture for reseeding and stabilizing slopes after construction.

According to project plans, permit applications and supporting technical information, channel excavation would result in 1,300 CY of material dredged and 2,404 CY of material discharged during construction. Another 300 CY per structure or 2700 CY total of material would be excavated to install gabion drop structures. The excavated material will be placed on-site in an area situated between the top of the channel and Bryant Canyon Road.

The project includes modification of 1.9 acres (4,450 linear feet) of intermittent drainage ditch; however, no wetlands will be affected by implementation of the BCCI. The following Best Management Practices (BMPs) have been incorporated into the BCCI to avoid the low potential for the project to impact special status species, and will be further discussed under the 'Environmental Analysis of Minor Technical Changes' section, below.

**Biological Resource Best Management Practices**

Species	Best Management Practice
<b>Migratory Birds and Birds of Prey</b>	<b>BIO - 1</b>
Although nests were not observed during surveys, a migratory bird or other bird of prey could nest on or adjacent to the site prior to or during construction.	<b>Avoidance.</b> To the maximum extent practicable, construction should occur during the non-breeding season (September 1 through January 31). Pre-construction surveys during the non-breeding season would not be required for tree-nesting raptors and migratory birds, as they are expected to abandon their nests during construction.
Implementation of best management practices will avoid or minimize the	<b>Minimization.</b> If it is not possible to avoid construction during the breeding season (February 1 through August 31), pre-construction

Species	Best Management Practice
<p>potential disruption of nesting behavior, abandonment of active nests, direct mortality or other harm to these birds.</p>	<p>surveys should be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds no more than 14 days prior to the onset of ground disturbance. The pre-construction survey should include all trees, large shrubs, or other areas of potential nesting habitat within the construction footprint and within 250 ft of the footprint. If the target species are deemed absent from the area, then no further actions would be required, and construction could occur within 14 days following the survey.</p> <p>If nesting raptors or other migratory birds are detected during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 ft) would be determined at that time and may vary depending on location species physical barriers, or other factors. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.</p>
<p><b>Western Burrowing Owl</b></p> <p>Although no direct or indirect evidence of burrowing owls was observed on the project site during surveys, suitable nesting habitat for burrowing owls is present along the channel in the form of small mammal burrows. A burrowing owl could nest along the channel prior to the start of construction.</p> <p>Implementation of best management practices will avoid and minimize the abandonment of active nests or direct mortality to these birds.</p>	<p><b>BIO - 2</b></p> <p>A qualified biologist shall conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 ft of the footprint no more than 14 days prior to the onset of ground disturbance. These surveys shall be conducted in a manner consistent with the CDFW's burrowing owl survey methods (CDFW 2012).</p> <p>If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed.</p> <p>If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 ft of the footprint) during the breeding season (February 1 through August 31), then a construction-free buffer of up to 250 ft should be established around all active owl nests. The buffer area should be enclosed with temporary fencing and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.</p>
<p><b>American Badger</b></p> <p>The proposed channel improvements could result in harm or injury to individual American badgers if they establish dens on the site prior to construction.</p> <p>The same measures incorporated into the project design for</p>	<p><b>BIO - 3</b></p> <p>A qualified biologist shall conduct pre-construction surveys for American badger within the construction footprint and within 250 ft of the footprint no more than 14 days prior to the onset of ground disturbance.</p> <p>If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 ft (or distance specified by the</p>

Species	Best Management Practice
<p>minimizing effects to burrowing owls shall also be used to avoid and minimize potential effects to American badgers.</p>	<p>CDFW) should be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor should be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be necessary onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.</p>
<p><b>San Joaquin Kit Fox</b></p> <p>The negligible possibility of the San Joaquin kit fox's occurrence on the project site warrants prudent protection measures, should any individuals wander onto the site at the time of construction activities. Incorporation of best management practices into the project design will further minimize the already low risk that construction activities related to the channel improvements would result in mortality to individual kit foxes.</p>	<p><b>BIO - 4</b></p> <p>Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by kit foxes. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action for proceeding with work.</p> <p>Permanent and temporary construction activities and other types of project related activities should be carried out in a manner that minimizes disturbance to kit foxes, should their presence be detected on the site during pre-construction surveys. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.</p> <p>The Ventura field office of the USFWS and the Fresno field office of CDFW will be notified in writing within three working days in case of the accidental death or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p>

The BCCI would be constructed upon receipt of all approvals but prior to Fall 2018.

### Required Permits

The primary regulations applicable to the project are summarized below:

#### Regulations and Regulatory Agencies

Regulation	Regulating Agency	Agency's Authority
Clean Water Act Section 404	USACE	Regulates placement of dredged or fill material into waters of the U.S.
Clean Water Act Section 401	CCRWQCB	Issues water quality certification; certification required for Section 404 permits
Clean Water Act,	<u>CCRWQCB</u>	Regulates discharge of waste into waters of the

Regulation	Regulating Agency	Agency's Authority
Porter-Cologne		U.S. and waters of the State.
NPDES Permit	CCRWQCB	Permit requirements for storm water discharges associated with construction and land disturbance activities
Federal ESA	USFWS	Other federal agencies (i.e., USACE) must consult with USFWS if their activities may affect federally-listed species
	NMFS	Other federal agencies (i.e., USACE) must consult with NMFS if their activities may affect federally-listed species
California Fish and Game Code, Sections 1600-1616	CDFW	Regulates activities that will alter a river, stream or lake
California Endangered Species Act (CESA), Fish and Game Code Section 2050 et seq.		Prohibits take of a candidate species or species listed as threatened or endangered under CESA unless authorized by CDFG pursuant to Fish and Game Code Section 2080.1 or 2081(b) and (c)
Other permits/approvals to construct	MCWRA, Monterey Bay Unified Air Pollution Control District County of Monterey, Caltrans	Encroachment, grading, traffic control plan approvals

MCWRA has initiated the permitting process for the Bryant Canyon Channel Improvement Project, including submittal of the following applications: US Army Corps of Engineers, Clean Water Act Section 404, Nationwide Permit 41 Pre-Construction Notification; Central Coast Regional Quality Control Board (CCRWQCB), Clean Water Act Section 401 Water Quality Certification; California Department of Fish and Wildlife (CDFW), Notification of Lake or Streambed Alteration; and, Monterey County Resource Management Agency (RMA), Grading and Encroachment Permits.

### CEQA Responsible Agencies

The City of Soledad is the lead agency under CEQA. The following responsible agencies may rely upon the EIR and this addendum for use in their approval processes: MCWRA; CDFW; CCRWQCB; Monterey Bay Unified Air Pollution Control District (MBUAPCD); and, Monterey County Resource Management Agency.

## **Environmental Analysis of Minor Technical Changes**

A comparative analysis of the BCCI and the Miravale Partnership – Hambey Property project analysis included in the 1999/2000 EIR has been undertaken using a tailored checklist approach. An environmental checklist is included as Attachment C of this addendum. Many of the topics analyzed and mitigation measures required by the Miravale – Hambey EIR are not relevant to the BCCI as they address issues related to the residential and commercial development of the property (see Attachment C). However, additional analysis has been undertaken for the following resource areas due to the potential for environmental effects resulting from BCCI implementation.

### **Air Quality**

The Miravale – Hambey air quality analysis found that the proposed project would have the potential to generate long-term regional mobile source emissions that would exceed thresholds established by the Monterey Unified Bay Area Pollution Control District (MBUAPCD) due to the increase in traffic generated by development of the project. This was considered a significant and unavoidable impact of the project; no feasible mitigation was identified. The analysis also found that short-term impacts related to construction-related emissions, including PM10 emissions that would exceed MBUAPCD’s construction emission thresholds at that time (1999). Mitigation measures were proposed to reduce emissions to less-than-significant levels.

Additional analysis has been undertaken to evaluate the air quality impacts associated with the BCCI based on current standards to determine if the impacts would constitute a new or substantially more severe significant impacts. A technical memorandum has been prepared that includes an updated discussion of the regulatory setting, significant thresholds, methodology and impact analysis (Rincon 2015a).

The improvements to the BCC would not generate any new vehicle trips beyond those currently associated with maintenance of the channel and would not result in any stationary emissions sources. Therefore, operation of the project would result in no impact related to long-term regional criteria pollutant emissions. Criteria pollutant emissions from short-term construction activity associated with the BCCI were estimated using the California Emissions Estimator Model (CalEEMod) version 2013.2.2. Construction emissions would not exceed the MBUAPCD’s 82 lbs per day guideline for determining the significance of temporary emissions of PM10. In addition the project would not involve the use of equipment that is not “typical construction equipment” as specified in Section 5.3 of the MBUAPCD CEQA Guidelines. Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, and impacts associated with temporary construction emissions would be less than significant.

