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REVISED
FINAL ENVIRONMENTAL IMPACT REPORT

FRONT STREET MIXED USE

SCH# 2007081031

PREPARED FOR

City of Soledad

November 9, 2010

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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FRONT STREET MIXED USE

Revised Final Environmental Impact Report

SCH# 2007081031

PREPARED FOR

City of Soledad
Susan Hilinski
248 Main Street
P.O. Box 156
Soledad, CA 93960
Tel 831.223.5041

PREPARED BY

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November 9, 2010

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1.0
INTRODUCTION

The City of Soledad, acting as the lead agency, determined that the proposed Front Street Mixed Use Project (hereinafter "proposed project") may result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the lead agency had a draft environmental impact report (EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project. The draft EIR was circulated for public review between November 2, 2007 and December 17, 2007, and public comment was received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

In June 2008 a final EIR was prepared to address comments received during the public review period, and copies of the final EIR were provided to commenters. However, the proposed project was never brought to the Planning Commission or City Council for consideration, and therefore, the final EIR was never certified and action never taken on the proposed project. The applicant submitted a revised project to the City in January 2010. The City conducted an environmental evaluation to determine if the revised project would result in significant new environmental impacts, or environmental impacts of increased severity compared to the project analyzed in the draft EIR. On the basis of that evaluation, City staff determined that the revised project would not result in new significant impacts, or greater environmental impacts, and that the proposed project would actually result in fewer environmental impacts. Therefore, the proposed project, as revised, represents a mitigated project. Subsequently, the City prepared this revised final EIR. Together with the draft EIR, this final EIR constitutes the complete Front Street Mixed Use EIR.

This revised final EIR is organized into the following sections:

- Section 1 contains an introduction to the final EIR.
- Section 2 contains comment letters submitted during the public review period and responses to those comments.
- Section 3 contains changes to the draft EIR made in response to comments on the draft EIR.
- Section 4 contains a description of the changes to the project.
- Section 5 contains a revised summary.
- Section 6 contains the complete text of the mitigation measures, showing changes made in response to comments on the draft EIR and changes relating to the change in the project description.
- Appendix A contains the environmental evaluation prepared to compare the revised project to the project analyzed in the draft EIR.
- Appendix B contains the greenhouse gas emissions analysis that was conducted for existing conditions, the original project, and the revised project.
- Appendix C contains the final revised mitigation monitoring program, with all changes made to the text of the measures.
- Appendix D contains a copy of the State Diesel Idling Rule.

2.0
RESPONSE TO COMMENTS

CEQA Guidelines section 15088(c) states, "The response to comments may take the form of… a separate section in the final EIR." This section is dedicated to presenting the comments and lead agency responses to those comments.

CEQA Guidelines section 15132(c) requires that the final EIR contain a list of persons, organizations, and public agencies that have commented on the draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. A copy of each correspondence received during the public review period is presented on the following pages. The responses correspond to numbering systems in the letters or added along the left-hand side of the letter as necessary. A response to each comment that raises a significant environmental point is presented immediately following the letter.

The following correspondence was received during the public review period:

- Governor's Office of Planning and Research (OPR)(December 18, 2007);
- David Baker (August 26, 2007);
- Chris Bourke (December 13, 2007);
- California Department of Fish and Game (December 13, 2007);
- Applicant, Nader Agha (December 17, 2007); and
- Monterey Bay Unified Air Pollution Control District (December 17, 2007)

Table 1 summarizes the significant environmental comments received in each comment letter.

Table 1 Commenting Agencies and Environmental Issues

Environmental Issue	Commenting Agencies/Persons					
	Governor's Office of Planning and Research	David Baker	Chris Bourke	Applicant, Nader Agha	California Department of Fish and Game	Monterey Bay Unified Air Pollution Control District
Aesthetics		✓	✓	✓		
Air Quality				✓		✓
Biological Resources					✓	
Cultural Resources				✓		
Hazards and Hazardous Materials			✓			
Land Use and Planning		✓	✓	✓		
Noise				✓		
Public Services			✓			
Transportation		✓	✓	✓	✓	
Utilities				✓		

Source: EMC Planning Group Inc. 2008

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

RECEIVED
DEC 21 2007
PLANNING DEPARTMENT

December 18, 2007

Susan Hilinski
City of Soledad
248 Main Street
Soledad, CA 93960

Subject: Front Street Mixed Use
SCH#: 2007081031

Dear Susan Hilinski:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 17, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

RECEIVED
JAN 03 2008
By

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2007081031
Project Title Front Street Mixed Use
Lead Agency Soledad, City of

Type EIR Draft EIR

Description The project entails the demolition of the existing residential motel and surrounding mobile homes, and the construction of a five-story building with 102 one and two bedroom residential condominium units and separate one and two-story buildings with 12,200 square feet of commercial uses. The project also involves a general plan amendment and a zoning district change.

Lead Agency Contact

Name Susan Hilinski
Agency City of Soledad
Phone 831-678-3963 **Fax**
email
Address 248 Main Street
City Soledad **State** CA **Zip** 93960

Project Location

County Monterey
City Soledad
Region
Cross Streets West Street, Benito Street and Monterey Street
Parcel No. 022-016-001, 022-016-002
Township **Range** **Section** **Base**

Proximity to:

Highways SR 101
Airports Private airstrip 1.5 miles east
Railways UPRR
Waterways
Schools Main Street Middle School
Land Use Land Use: General Commercial
Zoning: H-C (Highway Commercial)

Project Issues Aesthetic/Visual; Archaeologic-Historic

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 11/01/2007 **Start of Review** 11/01/2007 **End of Review** 12/17/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to comments from the Governor's Office of Planning and Research:

1. Comments acknowledged regarding the submittal by the State Clearinghouse of the Draft EIR to selected state agencies for review. No response to this letter is necessary.

Re: Front Street Mixed Use Initial Study

David Baker
300 Market St.
Soledad, CA 93960
Aug. 26, 2007
(831) 678-3774

Don Fleming
Community Development Director
City of Soledad
248 Main Street
Soledad, CA 93960

Dear Don:

There are fair arguments based on substantial evidence that there are three undeclared potentially significant impacts in addition to the cultural resources impact. They are impacts in aesthetics, transportation/Traffic and land-use and planning policy conflicts. The purpose of the following discussion is to encourage the focus of the EIR to further study of these impacts early in the process in order to expedite the pursuit of better alternatives toward creating the best possible project for all concerned.

Potentially Significant Aesthetic Impacts

The Intial Study posits the assumption that a 65 foot tall building may cause an impact but a 45 foot tall building has no significant impact. However, many neighbors and

(1)

townspeople believe that a 45 foot tall building facing a one-story neighborhood does have a very significant aesthetic impact. The 65 foot building was 5 times the scale in height compared to the homes across the street but a 45 foot building is still 3 times the scale of the neighborhood. Many rational observers could fairly argue that 45 feet is definitely out-of-scale and is a potentially significant impact.

(1) continued

The Monterey pine at the site could serve as a story-pole with an array of bright flags at 45 feet and visible from all directions. The significance of the height impacts would be graphically obvious to all concerned.

From Old Town's important "visual gateway" to the north motorists off the freeway would immediately see the 45 foot structure (or flags) at the first stop sign and yield sign. It would be the most imposing building in view. They would continue to see it periodically going south to Encinal St. and also going north. At 45 feet, 10 feet higher than historic Front St. buildings, it will stick out like a sore thumb. It will clash with Front St., Old Town and Soledad in general for blocks around in height, mass and architectural style.

Potentially Significant Transportation / Traffic Impacts

The developer proposes to build a private, for-profit parking lot on one side of one block of Monterey ST. and the same on Benito ST. This is 40 spaces of required parking literally in the street in the public right-of-way. The spaces would become the property of the developer. The immediate impact would be the permanent loss of residential and commercial parking for all future users. This would clearly impede future commercial and residential growth in north Old Town and Front ST. Second, Selected would set a precedent which could allow this give-away across Old Town and really hurt customer parking.

(2)

Our city requires 378 parking spaces. Is this not reasonable to contain impacts from nearly 200 bedrooms, over 300 users, a bank, a restaurant and other businesses? If 378 spaces is reasonable then this project would put 213 cars on the public streets. Placing only 165 spaces on-site would appear to cause a potentially significant impact by several objective measures.