The project would also be consistent with the existing land use designation for the site, and would not involve the development of new residential units or other land uses that could result in an increase in population, or otherwise cause an exceedance of regional growth forecasts. Therefore, the project would not conflict with or obstruct implementation of the

MBUAPCD's 2012 Triennial Plan. The project would not result in any new or substantially more severe air quality impacts and would not trigger the need for further environmental review.

### Greenhouse Gases (GHG)

The Miravale - Hambey EIR was prepared in 1999/2000 and did not address potential impacts of GHG emissions because the EIR was prepared and the project was approved before the 2010 amendments in the State CEQA Guidelines pertaining to GHG emissions. Additional analysis has been undertaken to evaluate the GHG impacts associated with the BCCI based on current standards and to determine if construction of the remaining improvements would result in new or substantially more severe significant impacts. A technical memorandum has been prepared that includes a discussion of the regulatory setting, significance thresholds, methodology and impact analysis (Rincon 2015a).

The project would not involve any uses that would generate long-term operational GHG emissions. Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Emissions associated with the construction period were estimated using CalEEMod, based on default projections for the amount of construction equipment operating hours that would be required to complete the project. Construction activity is assumed to occur over a period of approximately three months and would include grading, clearing, grubbing, excavation, and other earthmoving activities. Construction activity associated with the project would generate an estimated 80 metric tons of CO<sub>2</sub>e. Amortized over a 25-year period (the assumed lifetime of the project), construction of the proposed project would generate approximately 3.2 metric tons of CO<sub>2</sub>e per year. These emissions would comprise less than one percent of the allowable emissions and would not exceed the applicable threshold of 1,150 metric tons of CO<sub>2</sub>e per year. Therefore, impacts resulting from GHG emissions would be less than significant and the project would not result in any new significant impacts related to GHG emissions.

The project would be consistent with the applicable land use and zoning designations, and because the project would not conflict with any State regulations intended to reduce GHG emissions statewide, the project would also be consistent with applicable plans and programs designed to reduce GHG emissions. The project does not result in any new or substantially more severe impacts and no further environmental review is required.

### Noise

Additional analysis has been undertaken to insure that the noise impacts associated with the BCCI would be analyzed based on current standards and would not constitute new or substantially more severe significant impacts. A technical memorandum has been prepared that includes an updated discussion of the regulatory setting, significant thresholds, methodology and impact analysis (Rincon 2015a). As a result of this analysis, peak construction noise levels from the highest-volume individual pieces of equipment could be up to 86 dBA at the nearest residential units (approximately 65 feet from the source) and 62 dBA at San Vicente Elementary School (approximately 800 feet from the source). Construction noise levels would exceed the exterior thresholds for the City of Soledad at the

nearest residential units, but would be within the City's standards at San Vicente Elementary School.

The project would be required to comply with the following mitigation measures included in the Miravale Partnership – Hambey Property EIR. These measures would reduce noise levels from construction at the nearest sensitive receptors (residences located approximately 65 west of the project site) to levels below the City's interior thresholds (45 dBA) and reduce potentially significant impacts to levels of less than significant. Due to changes to the project boundary from the previous project to the currently proposed project, some of the measures below may be adjusted to account for new distances to sensitive receptors. Additionally, the construction activities necessary for the current project would not require implementation of measures listed below which pertain to stationary equipment.

- Noise-generating construction activities associated with improvements to the southern portion of the project site and Bryant Canyon Road shall be suspended during periods in which burial activities are occurring at Soledad Cemetery. It will be the responsibility of the cemetery operator to notify the construction contractor when to cease work.
- Grading and other noise generating construction activities shall not occur within 300 feet of the adjacent elementary school during school hours (Monday through Friday, 8:00 a.m. to 3:00 p.m.). Alternatively, if construction must occur during school hours; temporary acoustic barriers (e.g. lead curtains, wooden sound barriers) shall be constructed along the southwestern boundary of the project site, along Orchard Lane, to reduce construction-generated noise levels at the adjacent elementary school. The barriers shall be designed to obstruct the line-of-sight between the nearest occupied school buildings and onsite construction equipment.
- Equipment engine doors on motorized equipment shall be closed during equipment operation.
- Construction operations and techniques shall use the quietest procedures feasible.
- The quietest of alternative items of equipment (e.g. electric instead of diesel-powered equipment, hydraulic tools instead of pneumatic impact tools) shall be selected for use during demolition and construction activities.
- When not in use, motorized construction equipment shall not be left idling.
- Stationary noise generating construction equipment (e.g. generators and compressors) shall be enclosed and centrally located on the project site at the greatest distance possible from the elementary school. Stationary equipment shall be located at least 500 feet from the western property boundary.

Compliance with the required mitigation measures from the Miravale - Hambey EIR (listed above) would reduce noise impacts associated with project construction to less than significant levels.

## Biological Resources

The Miravale - Hambey EIR indicated that development of the site would remove a total of 238 acres of habitat for general biological resources, including 228 acres of agricultural land and approximately 10 acres of ruderal land. The project impact analysis also addressed the removal of a storm water detention basin. The only biological resource impact identified in the Draft EIR was to tricolored blackbird nesting habitat associated with the detention basin. Mitigation required that construction activities be limited to the period outside the tricolored blackbird nesting season (March 1 to August 31).

A biological survey report was recently prepared for the BCCI (Live Oak Associates (LOA), 2016) and is included in its entirety as Attachment C. The report describes existing conditions on and in the vicinity of the BCCI site including biotic habitats, wildlife movement corridors, and special status plant and animal species both in the region and with the potential to occur onsite. According to the report, the entire length of the channel is dominated by non-native grasses and forbs. Thirty-one (31) special status plant species are documented to occur in the vicinity but none of these species was observed or are likely to occur onsite due to unsuitable habitat conditions. Similarly, there are twenty-seven (27) special status wildlife species known to exist in the vicinity but only the following have the potential to occur onsite due to marginal quality habitat:

- White-tailed kite - potential forage and nesting habitat
- Burrowing owl - potential forage and nesting habitat
- Tricolored blackbird - potential forage habitat
- Pallid bat - potential forage habitat
- Townsend's big-eared bat - potential forage habitat
- Western red bat - potential forage habitat
- Western mastiff bat - potential forage habitat
- American badger - potential forage and denning habitat

It is also possible for San Joaquin kit fox to occur in the area. The species was observed in the area in the 1970s but given existing barriers to movement and a lack of recent documented occurrences, it is highly unlikely for San Joaquin kit fox to ever occur onsite.

Based on Attachment C, the biological survey report (LOA, 2016):

- Although nests were not observed during surveys, a migratory bird or other bird of prey could nest on or adjacent to the site prior to or during construction. Implementation of best management practices will avoid or minimize the potential disruption of nesting behavior, abandonment of active nests, direct mortality or other harm to these birds.
- Although no direct or indirect evidence of burrowing owls was observed on the project site during surveys, suitable nesting habitat for burrowing owls is present along the channel in the form of small mammal burrows. A burrowing owl could

nest along the channel prior to the start of construction. Implementation of best management practices will avoid and minimize the abandonment of active nests or direct mortality to these birds.

- Similar to burrowing owls, although no evidence of American Badger was observed during surveys, the proposed channel improvements could result in harm or injury to individual American badgers if they establish dens on the site prior to construction. The same measures incorporated into the project design for minimizing effects to burrowing owls shall also be used to avoid and minimize potential effects to American badgers.
- The negligible possibility of the San Joaquin kit fox's occurrence on the project site warrants prudent protection measures, should any individuals wander onto the site at the time of associated construction activities. Incorporation of best management practices into the project design will further minimize the already low risk that construction activities related to the channel improvements would result in mortality to individual kit foxes.

Best Management Practices have been incorporated into the project description (see Description of Bryant Canyon Channel Improvements section, above) to avoid or minimize the already low risk that construction activities related to the BCCI would result in effects to these species or their breeding success.

## Conclusions

Based on the analysis of environmental impacts presented above, implementation of the BCCI through the proposed project refinements described in this document would result in none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR. In summary, there are no altered circumstances or new information of substantial importance since certification of the Miravale - Hambey EIR. More specifically, the proposed project refinements evaluated in this addendum:

- would not result in any new significant environmental effects,
- would not substantially increase the severity of previously identified effects,
- would not result in mitigation measures or alternatives previously found to be infeasible becoming feasible, and
- would not result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment.

These conclusions confirm that this addendum to the Miravale - Hambey EIR is appropriate to evaluate the environmental consequences of the proposed project refinements.