Potentially Significant Conflicts with Land Use and Planning Policy

The local aesthetic policies are in serious conflict with this proposal. So is CEQA:

1. Under CEQA the project would "substantially degrade the existing visual character or quality of the site and its surroundings."
2. Under Soledad General Plan Policy C/OS-7, the project would not "fit the site's scale and character of the surrounding commercial and residential areas."
3. Under the city's Handbook of Downtown Design, p.18 there are similar conflicts.
4. Under the Downtown Specific Plan, p.41, more conflicts.

(3)

Regarding other applicable zoning ordinances, especially parking requirements, truly significant changes are proposed. The required parking per unit would be dramatically cut in half, from 204 spaces to 102. This major change should trigger questions, concerns and further study on this one project. However, what will this policy change do to our city after 10 or 20 new projects? There is an urgent need to consider the cumulative impacts of all the above policy changes right now.

David Baker

The following response is provided to a letter submitted by David Baker commenting on the proposed negative declaration, prior to the determination to prepare an EIR.

1. The *City of Soledad Handbook of Downtown Design* Commercial Development Architecture Standard 16 states that the maximum building height for buildings facing Front Street shall be 45 feet. Therefore, the proposed mitigation measure reducing the proposed project's height from 65 feet to 45 feet is in compliance with the aesthetic policies of the City of Soledad. Although a 45-foot building height could have aesthetic effects, those effects would not exceed the threshold of 45 feet established by the *City of Soledad Handbook of Downtown Design.*

2. The initial study (incorporated as an appendix into the Draft EIR) addresses the lack of adequate parking provided by the proposed project and mitigation measures are proposed to reduce the impact to a level that is less than significant. Mitigation measures include the implementation of traffic reduction strategies, traffic impact fees, frontage improvements to the adjacent streets, and increased efforts to enhance alternative transportation to the site.

3. Section 3.1 of the Draft EIR addresses the cumulative impacts of the proposed new zone district on the aesthetics of the City of Soledad. There is a discussion of how the proposed new Downtown Commercial zone district allows for an increase in height and density requirements, as well as the decrease in parking requirement, and how these requirements are different than what is currently allowed in the downtown district. It is clearly stated that the approval and subsequent utilization of this zone district would alter the skyline of Soledad and the character of the downtown area. The Draft EIR includes mitigation measures that require the new Downtown Commercial zone district be consistent with City policies and various planning documents. This can be achieved by either the amendment of city ordinances and policies, or changing the Downtown Commercial zone district language.

December 13, 2007

Good Evening, Chairman Laroco, Honorable members of the Planning Commission.

My name is Chris Bourke and I live at 833 La Colina Street.

I have some concerns about the Front Street Mixed Use Project.

1. The proposed language for the Commercial Development is for a 5-story building not to exceed 60 feet in height, but here is a 6-story building going over 70 feet. Does the language need to be changed?

2. P. 3-23 states that Alternative 4 does not meet the intent of an alternative pursuant to CEQA. My question is – Does the project have to go back out for recirculation because it has more than doubled in size?

3. RDM Design Group did a shade study for a 5-story building and this will be a 6-story's. Does the shade study have to be redone to gauge the impacts of the taller/more massive structure? Center project now covers two corners closest to other residences.

4. The population of the project has more than doubled to somewhere between 632 and 924 people. The sheltered interior courtyard and 2,000 sq.ft. common building have been removed in Alt 4. Where do children play? They have a parking lot/commercial lot in front and then West St, Monterey St and Benito St surrounding them. I understand that a developer can pay in lieu park fees, but my question still stands, where can children go other than a parking lot or street to play? (The City gets 4 acres for every 1,000 people.)

5. Fire Safety – A six story building is over 70 feet tall and Soledad does not have a ladder truck. Gonzales has a ladder truck, but it may not reach to the top. Sprinklers, fire exits, and fireman switches on the elevators. Tallest building between Salinas and SLO.

6. Intersection p. 1-15, Figure 5. Diagram shows a road divider/median in front of the project and there is none currently. Traffic pattern at West and Front with traffic exiting the project is a problem. Unprotected criss-cross.