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## **Preparers**

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**Attachment A - BCCI Area Map**



**Attachment B - BCCI Plans**

## **Attachment C – Bryant Canyon Channel Biological Evaluation**

## Attachment D - Environmental Analysis Checklist

The following checklist considers the full range of environmental issues subject to analysis under CEQA (in rows), and then poses a series of questions (in columns) aimed at identifying the degree to which the issue was considered in the Miravale Partnership – Hambey Property EIR, and whether changes to the project constitute new information of substantial importance relative to each environmental issue. The questions posed in each column are described below.

### **Where was impact analyzed?**

This column provides a cross-reference to the portions of the Miravale – Hambey EIR where information and analyses may be found relative to the environmental issue listed under each topic.

### **Do proposed changes require major revisions to the Miravale – Hambey EIR?**

In accordance with Section 15162(a)(1) of the State CEQA Guidelines, this column indicates whether proposed changes to the project would involve new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts that, in turn, would require major revisions of the Miravale – Hambey EIR.

### **Do new circumstances require major revisions to the Miravale – Hambey EIR?**

In accordance with Section 15162(a)(2) of the State CEQA Guidelines, this column indicates whether changes to the circumstances under which the project is undertaken have occurred that would involve new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts that, in turn, would require major revisions of the Miravale – Hambey EIR.

### **Is there any new information resulting in new or substantially more severe significant impacts?**

In accordance with Sections 15162(a)(3)(A) and 15162(a)(3)(B) of the State CEQA Guidelines, this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Miravale – Hambey EIR was certified as complete, shows additional or substantially more severe significant impacts not discussed in the Miravale – Hambey EIR.

### **Do Miravale – Hambey EIR mitigation measures address and/or resolve impacts?**

In accordance with Sections 15162(a)(3)(C) and 15162(a)(3)(D) of the State CEQA Guidelines, this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Miravale – Hambey EIR was certified as complete, shows that mitigation measures or alternatives in the Miravale – Hambey EIR would now be feasible, or identifies new mitigation measures or alternatives not in the Miravale – Hambey EIR that would reduce significant impacts.

### **Discussion and Conclusion Sections**

The discussion provides information about the particular environmental issue, how the proposed project refinements relate to the issue, and the status of any mitigation that may be required or that has already been implemented. A conclusion that the changes to the project involve no new significant impacts and/or no substantially more severe impacts supports the use of this addendum as the appropriate level of environmental documentation for the proposed project refinements.

**AESTHETICS**

Would the project:	Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
a) Have a substantial adverse effect on a scenic vista?	Pp. 4.11-3 through 4.11-5	No	No	No	Yes
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Pp. 4.11-3 through 4.11-5	No	No	No	Yes
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Pp. 4.11-3 through 4.11-5	No	No	No	Yes
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	Pp. 4.11-3 through 4.11-5	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to Aesthetics in Section 4.11, Aesthetics, pages 4.11-1 through 4.11-5. The Miravale - Hambey EIR found that the project would change the visual character of the site from rural/agricultural to developed, semi-urban. Although the project would alter the visual character of the site, the project would include design features that are consistent with development standards of the City’s Zoning Code and policies of the City’s General Plan. The project would include the incorporation of appropriate screening, signage design and placement, and provision of landscaping. The visual change was considered less than significant. However, the Miravale – Hambey EIR also found that the development of the project would result in changes to views of the site from scenic Highway 146 (Metz Road) primarily due to the development of commercial uses adjacent to Highway 146. This was considered a potentially significant impact. Measures were identified to mitigate the impacts resulting from commercial development, including the use of appropriate setbacks, landscape buffers, visual amenities/architectural qualities and the requirement for design review.

**Conclusion**

The Aesthetics section (4.11) of the Miravale – Hambey EIR (page 4.11-1) provides the following description of the visual setting of the Bryant Canyon Channel area:

The Monterey County Water Resources Agency maintains Bryant Canyon flood channel, on the east side of the project site, which conveys drainage for the flow of water from higher elevation lands to the Salinas River. The channel ranges 4 to 6 feet wide along the western side of Bryant Canyon Road until it reaches Metz Road at the southern property boundary. Numerous weeds are growing in and along the

raised banks of the channel, providing a weedy divide between Bryant Canyon Road and the cultivated portion of the site.

Implementation of the BCCI would result in short-term visual impacts similar to those anticipated with development of the project as analyzed in the Miravale - Hambey EIR. The continued maintenance of the channel would not constitute a change in use and would therefore not result in long term visual changes. Therefore, the project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts on visual resources, nor would any change in circumstances occur that would result in significant or substantially more severe visual resources impacts. No additional mitigation would be required. Further, no previously infeasible or new mitigation measures to address aesthetic impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**AGRICULTURE AND FORESTRY  
RESOURCES**

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Pp. 4.1-8 through 4.1-12 and 4.1-21	No	No	No	N/A
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Pp. 4.1-8 through 4.1-12 and 4.1-21	No	No	No	N/A
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	N/A	No	No	No	N/A
d) Result in the loss of forest land or conversion of forest land to non-forest use?	N/A	No	No	No	N/A
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Pp. 4.1-8 through 4.1-12 and 4.1-21	No	No	No	N/A

**Discussion**

The Miravale – Hambey EIR considered issues related to agricultural lands in Section 4.1, Land Use and Planning, pages 4.1-1 through 4.1-21. The Miravale – Hambey EIR found that the implementation of the project would result in the conversion of 223 acres (94 percent of the project site) of Prime and Unique farmlands to residential and public/quasi-public land uses and concluded that the impact would be significant and unavoidable. No feasible mitigation was identified. The Miravale – Hambey EIR did not address forest land.

**Conclusion**

Implementation of the BCCI would not constitute a change in land use because the BCCI will be implemented in the existing drainage channel. The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts on agricultural resources, nor would any change in circumstances occur that would result in new significant or

substantially more severe agricultural resource impacts. No forest land would be impacted. No additional mitigation would be required. Further, no previously infeasible or new mitigation measures to address agricultural and forest land impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale - Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	Pp. 4.7-12 and 4.7-13	No	No	No	Yes
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Pp. 4.7-9 through 4.7-13	No	No	No	Yes
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Pp.5-5 and 5-6	No	No	No	Yes
d) Expose sensitive receptors to substantial pollutant concentrations?	Pp. 4.7-9 through 4.7-13	No	No	No	Yes
e) Create objectionable odors affecting a substantial number of people?	Pp. 4.7-9 through 4.7-13	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to air quality in Section 4.7, Air Quality, pages 4.7-1 through 4.7-13. The Miravale – Hambey air quality analysis found that the proposed project would have the potential to generate long-term regional mobile source emissions that would exceed thresholds established by the Monterey Unified Bay Area Pollution Control District (MBUAPCD) due to the increase in traffic generated by development of the project. This was considered a significant and unavoidable impact of the project; no feasible mitigation was identified. The analysis also found that short-term impacts related to construction-related emissions, including PM10 emissions that would exceed MBUAPCD’s construction emission thresholds at that time (1999). Mitigation measures were proposed to reduce emissions to less-than-significant levels.

Additional analysis has been undertaken to evaluate the air quality impacts associated with the BCCI based on current standards to determine if the project would result in new or substantially more severe significant impacts. A technical memorandum has been prepared that includes an updated discussion of the regulatory setting, significant thresholds, methodology and impact

analysis (Rincon 2015a). The technical memorandum also includes a technical appendix. The impact analysis is provided below.

### Impact Analysis

*Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The California Clean Air Act requires that air districts adopt a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The MBUAPCD's 2012 Triennial Plan Revision (revision to the 2008 AQMP) was adopted on April 17, 2013 and serves as the most recent CAP for the area. In order to be determined to be consistent with the plan, a project's direct and indirect emissions must be accounted for in the growth assumptions of the plan, and the project must be consistent with the policies in the 2012 Triennial Plan Revision (MBUAPCD, 2013). The project would be consistent with the existing land use designation for the site, and would not involve the development of new residential units or other land uses that could result in an increase in population, or otherwise cause an exceedance of regional growth forecasts. Therefore, the project would not conflict with or obstruct implementation of the 2012 Triennial Plan, and impacts would be less than significant.

*Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

*Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Criteria pollutant emissions from short-term construction activity associated with the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) version 2013.2.2. Operation of the project would not generate any new vehicle trips beyond those currently associated with maintenance of the channel and would not result in any stationary emissions sources. Therefore, operation of the project would result in no impact related to long-term regional criteria pollutant emissions.