7. Parking is a problem p.1-21 says the project requires 378 spaces and provides 227 spaces with 57 on the street. The new project is over twice as big, 200 residences, 24,537 sq. ft. and a 44 unit motel and if the ratios stay the same you would need over 756 total spaces and only 425 were proposed with 62 on-street commercial spaces, and where is the parking for the 44-unit motel?

Response to Councilmember Chris Bourke

1. The comment refers to Alternative 4 and not the proposed project. However, the proposed project is five stories and 64 feet in height, which also exceeds the maximum height proposed in the Downtown-Commercial zoning district. This is addressed in mitigation measures A-1 and A-2 of the draft EIR (page 2-9). Mitigation measure L-1 in the Initial Study also addresses the issue of the new zoning code not conforming to the current standards outlined in the Architectural Element, Policy 18 of the *Handbook of Downtown Design* (page 2-20).

2. The project described and analyzed in the EIR is the project as it was originally proposed and submitted by the applicant. The project described in Alternative 4, which increases the number of units, was submitted by the applicant as an alternative while the EIR was being prepared. The project remains as it was originally proposed and has not doubled in size. If the applicant decides to pursue approval of the project described in Alternative 4, additional CEQA analysis would be necessary and the revised EIR or an addendum would then need to be recirculated.

3. The project remains as it was originally proposed and has not increased in height. As referenced in Comment 2, if the applicant decides to pursue approval of the project described in Alternative 4, additional CEQA analysis and possibly an additional shade study would be necessary.

4. The project remains as it was originally proposed with 102 condominium units and would still accommodate 316 to 462 persons. As discussed in the Public Services section of the Front Street Mixed Use Initial Study (Appendix C of the draft EIR), the developer will pay the in-lieu required park fees in effect at the time of development or dedicate land for park use to comply with the *City of Soledad General Plan* policy PR-2. As mentioned in Comment 2, additional CEQA analysis would be necessary if the applicant decides to pursue approval of the project described in Alternative 4.

5. The project as originally proposed is five stories and 64 feet in height. As discussed in the Public Services section and Hazards and Hazardous Materials section of the Front Street Mixed Use Initial Study (Appendix C of the draft EIR), the city currently does not have an aerial truck to reach a five-story roof, but it has been decided that the city will not need an aerial truck until there are several buildings that are three or more stories in height. The developer will also pay the fire impact fee, which will be used to purchase the apparatus in the future.

6. The project description does not state that a median would be constructed on Front Street adjacent to the project site, but a project element in the Streetscape Improvements

section of Chapter VI in the *Downtown Specific Plan & Front Street Rehabilitation Plan* states that a landscaped median between West Street and Benito Street with left-turn lanes will be installed (page 50). It is assumed that the city will install the median and left-turn lanes at this block as the city finds it appropriate and this is the median that is depicted in Figure 5 of the draft EIR. This would be the same or similar configuration to what is already constructed along Front Street in the downtown area. No traffic hazards are expected from project traffic turning north on Front Street from the project site.

7. The proposed project includes 102 condominium units, 8,200 square feet of retail and 4,000 square feet of restaurant space. The proposed project does not presently include a motel; however Alternative 4 does include a motel component. Please refer to Comment 2. As discussed in the Transportation/Traffic section of the Front Street Mixed Use Initial Study, Appendix C of the draft EIR (page 57), the project would be required to have 204 parking spaces for the residential component and 174 spaces for the commercial component, for a total of 378 spaces under the City's current parking requirements. The project proposes 226 spaces, of which 57 are on-street and do not qualify under the City's current parking code, which leaves the site deficient of 209 spaces. Mitigation measure T-3 in the Draft EIR addresses the lack of adequate parking for the project. Mitigation measure L-1 in the Land Use and Planning Section of the Draft EIR (page 2-20), also addresses applicants proposed zoning text amendment's lack of zoning conformance with the current city parking requirements set forth in the *City of Soledad Zoning Ordinance.*

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

December 13, 2007

Susan Hilinksi
Community Development Department
City of Soledad
Post Office Box 156
Soledad, California 93960

Subject: Draft Environmental Impact Report (DEIR)
SCH: 2007081031
Front Street Mixed Use

Dear Ms. Hilinksi:

The Department of Fish and Game has reviewed the DEIR submitted by the City of Soledad for the above Project. Project approval would allow for the demolition of the existing residential motel and surrounding mobile homes and the construction of a five-story building with 102 one- and two-bedroom residential condominium units and separate one- and two-story buildings with 12,200 square feet of commercial uses. The Project also involves a General Plan amendment and a zoning district change. The Project site is located north of Front Street and south of Monterey Street, between West Street and Benito Street, in the City of Soledad.

The Project would require the removal of approximately 20 mature trees from the Project site, and the Department is concerned with potential impacts to raptors and other nesting birds. Our specific comments follow.

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs, and nests include Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird). Because many mature trees are present on the Project site and will need to be removed for Project implementation, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the California Environmental Quality Act (CEQA) document prepared for the Project.

Potential Project Impacts and Recommendations

Nesting Birds: Approximately 20 trees within the Project area will be removed during building demolition and site preparation. These trees likely provide urban nesting habitat for a variety of songbirds and raptors, and removal should occur during the nonbreeding season (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. (1)

Mitigation Measure BIO-1 is included in the DEIR to adhere to the City of Soledad General Plan Policy C/OS-19, whereby for every tree removed for new development, at least two trees shall be planted. The Department agrees with this mitigation measure and recommends that, pursuant to City of Soledad General Plan Policy C/OS-12, native drought-tolerant species be used in mitigation plantings. (2)

If you have any questions regarding these comments, please contact Linda Connolly, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 242.

Sincerely,

W. E. Loudermilk
Regional Manager

cc: State Clearinghouse
Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

Response to the Department of Fish and Game

1. Comment noted. The removal of trees has been discussed as a significant impact in the initial study (page 32) and in the draft EIR (page 2-20), and mitigation measure BIO-1 is required to reduce the impact to a level that is less than significant. However, the mitigation measure does not address the impacts to songbirds and raptors that may be nesting in the trees at the time of removal. Page 2-20 of the draft EIR has been revised in the final EIR to include mitigation measure BIO-2 to address this issue of tree removal disrupting a variety of songbirds and raptors that may be nesting in the trees. The mitigation measure is as follows:

   Mitigation Measure

   BIO-2. If construction activities or tree removal is proposed to occur during breeding season (February through mid-September), surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. If active nests are found, a minimum no-disturbance buffer of 250 feet should be delineated around all such nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

2. Mitigation measure BIO-1 on page 2-20 of the draft EIR has been revised in the final EIR to incorporate the Department of Fish and Game comments regarding the planting of drought-tolerant species that native to the region if appropriate to the location as part of the mitigation measure.

NADER AGHA

542 Lighthouse Ave
Pacific Grove, CA 93950

Phone: 831-646-1677
Cell: 831-594-9711
Fax: 831-646-0898
naderagha@sbcglobal.net

12/05/2007

To:
City of Soledad
P.O. Box 156
Soledad California, 93960
Attn: Susan Hilinski

Re: Comments on DEIR (10-30-2007) – Front Street Mixed Use Project

Dear Ms. Hilinski:
We offer the following comments on the DEIR:

1. **Existing non-conforming residential uses** - The DEIR notes in passing that the existing residential units are an existing non-conforming use. The typical standards applicable to non-conforming uses (inability to re-construct if they are destroyed, etc.) are a significant factor influencing our desire to create a conforming use/project on the site. The DEIR indicates the existing buildings do not appear to pose a health or safety threat. However, based upon our direct experience many of these buildings are in poor condition.
2. **Downtown Specific Plan & Front Street Rehabilitation Plan (DSP&FHP)** – The major theme of this section of the DEIR appears to be that the existing motel buildings on site should be retained as they contribute to the character of Downtown. My recollection is that this was not and is not the intent of the Downtown Specific Plan, specifically with regard to the existing non-performing motel (see final paragraph of this letter). The DEIR correctly points out that the portion of the project that fronts on to Front Street is consistent with the existing character of the Downtown. However, the DEIR asserts that the proposed height of the residential portion of the building is inconsistent with the plan. We have proposed a new zone called Downtown Commercial and the proposed building is consistent with the proposed zone. Being consistent with the design and scale of the adjacent residential buildings (page 1-22) is not our understanding of the intent of the Downtown Specific Plan. We believe the DSP&FHP criteria are being mis-applied by the DEIR consultant. Specifically:
    A. Handbook of Downtown Design (page 2-3 of DEIR) –
        - Guideline 4 – We agree the proposed project is consistent with this criteria.
        - Guideline 12 – We believe the proposed project height is compatible with the proposed Downtown Commercial zone the purpose of which is to allow larger buildings downtown. If the current downtown criteria were implemented there would be existing buildings 45 feet in height downtown. The proposed Downtown ordinance criteria would allow

an additional 15 feet which would be compatible with the current standards (45 feet) if they had been implemented.