Construction of the proposed project would generate temporary air pollutant emissions associated with exhaust emissions from construction vehicles and construction equipment. Construction would generally consist of excavation, culvert replacement, and gabion structure construction. The project would require grading, clearing, grubbing, excavation, and other earthmoving activities. PM<sub>10</sub> emitted during construction activities varies based on the level of activity, the specific operations taking place, the equipment being operated, local soils, and weather conditions. Construction activity would be required to comply with the following standard MBUAPCD emission control measures to reduce fugitive dust and construction related emissions of PM<sub>10</sub>:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.

Based on the type of work proposed and total proposed project area, a three month construction schedule is assumed for the project. Table 1 summarizes the estimated maximum daily construction emissions of PM<sub>10</sub> and compares estimated emissions to the MBUAPCD's 82 lbs per day of PM<sub>10</sub> guideline for determining the potential significance of construction emissions. The daily and annual results of the CalEEMod emissions estimate are available as Attachment 1.

**Table 1  
Estimated Construction Maximum Daily  
Air Pollutant Emissions**

<u>Maximum Emissions (lbs/day)</u>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
	3.5	37.7	29.0	7.4	4.3
<u>Threshold</u>	<i>None</i>	<i>None</i>	<i>None</i>	<i>82 lbs/day</i>	<i>None</i>
<u>Threshold Exceeded?</u>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>NO</b>	<b>N/A</b>

*Notes: CalEEMod summer daily emissions output*

As shown in Table 1, construction emissions would not exceed the MBUAPCD's 82 lbs per day guideline for determining the significance of temporary emissions of PM<sub>10</sub>. In addition the project would not involve the use of equipment that is not "typical construction equipment" as specified in Section 5.3 of the MBUAPCD CEQA Guidelines. Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, and impacts associated with temporary construction emissions would be less than significant.

*Would the project expose sensitive receptors to substantial pollutant concentrations?*

Certain population groups are more sensitive to air pollution than others. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardio-respiratory diseases. Residential uses are also considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. The nearest sensitive receptors are residences located approximately 65 feet to the west of the project site. Adjacent sensitive receptors may be affected by short-term emissions during construction activity on the project site. As described in detail above, the proposed project would not result in an exceedance of any

MBUAPCD significance criteria for short-term construction or long-term operational emissions, and would therefore not violate any air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. Therefore, impacts to sensitive receptors would be less than significant.

*Would the project create objectionable odors affecting a substantial number of people?*

The project would not involve any long-term uses that would result in substantial objectionable odors that would affect nearby sensitive receptors. Although the project construction may result in temporary odors from diesel equipment, these odors would be temporary (construction activity is assumed to last three months). Therefore, impacts would be less than significant.

### **Conclusion**

The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts to air quality, nor would any change in circumstances occur that would result in significant or substantially more severe air quality impacts. No additional mitigation would be required. Further, no previously infeasible or new mitigation measures to address air quality impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**BIOLOGICAL RESOURCES**

Would the project:

a) 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 Game or United States Fish and Wildlife Service?	Pp. 4.4-1 and 4.4-9	No	No	No, impacts are still considered less-than-significant.	Yes
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or United States Fish and Wildlife Service?	Pp. 4.4-2 and 4.4-9	No	No	No	Yes
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Pp. 4.4-8 and 4.4-9	No	No	No, impacts are still considered less-than-significant with mitigation.	Yes
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Pp. 4.4-2 and 4.4-9	No	No	No	Yes
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Pp. 4.4-1 and 4.4-9	No	No	No	Yes
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	N/A	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to Biological Resources in Section 4.4, Biological Resources, pages 4.4-1 through 4.4-9. The EIR indicated that development of the site would remove a total of 238 acres of habitat for general biological resources, including 228 acres of agricultural land and approximately 10 acres of ruderal land. The project impacts also include the removal of a storm water detention basin. The only biological resource impact identified in the Draft EIR was to tricolored blackbird nesting habitat associated with the detention basin. Mitigation required that construction activities be limited to the period outside the tricolored blackbird nesting season (March 1 to August 31).

In regards to the Bryant Canyon Channel area, the biological resources analysis states that the “incised channels...do not represent important habitat for wildlife because these areas are subject to frequent maintenance activity and because they lack vegetation” (City of Soledad 1999, p. 4.4-2). The EIR also did not identify waters of the US associated with the channel. Additional analysis has been undertaken to evaluate biological impacts associated with the BCCI based on changed conditions and current standards and to confirm that the BCCI project would not result in a new or substantially more severe significant impact. A field reconnaissance of the BCCI was initially undertaken in 2014 (MCWRA 2014a). An updated biological evaluation report was recently prepared for the BCCI by Live Oak Associates (LOA 2016) and is included in its entirety as Attachment C to this Addendum. The report describes existing conditions on and in the vicinity of the BCCI site including biotic habitats, wildlife movement corridors, and special status plant and animal species both in the region and with the potential to occur onsite.

According to the LOA (2016) report, the entire length of the channel is dominated by non-native grasses and forbs. Thirty-one (31) special status plant species are documented to occur in the vicinity but none of these species was observed or are likely to occur onsite due to unsuitable habitat conditions. Similarly, there are twenty-seven (27) special status wildlife species known to exist in the vicinity but only the following have the potential to occur onsite due to marginal quality habitat:

- White-tailed kite – potential forage and nesting habitat
- Burrowing owl – potential forage and nesting habitat
- Tricolored blackbird – potential forage habitat
- Pallid bat – potential forage habitat
- Townsend’s big-eared bat – potential forage habitat
- Western red bat – potential forage habitat
- Western mastiff bat – potential forage habitat
- American badger – potential forage and denning habitat

It is also possible for San Joaquin kit fox to occur in the area. The species was observed in the area in the 1970s but, given existing barriers to movement and a lack of recent documented occurrences, it is highly unlikely for San Joaquin kit fox to ever occur onsite.

### **Migratory Birds and Birds of Prey**

Although nests were not observed during surveys, a migratory bird or other bird of prey could nest on or adjacent to the site prior to or during construction. Implementation of the following best management practices included in the project will avoid or minimize the potential disruption of nesting behavior, abandonment of active nests, direct mortality or other harm to these birds.

#### BMP BIO – 1

**Avoidance.** To the maximum extent practicable, construction should occur during the non-breeding season (September 1 through January 31). Pre-construction surveys during the non-breeding season would not be required for tree-nesting raptors and migratory birds, as they are expected to abandon their nests during construction.

**Minimization.** If it is not possible to avoid construction during the breeding season (February 1 through August 31), pre-construction surveys should be conducted by a qualified biologist during

the breeding season for tree-nesting raptors and other migratory birds no more than 14 days prior to the onset of ground disturbance. The pre-construction survey should include all trees, large shrubs, or other areas of potential nesting habitat within the construction footprint and within 250 ft of the footprint. If the target species are deemed absent from the area, then no further actions would be required, and construction could occur within 14 days following the survey.

If nesting raptors or other migratory birds are detected during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 ft) would be determined at that time and may vary depending on location species physical barriers, or other factors. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

### **Western Burrowing Owl**

Although no direct or indirect evidence of burrowing owls was observed on the project site during surveys, suitable nesting habitat for burrowing owls is present along the channel in the form of small mammal burrows. A burrowing owl could nest along the channel prior to the start of construction. Implementation of the following best management practices included in the project will avoid and minimize the abandonment of active nests or direct mortality to these birds.

#### BMP BIO - 2

A qualified biologist shall conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 ft of the footprint no more than 14 days prior to the onset of ground disturbance. These surveys shall be conducted in a manner consistent with the CDFW's burrowing owl survey methods (CDFW 2012).

If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed.

If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 ft of the footprint) during the breeding season (February 1 through August 31), then a construction-free buffer of up to 250 ft should be established around all active owl nests. The buffer area should be enclosed with temporary fencing and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.

### **American Badger**

The proposed channel improvements could result in harm or injury to individual American badgers if they establish dens on the site prior to construction. The same measures incorporated into the project design for minimizing effects to burrowing owls shall also be used to avoid and minimize potential effects to American badgers.

#### BMP BIO - 3

A qualified biologist shall conduct pre-construction surveys for American badger within the construction footprint and within 250 ft of the footprint no more than 14 days prior to the onset of ground disturbance.

If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 ft (or distance specified by the CDFW) should be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor should be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be necessary onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

#### **San Joaquin Kit Fox**

The negligible possibility of the San Joaquin kit fox's occurrence on the project site warrants prudent protection measures, should any individuals wander onto the site at the time of associated construction activities. Incorporation of best management practices into the project design will further minimize the already low risk that construction activities related to the channel improvements would result in mortality to individual kit foxes.

#### BMP BIO - 4

Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by kit foxes. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action for proceeding with work.

Permanent and temporary construction activities and other types of project related activities should be carried out in a manner that minimizes disturbance to kit foxes, should their presence be detected on the site during pre-construction surveys. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.