- Guideline 14 – The proposed project has incorporated the features described in this guideline.
- Guideline 15 – The proposed project has incorporated the features described.
- Guideline16 – The proposed project incorporates this criteria.
- Guideline 18 – We have proposed a new Downtown Commercial zone and the proposed project (with mitigation) is consistent with the new zoning criteria for allowable building height.
- Guideline 3 – The proposed project is consistent.

3. **Compatibility with the adjacent residential neighborhood** (DEIR pages 2-6, 7) – This section of the DEIR focuses on the height of the proposed project. It suggests measures to make the project more compatible with adjacent residential uses by lowering the allowed height of the proposed building. It is our opinion that design modifications to the portion of the building fronting Monterey Street have been made such that the building is compatible with the land use across the street. Additional modification of the project by placing the parking garage partially below grade (approximately 4-5 feet) are acceptable to further reduce perceived incompatibility and shading.
4. **Shading** – The proposed project can be modified to reduce shading of residences across Monterey Street. However limited shading may occur during winter in the afternoon when most residents are working. We not believe that shading adversely affects adjacent commercial uses.
5. **New zone district** – We believe this is a matter of policy for consideration and determination by City Council.
6. **Mitigation measure A-**1 (page 2-9) – We agree that mitigation measure A1- b is feasible and acceptable for the residential garage.
7. **Mitigation measure A-**2 (page 2-17) – We agree to implement design measures to eliminate shading on residential *structures* located across Monterey Street.
8. **Mitigation measure CR-**1 (page 2-17) – We disagree with the proposed mitigation measure. We are willing to accept a mitigation measure requirement to prepare appropriate required documentation of identified potentially historic structures prior to demolition.
9. **Mitigation measure** – CR-2 (page 2-18) – Acceptable.
10. **Mitigation measure** – CR-3 (page 2-18) – Acceptable.
11. **Mitigation measure** – AQ-1 (page 2-19) – Acceptable
12. **Mitigation measure** – AQ-2 (page 2-19) – Acceptable
13. **Mitigation measure** – BIO-1 (page 2-20) – Acceptable
14. **Mitigation measures** – L-1a, b, c, d (page 2-20) – Not acceptable. We believe the proposed Downtown Commercial zone and proposed project are consistent with the intent of the City vision to achieve a vibrant and economically healthy Downtown. If necessary existing City policies and guidelines should be amended to allow the proposed project.
15. **Mitigation measure N-**1 (page 2-21) – Acceptable
16. **Mitigation measure** – N-2 (page 2-21) – Acceptable

17. **Mitigation measures** – T-1, T-2, T-3a, T-3b (page 2-22) – Acceptable
18. **Mitigation measure** – T-4 (page 2-22) – Not acceptable. This mitigation measure (creation of a train stop) is clearly beyond the scope and financial capability of any single development project.
19. **Mitigation measures** – U-1, 2 (page 2-23) – Acceptable.
20. **Cumulative Impacts** – The DEIR describes the proposed project and Downtown Commercial zone as having significant adverse impacts by allowing the character of downtown to change. We believe that to implement the City's vision for a vibrant and economically sound Downtown there must be change. We have purposely designed the project to be consistent with the size, scale and character of existing buildings along Front Street in order to maintain the character of this "frontage" of Downtown. We do not agree that areas of downtown other the Front Street façade should be prevented from significant change. In fact our opinion is that the City should encourage change in these areas as it will be necessary to achieve the City's vision for Downtown.
21. **Significant Unavoidable Impacts** – We request that the City make overriding findings with regard to the existing Motel and residence. The long term benefits to the community from re-development of this block as the first step in achieving the City's vision for Downtown out way the value of preservation.
22. **Alternative 1** – The no project alternative will result in the retention of an obsolete and non-performing asset remaining as a prime component of the City Downtown. We believe this is an adverse impact upon the community now and in the future.
23. **Alternative 2** – In our professional opinion this option is economically infeasible and a significant under utilization of this Downtown property resource.
24. **Alternative 3** – See comments on Alternative 2 above.
25. **Alternative 4** – With the mitigation measures the applicant believes it can be made compatible. It is economically feasible and will contribute to achieving the City vision for Downtown. The applicant prefers this alternative.
26. **Alternative 5** – The alternative site is not zoned for the proposed project. In our opinion it is not suitable for the proposed project.

We disagree with the DEIR consultant's characterization of the project as incompatible with its surroundings. With implementation of Mitigation measures as described in Table A we believe the project is compatible with Downtown Guidelines. We have retained RRM Design Group and working with them made the effort to design a first class project incorporating features consistent with our understanding of the wishes of the City Council and residents. This design can be further refined to specifically incorporate Mission stylistic features of the existing buildings.

After acquiring the property we encountered a barrage of breakdowns and problems in the buildings and other difficulties on site. In our professional opinion these buildings have outlived their viable economic life and useful physical life. In our opinion their condition is not suitable for re-habilitation and/or preservation.

This project is a critical first step toward achieving the City vision for Downtown. We proposed this project in response to requests by many City officials and residents of Soledad. At their urging we acquired the property specifically for the purpose of redevelopment. We proceeded out of appreciation for the City and respect for the many residents who encouraged us to move forward.

We respectfully urge the City Council to take the following actions:

A. Make overriding findings in regard to the historic resources.
B. Certify the EIR
C. Approve the proposed project subject to the applicant's acceptance of Mitigation Measures as outlined on attached Table A.

If you have questions about these comments please contact me at 831-594-9711.

Best regards,

Nader Agha

Cc V. Montgomery, RRM Design Group
Soledad City Council

Attachments – Table A

Table A

Applicant's response to DEIR suggested Mitigation measures:

A-1b..... Acceptable
A-2.....Acceptable in regard to "structures"
CR-1.....Delete (request overriding findings)
CR-2.....Acceptable
CR-3.....Acceptable
AQ-1.....Acceptable
AQ-2.....Acceptable
L-1a.....Delete (request overriding findings)
L-1b.....Delete (request parking as proposed)
L-1c.....Delete (request overriding findings)
L-1d.....Acceptable
N-1.....Acceptable
N-2a.....Acceptable
N-2b.....Acceptable
N-2c.....Acceptable
N-2d.....Acceptable
T-1.....Acceptable
T-2.....Acceptable
T-3a.....Acceptable
T-3b.....Acceptable
T-4.....Delete (based upon the DEIR
lack of a definition for the requirements
and improvements associated with a "Train stop")
U-1.....Acceptable
U-2.....Acceptable

Response to Applicant's comments

1. Comment acknowledged. Currently, the city has not identified the existing buildings as safety or health threats; therefore, they cannot be demolished based on these assumptions.

2. The *Handbook of Downtown Design* is an integral part of the *Downtown Specific Plan & Front Street Rehabilitation Plan*. The introduction to Chapter VI, Architecture, in the *Handbook of Downtown Design* describes in detail the existing architectural styles of the existing buildings on Front Street, as well as the architectural styles of the residential neighborhoods surrounding the downtown area. The introduction then proceeds to state that the "design of new development must respect this context and preserve and enhance the character established by existing architecture" (page 12, *Handbook of Downtown Design*). The Handbook's specific reference to the surrounding residential neighborhoods makes clear that consistency with the design and scale of adjacent residential buildings is in fact the intent of the *Handbook of Downtown Design* and the *Downtown Specific Plan & Front Street Rehabilitation Plan*. Therefore, the proposed development should consider the height and scale of surrounding residential neighborhoods according to Guideline 12 in the *Handbook of Downtown Design* (page 13). As the project is not consistent with the height standards of the *Handbook of Downtown Design*, either the project must be modified or the Downtown Specific Plan must be amended. Mitigation measure L-1 of the Draft EIR (page 2-20) addresses this lack of consistency between the existing *Handbook of Downtown Design* and *City of Soledad Zoning Ordinance* and the proposed Downtown-Commercial zone district.