The Ventura field office of the USFWS and the Fresno field office of CDFW will be notified in writing within three working days in case of the accidental death or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

### **Conclusion**

The best management measures have been incorporated into the project and will be implemented by the BCCI sponsor (MCWRA) and construction contractor prior to construction of improvements. In the event that a species is encountered during pre-construction surveys, the sponsor and/or contractor will coordinate with appropriate agencies to develop any additional measures to minimize the potential for direct or indirect loss or disturbance to special status species.

The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts to biological resources than those identified in the EIR, nor would any change in circumstances occur that would result in significant or substantially more severe biological resource impacts. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**CULTURAL RESOURCES**

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?	Pp. 4.12-1 and 4.12-2	No	No	No	Yes
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?	Pp. 4.12-1 and 4.12-2	No	No	No	Yes
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Section 4.2, Geology and Soils	No	No	No	Yes
d) Disturb any human remains, including those interred outside of formal cemeteries?	Pp. 4.12-1 and 4.12-2	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR analysis addresses cultural resources in Section 4.12, Cultural Resources, pages 4.12-1 and 4.12-2 of the Draft EIR. The analysis relies on archival research, no archaeological field surveys were conducted. However, the area is considered of low cultural resource sensitivity. The possibility of impacting unknown resources was addressed through standard mitigation for accidental discovery of buried resources and human remains. The potential to impact paleontological resources was not addressed.

**Conclusion**

Implementation of the BCCI would result in short-term construction impacts similar to those anticipated with development of the project as analyzed in the Miravale – Hambey EIR. The inadvertent discovery of cultural resources during construction would be addressed through mitigation identified in the EIR. Similarly, the likelihood of encountering unique paleontological or geologic features is low due to the thick alluvial deposits that are characteristic of the area (discussed further in the Draft EIR in Section 4.2, Geology and Soils, see discussion below). The continued maintenance of the channel would also not constitute a change over existing conditions. Therefore, the project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts on cultural or paleontological resources, nor would any change in circumstances occur that would result in significant or substantially more severe cultural and/or paleontological resource impacts. No additional mitigation would be required.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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## GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
ii) Strong seismic ground shaking?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
iii) Seismic-related ground failure, including liquefaction?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
iv) Landslides?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
b) Result in substantial soil erosion or the loss of topsoil?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Pp. 4.2-4 and 4.2-5	No	No	No	N/A

## Discussion

The Miravale - Hambey EIR considered issues related to geology and soils in Section 4.2, Geology and Soils, pages 4.2-1 through 4.2-6. No active faults occur in the immediate vicinity of the site although two major faults, the San Andreas and the Reliz occur within 20 miles of the site. The EIR found that the potential for damage during strong seismic shaking would be reduced through adherence to current building code. The EIR also found that the site is not located on an unstable

geological unit or expansive soils. Although the site occupies relatively flat terrain, the potential for soil erosion was identified; however, implementation of a SWPPP and best management practices (BMPs) were considered adequate to minimize erosion. The EIR found that the project would not result in any significant geology and soils impacts. No mitigation was required.

As noted above, both Sheet 11 and Sheet 16 of the BCCI plans (Attachment B) specify erosion control requirements and include a proposed seed mixture for reseeding and stabilizing slopes after construction.

### **Conclusion**

Implementation of the BCCI would result in short-term construction impacts similar to those anticipated with development of the project as analyzed in the Miravale - Hambey EIR. The activities associated with maintenance of the channel after improvements are constructed would be similar to ongoing maintenance and would not constitute a change over existing conditions. Therefore, the project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts associated with geology and soils, nor would any change in circumstances occur that would result in significant or substantially more severe geology and soils impacts. No additional mitigation would be required. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**GREENHOUSE GAS EMISSIONS**

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	N/A	No	No	No	N/A
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	N/A	No	No	No	N/A

**Discussion**

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in greenhouse gas (GHG) emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs the Air Resources Board (ARB) to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then ARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill (SB) 97, signed August 2007, acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. This bill directs the California Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA by July 1, 2009. The California Natural Resources Agency adopted those guidelines on December 30, 2009, and the guidelines became effective March 18, 2010.

The Miravale - Hambey EIR was prepared in 1999/2000 and did not address potential impacts of GHG emissions because the EIR was prepared and the project was approved before the 2010 amendments in the State CEQA Guidelines pertaining to GHG emissions. Additional analysis has been undertaken to evaluate the GHG impacts associated with the BCCI based on current standards and to determine if the BCCI would result in new or substantially more severe significant impacts. A technical memorandum has been prepared that includes a discussion of the regulatory setting, significance thresholds, methodology and impact analysis (Rincon 2015a). The technical memorandum also includes a technical appendix. The impact analysis is provided below.

Significance Thresholds

Based on Appendix G of the *State CEQA Guidelines*, impacts related to greenhouse gas (GHG) emissions would be significant if the project would:

1. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or*
2. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Neither the City of Soledad nor the MBUAPCD has developed or adopted GHG significance thresholds. The City does not currently have an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. For purposes of this analysis, the guidance provided by the San Luis Obispo Air Pollution Control District (SLOAPCD) Greenhouse Gas Thresholds, adopted in April 2012 (SLOAPCD, 2012) is used because this procedure provides a quantitative approach for the assessment, and has been developed by the adjacent air district in the same general region. Emissions of all GHGs are reported based on their equivalent weight in CO<sub>2</sub> (CO<sub>2</sub>e). The three criteria are summarized in Table 2.

**Table 2**  
**SLOAPCD GHG Significance Determination Criteria**

GHG Emission Source Category	Operational Emissions
Residential and Commercial Projects	Compliance with Qualified GHG Reduction Strategy OR Bright-Line Threshold of 1,150 MT of CO <sub>2</sub> e/yr OR Efficiency Threshold of 4.9 MT CO <sub>2</sub> e/SP*/yr
(Industrial) Stationary Sources	10,000 MT of CO <sub>2</sub> e/yr

*\*SP = Service Population (residents + employees)  
For projects other than stationary sources, compliance with either a Qualified Greenhouse Gas Reduction Strategy, or with the Bright-Line (1,150 CO<sub>2</sub>e/yr.) or Efficiency Threshold (4.9 MT CO<sub>2</sub>e/SP/yr.) would result in an insignificant determination, and in compliance with the goals of AB 32. The construction emissions of projects would be amortized over the lifetime of a project (25 years for commercial projects, based on SLOAPCD's CEQA Air Quality Handbook [April, 2012]) and added to the operational emissions. Emissions from construction-only projects (e.g. roadways, pipelines, etc.) would be amortized over the life of the project and compared to an adopted GHG Reduction Strategy or the Bright-Line Threshold only.*

The SLOAPCD “bright-line threshold” was developed to help reach the AB 32 emission reduction targets by attributing an appropriate share of the GHG reductions needed from new land use development projects subject to CEQA. Land use sector projects that comply with this threshold would not be “cumulatively considerable” because they help in addressing the cumulative problem as a part of the AB 32 process. Such small sources would not significantly add to global climate change and would not hinder the state’s ability to reach the AB 32 goal, even when considered cumulatively. The threshold is intended to assess small and average sized projects, whereas the per-service population guideline is intended to avoid penalizing larger projects that incorporate GHG-reduction measures such that they may have high total annual GHG emissions, but would be relatively efficient, as compared to projects of similar scale. Based on the nature and size of the project, the bright-line threshold is the most appropriate threshold for this analysis. As such, the

proposed project would have a potentially significant contribution to GHG emissions if it would result in emissions in excess of 1,150 metric tons of CO<sub>2</sub>e per year.

Calculations of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O emissions are provided to identify the magnitude of potential project effects. The analysis focuses on CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O because these comprise 98.9% of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the project would emit in the largest quantities. Minimal amounts of other main GHGs (such as chlorofluorocarbons [CFCs]) would be emitted, but these other GHG emissions would not substantially add to the calculated CO<sub>2</sub>e amounts because these compounds comprise less than 2% of GHG emissions by volume. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and include the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

### Impact Analysis

*Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

As described previously, the project would not involve any uses that would generate long-term operational GHG emissions.

Although construction activity is addressed in this analysis, CAPCOA does not discuss whether any of the suggested threshold approaches adequately addresses impacts from temporary construction activity. As stated in the *CEQA and Climate Change* white paper, "more study is needed to make this assessment or to develop separate thresholds for construction activity" (CAPCOA, 2008). Nevertheless, air pollution control districts such as the SLOAPCD have recommended amortizing construction-related emissions over a 25-year period for commercial projects and over a 50-year period for residential projects in conjunction with a project's estimated operational emissions. For this project, construction-related emissions have been amortized over a 25-year period for the assumed life of the proposed improvements and as the most conservative approach to analysis.

Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Emissions associated with the construction period were estimated using CalEEMod, based on default projections for the amount of construction equipment operating hours that would be required to complete the project. Construction activity is assumed to occur over a period of approximately three months and would include grading, clearing, grubbing, excavation, and other earthmoving activities.

As shown in Table 3, construction activity associated with the project would generate an estimated 80 metric tons of CO<sub>2</sub>e. Amortized over a 25-year period (the assumed lifetime of the project), construction of the proposed project would generate approximately 3.2 metric tons of CO<sub>2</sub>e per year. These emissions would comprise less than one percent of the allowable emissions and would not exceed the applicable threshold of 1,150 metric tons of CO<sub>2</sub>e per year. Therefore, impacts

resulting from GHG emissions would be less than significant and would not result in a new significant impact or a substantial increase in the severity of impacts described in the EIR.

**Table 3  
 Estimated Construction Emissions of Greenhouse Gases**

	Emissions (Carbon Dioxide Equivalent (CO <sub>2</sub> e))
Total Estimated Construction Emissions	80 metric tons
Amortized over 25 years	3.2 metric tons per year

*See Attachment 1 for CalEEMod Results.*

*Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The City of Soledad has not adopted a Climate Action Plan or other qualified GHG reduction plan. AMBAG has incorporated sustainable community strategy into its Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS), which is designed to help the region achieve its SB 375 GHG emissions reduction target. The AMBAG 2035 MTP/SCS demonstrates that the AMBAG region would achieve its regional emissions reduction targets for passenger vehicles for the 2020 and 2035 target years. The proposed project would not alter the population projections used in the plan, and is consistent with the existing land use designation for the site.

The project would also be required to comply with existing State regulations, which include actions adopted to achieve the overall GHG emissions reduction goals identified in AB 32.

The existing Soledad General Plan does not include goals and policies related to GHG reductions. Because there is no locally adopted GHG Reduction Plan to reduce emissions from new development, the project would be consistent with the applicable land use and zoning designations, and the project would not conflict with any State regulations intended to reduce GHG emissions statewide, the project would be consistent with applicable plans and programs designed to reduce GHG emissions. Consistency with these state regulations and goals illustrates that the project would not conflict with the state's GHG-related legislation and would not conflict with state GHG reduction goals. Therefore, this impact would be less than significant.

**Conclusion**

Implementation of the BCCI would not result in new significant impacts or substantially more severe impacts related to greenhouse gas emissions, nor would any change in circumstances occur that would result in new significant impacts or substantially more severe impacts related to GHG emissions. Further, no previously infeasible or new mitigation measures to address GHG emissions impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public

Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale - Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Pp. 4.8-1 through 4.8-6.	No	No	No	Yes
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Pp. 4.8-1 through 4.8-6.	No	No	No	Yes
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Pp. 4.8-1 through 4.8-6.	No	No	No	Yes
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Pp. 4.8-1 through 4.8-6.	No	No	No	Yes
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Pp. 4.8-2 and 4.8-5	No	No	No	Yes
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Pp. 4.8-2 and 4.8-5	No	No	No	Yes
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Pp. 4.10-2 through 4.10-3.	No	No	No	Yes
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	N/A	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to hazards and hazardous materials in Section 4.8, Hazards and Hazardous Materials, pages 4.8-1 through 4.8-6. The Draft EIR presented the results of a Phase II site investigation and soil investigation (pages 4.8-1 and 4.8-2). Evidence of waste oil was identified at a former dump and burn site area in the northwest corner of the site and near the southeast corner of the site, near the Bryant Canyon Channel. Elevated levels of diesel

were also found just north and east of the project site. A records search identified two underground storage tanks (USTs) offsite, to the north. A small private airstrip is located approximately ¼ mile to the east, on vineyard property. The EIR found that the project had the potential to expose to on-site health hazards due to the former dump and burn site area located in the northwest corner of the site and provided measures to mitigate impacts including the removal and disposal of the dump site and other contaminated soils.

Potential impacts related to emergency response were addressed the Public Services section (4.10) of the Draft EIR.

### **Conclusion**

Implementation of the BCCI would result in short-term construction impacts similar to those anticipated with development of the project as analyzed in the Miravale – Hambey EIR. The continued maintenance of the channel would also not constitute a change over existing conditions. Therefore, the project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts associated with hazards or hazardous materials, nor would any change in circumstances occur that would result in significant or substantially more severe hazardous materials impacts. No additional mitigation would be required. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**HYDROLOGY AND WATER QUALITY**

Would the project:

a) Violate any water quality standards or waste discharge requirements?	Pp. 4.3-2 through 4.3-6	No	No	No	Yes
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Pp. 4.9-1; 4.9-14 through 15	No	No	No	Yes
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
f) Otherwise substantially degrade water quality?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Pp. 4.3-1 through 4.3-6	No	No	No	Yes
j) Inundation by seiche, tsunami, or mudflow?	N/A	No	No	No	N/A

## Discussion

The Miravale – Hambey EIR considered issues related to hydrology and water quality in Section 4.3, Hydrology and Water Quality, pages 4.3-1 through 4.3-6. Groundwater (b, above) is addressed in Section 4.9, Public Utilities. The EIR identifies the potential for adverse construction-related water quality impacts and identifies the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMPs) to reduce impacts, as follows:

4.3-a. Construction-related Water Quality Impacts: The project proponent shall implement the following mitigation measures to ensure that the potential construction-related water quality impacts are reduced to a less-than-significant level.

1. The project grading plan shall include a City-approved drainage and erosion control plan in order to minimize the impacts from erosion and sedimentation during construction. This plan, at a minimum, shall incorporate: (a) protection of downstream storm drainage facilities from sedimentation; and (b) use of silt fencing to retain sediment on the project site; silt fencing shall meet Caltrans standards.
2. Water quality control and protection measures during construction shall conform to the City's pollution prevention requirements for construction contracts, which may include the following:
  - Performing major vehicle maintenance, repair jobs and equipment washing off-site;
  - Maintaining all vehicles and heavy equipment and inspecting frequently for leaks;
  - Designating one area of the construction site, well away from any streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
  - Cleaning up spilled dry materials immediately. Do not "wash them away" with water, or bury them;
  - Using only the minimal water needed for dust control;
  - Cleaning up liquid spills in paved or impermeable surfaces using "dry" cleanup methods (i.e., absorbent materials, cat litter and/or rags);
  - Cleaning up spills on dirt areas by removing and properly disposing of contaminated soil;
  - Reporting significant spills to the appropriate spill response agencies;
  - Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;
  - Properly storing containers of paints, chemicals, solvents and other hazardous materials in garages or sheds with double containment during rainy periods;
  - Placing dumpsters under roofs or covering them with plastic sheeting at the end of each work day and during rainy weather;
  - Washing out concrete mixers only in designated wash-out areas where the water will flow into settling ponds or onto stockpiles of aggregate base or sand. Whenever possible, recycling washout by pumping back into mixers for reuse.

- Never disposing of washout into the street, storm drains, drainage ditches or streams;
  - Applying concrete, asphalt and seal coat during dry weather. Keeping contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather, allowing new pavement to cure before stormwater flows across it;
  - Covering catch basins and manholes when applying seal coat, slurry seal, fog seal, etc.; and
  - Always parking pavers over drip pans or absorbent materials, since they tend to drip continuously.
3. The National Pollutant Discharge Elimination System (NPDES) requires that construction activities occurring on an area greater than five acres demonstrate compliance with the NPDES through the Regional Water Quality Control Board (RWQCB). The project applicant shall develop a stormwater management plan for the proposed project in consultation with the Central Coast RWQCB (Region 3).

The intent of this mitigation was to reduce erosion and concomitant effects to water quality due to run off from upland construction associated with buildout of the specific plan; however, many of the BMPs are relevant to the Bryant Canyon Channel Improvement Project.

As noted above, both Sheets 11 and 16 of the BCCI plans (Attachment B) specify erosion control requirements and include a proposed seed mixture for reseeding and stabilizing slopes after construction. Sheet 16 also provides the Stormwater Pollution Prevention Plan (SWPPP) to comply with the NPDES.

The Hydrology and Water Quality section of the Miravale - Hambey EIR (page 4.3-3) also found that the proposed project would not substantially alter the existing drainage pattern of the site or area "because no stream or river is located on the Miravale site this type of impact would not occur" The EIR states that the project would include improvements to the storm drainage system to accommodate project site runoff, which would include the rerouting of Bryant Canyon Channel. The Public Utilities section of the EIR (page 4.9-22) further addresses improvements to Bryant Canyon Channel stating that:

The proposed project includes improvements to Bryant Canyon Channel to increase storm drainage capacity and improve the system. This portion of the project would require right-of-way dedication to the Monterey County Water Resources Agency for the expansion of the channel. These improvements would be constructed to the requirements of the Monterey County Water Resources Agency, Caltrans, Union Pacific Railroad, and the City of Soledad, as necessary. The City Engineer expects the existing Bryant Canyon Channel north of Metz Road would be widened and improved. The City Engineer also expects existing drop structure, channel slope, and box and pipe culvert improvements to be required to accommodate the development in Bryant Canyon south of Metz Road to the Salinas River. These improvements would not have the potential to cause significant environmental effects as they are located in areas that have already been developed or are in areas where no know resources of value exist. In addition, the development of these facilities would not create environmental impacts to

adjacent properties due to the temporary nature of construction-related impacts, and the fact that long-term impacts to adjacent uses would not occur. The final design of improvements would be subject to review and approval by the City Engineer prior to the issuance of building permits for the project.

### **Conclusion**

Implementation of the BCCI would result in short-term construction impacts similar to those anticipated with development of the project as analyzed in the Miravale – Hambey EIR. The maintenance of the channel would be similar to ongoing maintenance and would not constitute a change over existing conditions. Therefore, the project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts associated with hydrology or water quality, nor would any change in circumstances occur that would result in significant or substantially more severe hydrology or water quality impacts. In fact, the improvements to the channel are intended to provide flood control benefits. No additional mitigation would be required. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**LAND USE AND PLANNING**

Would the project:

a) Physically divide an established community?	Pp. 4.1-13 through 4.1-21	No	No	No	Yes
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Pp. 4.1-13 through 4.1-21	No	No	No	Yes
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Pp. 4.1-13 through 4.1-21	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to land use and planning in Section 4.1, Land Use and Planning, pages 4.1-1 through 4.1-21. The Miravale – Hambey EIR found that the implementation of the project would result in the conversion of 223 acres (94 percent of the project site) of Prime and Unique farmlands to residential and public/quasi-public land uses and concluded that the impact would be significant and unavoidable. No feasible mitigation was identified. The Miravale – Hambey EIR did not address forest land.

**Conclusion**

Implementation of the BCCI would not constitute a change in land use. The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts on land use, nor would any change in circumstances occur that would result in significant or substantially more severe land use impacts because the BCCI will be implemented in the existing drainage channel. No mitigation would be required. Further, no previously infeasible or new mitigation measures to address agricultural and forest land impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**MINERAL RESOURCES**

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	N/A	No	No	No	N/A
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	N/A	No	No	No	N/A

**Discussion**

The Miravale – Hambey EIR did not specifically address issues related to mineral resources. There are no known mineral resources or important mineral recovery sites affected by the project.

**Conclusion**

The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts to mineral resources, nor would any change in circumstances occur that would result in significant or substantially more severe mineral resource impacts. Further, no previously infeasible or new mitigation measures to address air quality impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**NOISE**

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Pp. 4.6-7 through 4.6-12	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to noise and vibration in Section 4.6, Noise, pages 4.6-1 through 4.6-12. The EIR analysis identifies sensitive receptors at the time of the Draft EIR and potential construction-related noise impacts to those sensitive receptors. Mitigation includes limiting activities to day time hours and further limits construction in areas adjacent to Bryant Canyon Road due to potential conflicts with burial activities at Soledad Cemetery. BMPs are also identified to reduce equipment noise.

Additional analysis has been undertaken to insure that the noise impacts associated with the BCCI would be analyzed based on current standards and would not constitute a new or substantially more severe significant impacts. A technical memorandum has been prepared that includes an updated discussion of the regulatory setting, significant thresholds, methodology and impact analysis (Rincon 2015a). The impact analysis is provided below.

Impact Analysis

*Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?*

The proposed project would involve improvements within the Bryant Canyon Channel along Bryant Canyon Road, approximately 65 feet east of the nearest residential units and 800 feet east of the nearest school. The project would not involve any long-term operations or vehicle traffic that would produce noise in the vicinity. Therefore, there would be no impacts associated with potential new sources of long-term noise.

*Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

*Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

*Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Project construction activity would require the use of heavy equipment for site preparation, grading, clearing, grubbing, excavation, and other construction activities. During each stage of improvements, a different mix of equipment would be operating and noise levels would vary based on the number of pieces of equipment in operation and the location of the activity. Noise levels as a result of project construction activities may impact noise-sensitive residential receptors, the nearest of which are located approximately 65 feet west of the project site. These receptors may experience a temporary increase in noise during construction activities on the project site.

Table 3 shows typical peak noise levels associated with common types of heavy construction equipment anticipated to be used for the channel improvements, based on the FHWA Highway Construction Noise Handbook. As shown therein, noise levels associated with the use of individual pieces of heavy equipment anticipated for the project can range from about 80 to 88 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction (FTA, 2006).

**Table 3  
 Construction Equipment Noise Emission Levels**

Equipment	Typical Noise Level (dBA) 50 ft from Source
Backhoe	80
Compactor	82
Grader	85
Loader	85
Truck	88

*Source: Federal Transit Administration, 2006*

Table 3 shows noise levels at various distances from construction activity, based on a standard noise attenuation rate of 6 dBA per doubling of distance from the highest-volume individual pieces of equipment shown in Table 4.

**Table 4  
 Construction Noise Levels from Project  
 Construction at Sensitive Receptors**

Distance from Construction	Peak Noise Level from Mobile Construction Equipment at Receptor (dBA)
50 feet	88
<b>65 feet</b>	<b>86</b>
100 feet	82
200 feet	76
400 feet	68
<b>800 feet</b>	<b>62</b>

***Bold** text indicates distances that represent the distance to the specific receptors evaluated in this analysis.*

As shown in Table 4, peak construction noise levels from the highest-volume individual pieces of equipment could be up to 86 dBA at the nearest residential units (approximately 65 feet from the source) and 62 dBA at San Vicente Elementary School (approximately 800 feet from the source). Construction noise levels would exceed the exterior thresholds for the City of Soledad at the nearest residential units, but would be within the City’s standards at San Vicente Elementary School. It should be noted that construction noise is generally temporary and sporadic, and that the noise levels shown represent line-of-sight attenuation. Topographic and structural features in the vicinity of the project site would further attenuate noise levels below these estimated noise levels.

The homes located nearest to the project site (approximately 65 feet west) have been constructed within the last five years. The exterior-to-interior reduction of newer residential units and office buildings is generally 30 dBA or more. Therefore, interior noise levels at the nearest residential units would be expected to be attenuated by 30 dBA or more from exterior noise levels. Interior noise levels at San Vicente Elementary School would be expected to be attenuated by 20 to 25 dBA from exterior noise levels due to existing school buildings which are 30 years or older. Additionally, a masonry wall has been constructed between the residential properties and Bryant Canyon Road which would attenuate noise levels by approximately 4.9 dBA at the nearest residences (refer to Attachment 1 for barrier attenuation calculations). Accounting for the exterior-to-interior noise reduction and attenuation from the masonry wall between the residences and the project site, interior noise levels would be approximately 51 dBA during construction activities, which would exceed the City’s interior noise standard of 45 dBA for residential uses. Noise levels at San Vicente Elementary School would be approximately 37 to 42 dBA based on exterior-to-interior noise reduction for buildings more than 30 years old. With these features, the interior and exterior noise

levels would be within the City's thresholds at the elementary school approximately 800 feet to the west of the project site.

Despite the presence of already-established noise attenuating features, the project would be required to comply with the following mitigation measures included in the Miravale Partnership - Hambey Property EIR. These measures would reduce sounds levels from construction at the nearest sensitive receptors (residences located approximately 65 west of the project site) to levels below the City's interior thresholds (45 dBA) and reduce potentially significant impacts to levels of less than significant. Due to changes to the project boundary from the previous project to the currently proposed project, some of the measures below may be adjusted to account for new distances to sensitive receptors. Additionally, the construction activities necessary for the current project may not require implementation of measures listed below which pertain to stationary equipment.

- Noise-generating construction activities associated with improvements to the southern portion of the project site and Bryant Canyon Road shall be suspended during periods in which burial activities are occurring at Soledad Cemetery. It will be the responsibility of the cemetery operator to notify the construction contractor when to cease work.
- Grading and other noise generating construction activities shall not occur within 300 feet of the adjacent elementary school during school hours (Monday through Friday, 8:00 a.m. to 3:00 p.m.). Alternatively, if construction must occur during school hours; temporary acoustic barriers (e.g. lead curtains, wooden sound barriers) shall be constructed along the southwestern boundary of the project site, along Orchard Lane, to reduce construction-generated noise levels at the adjacent elementary school. The barriers shall be designed to obstruct the line-of-sight between the nearest occupied school buildings and onsite construction equipment.
- Equipment engine doors on motorized equipment shall be closed during equipment operation.
- Construction operations and techniques shall use the quietest procedures feasible.
- The quietest of alternative items of equipment (e.g. electric instead of diesel-powered equipment, hydraulic tools instead of pneumatic impact tools) shall be selected for use during demolition and construction activities.
- When not in use, motorized construction equipment shall not be left idling.
- Stationary noise generating construction equipment (e.g. generators and compressors) shall be enclosed and centrally located on the project site at the greatest distance possible from the elementary school. Stationary equipment shall be located at least 500 feet from the western property boundary.

Compliance with the required mitigation measures from the EIR (listed above) would reduce noise impacts associated with project construction to less than significant levels.

*For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

*For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?*

The project is not located within an airport land use plan and does not involve any uses that would expose people to excessive noise from aircraft. Therefore, there would be no impact.

### **Conclusion**

Implementation of the BCCI would not result in new significant impacts or substantially more severe impacts related to noise and/or vibration, nor would any change in circumstances occur that would result in new significant impacts or substantially more severe impacts related to noise or vibration. Further, no previously infeasible or new mitigation measures to address noise impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**POPULATION AND HOUSING**

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Pp.1-2 through 1-3	No	No	No	N/A
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Pp.1-2 through 1-3	No	No	No	N/A
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Pp.1-2 through 1-3	No	No	No	N/A

**Discussion**

The Miravale - Hambey EIR considered issues related to population and housing in Section 1.4, Effects Found Not to Be Significant, pages 1-2 through 1-3 of the Draft EIR. Specifically, the EIR found that the project “would not create population or growth rates which would outpace the ability of the City to provide required services, impede employment growth rates, result in household overcrowding, or negatively affect the jobs/housing balance in the City of Soledad.”

**Conclusion**

Improvements to Bryant Canyon Channel will be not require a large work force or require housing for workers. The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts to population and housing, nor would any change in circumstances occur that would result in significant or substantially more severe population and housing impacts. Further, no previously infeasible or new mitigation measures to address population and housing impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or Substantially More Severe Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

• Fire protection?	Pp. 4.10-1 through 4.10-5	No	No	No	N/A
• Police protection?	Pp. 4.10-1 through 4.10-5	No	No	No	N/A
• Schools?	Pp. 4.10-1 through 4.10-5	No	No	No	N/A
• Parks?	Pp. 4.10-1 through 4.10-5	No	No	No	N/A
• Other public facilities?	Pp. 4.10-1 through 4.10-5	No	No	No	N/A

**Discussion**

The Miravale – Hambey EIR considered issues related to public services in Section 4.10, Public Services, pages 4.10-1 through 4.10-5. The EIR identified the need for additional police and fire protection to serve the residential and commercial uses at the site. The project would also be required to pay school impact fees, as required by state law. As discussed in the EIR, the Miravale – Hambey Project includes the development of parks consistent with the Soledad General Plan and State standards. No significant impacts or mitigation were identified.

**Conclusion**

The BCCI would not create additional demand for public service facilities. The project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts associated with the provisions of public services, nor would any change in circumstances occur that would result in significant or substantially more severe public service impacts. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**RECREATION**

- |  |                       |    |    |    |     |
|--|-----------------------|----|----|----|-----|
| b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | Pp. 4.10-3 and 4.10-4 | No | No | No | N/A |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | Pp. 4.10-3 and 4.10-4 | No | No | No | N/A |

**Discussion**

The Miravale - Hambey EIR considered issues related to recreation in Section 4.10, Public Services, pages 4.10-1 through 4.10-5 of the Draft EIR. As discussed in the EIR, the Miravale - Hambey Project includes the development of parks consistent with the Soledad General Plan and State standards. The BCCI involves improvements to and continued operation of an existing flood control facility and would not create additional demand for recreational facilities.

**Conclusion**

The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts related to construction or use of recreational facilities, nor would any change in circumstances occur that would result in significant or substantially more severe impacts related to construction or use of recreational facilities. Further, no previously infeasible or new mitigation measures related to construction or use of recreational facilities have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**TRANSPORTATION/TRAFFIC**

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Section 4.5.2	No	No	No	Yes
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Section 4.5.2	No	No	No	Yes
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Section 4.5.2	No	No	No	Yes
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Section 4.5.2	No	No	No	Yes
e) Result in inadequate emergency access?	Section 4.5.2	No	No	No	Yes
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Section 4.5.2	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to transportation and traffic in Section 4.5, Transportation and Circulation, pages 4.5-1 through 4.1-13. Significant impacts to traffic and circulation were identified due to the increased traffic generated by the proposed residential and commercial development. Measures to address these impacts were identified, including the construction of roadway improvements to address the project and the project’s cumulative contribution to traffic and circulation effects.

Improvements to Bryant Canyon Channel will be not require a large work force. Short-term construction-related traffic related to construction of the BCCI will be less than that anticipated for the project as a whole. It is the current intent of the project proponent to dispose of fill materials

on-site. Minimal off-site haul traffic may occur but would also be consistent with that anticipated for development activities.

**Conclusion**

The project changes associated with the BCCI would not result in new significant impacts or substantially more severe impacts to traffic and circulation, nor would any change in circumstances occur that would result in significant or substantially more severe traffic and circulation impacts. Further, no previously infeasible or new mitigation measures to address traffic and circulation impacts have been identified that would not be implemented. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**UTILITIES AND SERVICE SYSTEMS**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Pp. 4.9-29 through 4.9-31	No	No	No	Yes

**Discussion**

The Miravale – Hambey EIR considered issues related to utilities and service systems in Section 4.9, Public Utilities, pages 4.9-1 through 4.9-31. The EIR identified impacts to water supply, water storage and wastewater facilities due to the need to serve the proposed residential and commercial development of the site. Measures included specific requirements for new wells, storage tank(s) and offsite wastewater collection mains to serve the site. The EIR also identified the need to provide additional storm drain facilities and included specific mitigation for a variety of facilities, including the improvements to the Bryant Canyon Channel. Improvements to BCC will be not require a large work force and ongoing maintenance of the will be consistent with current practices. Therefore, the BCCI would not result in a substantial increase in demand for water or wastewater services. As noted above, it is the current intent of the project proponent to dispose of fill materials on-site so no substantial impacts are anticipated to landfills or solid waste disposal or regulations.

## **Conclusion**

The project changes associated with implementation of the BCCI would not result in new significant impacts or substantially more severe impacts associated with the provision of public utilities, nor would any change in circumstances occur that would result in significant or substantially more severe public utility facility impacts. In fact, the improvements to the channel are intended to provide flood control and storm water drainage benefits. No additional mitigation would be required. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.

Where Was Impact Analyzed in the Miravale-Hambey EIR?	Do Proposed Changes Require Major Revisions to the Miravale-Hambey EIR?	Do New Circumstances Require Major Revisions to the Miravale-Hambey EIR?	Any New Information Resulting in New or More Severe Significant Impacts?	Do Miravale-Hambey EIR Mitigation Measures Address and/or Resolve Impacts?
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**MANDATORY FINDINGS OF SIGNIFICANCE**

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the State CEQA Guidelines):

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Sections 4 and 5	No	No	No	N/A
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	Section 5, Pages 5-2 through 5-7	No	No	No	N/A
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Sections 4 and 5	No	No	No	N/A

**Discussion**

This section primarily addresses cumulative impacts. The Miravale – Hambey EIR provided an analysis of the cumulative impacts of the project in Section 5, Other CEQA Considerations, pages 5-2 through 5-7. The conversion of 223 acres of Prime and Unique farmlands was considered a significant impact of the project and cumulatively considerable in the context of increasing conversion of agricultural lands to urban uses in the region. Other cumulative impacts of the project included air quality and noise associated with increased traffic generated by proposed new residential and commercial land uses. Implementation of the BCCI will not contribute to the

conversion of farmland or substantially increase traffic and related noise and air quality effects beyond that previously analyzed in the Miravale – Hambey EIR. Therefore, project changes evaluated in this addendum will not result in a new or substantially more severe incremental contribution to a significant cumulative impact.

### **Conclusion**

The project changes associated with implementation of the BCCI will not result in a new or substantially more severe incremental contribution to a significant cumulative impact. No additional mitigation would be required. Therefore, no new information of substantial importance has been identified and none of the conditions described in Public Resources Code Sections 15162 and 15163 calling for preparation of a subsequent or supplement to an EIR have been met.