3. Placing the parking garage partially below grade would reduce the height of the building by approximately four to six feet, but may not reduce the aesthetics and shading impacts of the project to a level that is less than significant. As discussed in the draft EIR, mitigation measures A-1, A-2 and L-1 should be implemented so that the project reduces these impacts and is consistent with the *Handbook of Downtown Design, Downtown Specific Plan & Front Street Rehabilitation Plan,* and the *City of Soledad Zoning Ordinance.*

4. It cannot be assumed that all residents will not be home during daytime hours because people have varying schedules. The EIR has found the shading of the residential properties to be a significant impact based upon the existing light or glare threshold, in CEQA Guidelines Appendix G. The threshold indicates significance if the project "create[s] a new source of substantial light or glare." Shading is similar to light and glare in that it is a project effect that results in changes to the ambiance of the off-site environment. The proposed project creates a new source of substantial shading at

residential properties. Commercial property shading is less of an issue because the change in ambiance brought on by shading is less critical to commercial use; commercial shading is, therefore, not identified as a significant impact by this EIR.

5. Comment acknowledged concerning the feasibility of placing the parking garage partially underground.

6. Comment acknowledged.

7. Comment acknowledged. Please refer to Comment 4.

8. The City Council will need to determine if the demolition of the two-story structure, which would result in a significant unavoidable impact and require the adoption of a statement of overriding considerations, is outweighed by benefits from the proposed project.

9-13. Comments acknowledged concerning the applicants concurrence with Mitigation Measures CR-2, CR-3, AQ-1, AQ-2, and BIO-1.

14. Mitigation measure L-1 (page 2-20) already states that either the Downtown Commercial zone district standards shall be rewritten or the listed existing City policies and guidelines should be amended to maintain consistency between the documents.

15-17. Comments acknowledged concerning applicants agreement with Mitigation Measures N-1, N-2, T-1, T-2, T-3a, and T-3b.

18. This is an action required of the City and not of the applicant. To clarify, mitigation measure T-4 in the draft EIR shall be changed in the final EIR to state that if the City is unable to fulfill the measure, the applicant will retain the right to proceed.

19. Comment acknowledged regarding applicant's agreement with Mitigation Measure U-1 and U-2.

20. Comment acknowledged. The draft EIR is based on existing adopted City policy and addresses the aesthetic impacts of the project within the context of these policies. The Soledad City Council has the discretion to amend or retain current policy concerning the extent of desired change in the downtown area of Soledad and to determine if the project would have a significant adverse impact on the character of the downtown.

21. Comment acknowledged regarding applicants request that the City adopt a statement of overriding consideration with respect to demolition of the Soledad Motor Lodge.

22. Comment acknowledged. Alternative 1, the no project alternative, is mandated by CEQA. It is required that a no project alternative be studied as a potential alternative to the proposed project.

23. Section 15126.6 (b) of the CEQA Guidelines states that an EIR "shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." Section 15126.6 (f) (1) of the CEQA Guidelines states that economic viability may be taken into account when addressing the feasibility of an alternative and that this is for the lead agency to determine. The lead agency on this project, the City of Soledad, has decided that this alternative may be feasible and has decided to include it as an alternative.

24. Please refer to the response to Comment 23.

25. Section 15126.6 (b) of the CEQA Guidelines state that the EIR discussion of alternatives "shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project." Alternative 4 does not lessen or avoid any significant effects of the project and therefore does not qualify as an alternative under CEQA. However, if the applicant wishes to proceed with Alternative 4, additional environmental review would be necessary as previously discussed.

26. Section 15126.6 (f) (1) of the CEQA Guidelines states that site suitability or general plan consistency may be taken into account when addressing the feasibility of an alternative and that this is for the lead agency to determine. The lead agency on this project, the City of Soledad, has decided that this alternative is feasible and has decided to include it as an alternative. The currently proposed project location is also not suitably zoned for the proposed project, but new zoning district have been proposed to remedy this inconsistency. If this alternative is chosen, a new zoning district could be proposed for the alternative site.

27. Comment acknowledged. Please refer to Comments 2, 3, 4, 5, 14, and 20 in regards to consistency of the project design and relevant City policies regarding aesthetics. Please refer to Comments 1 and 8 in regards to current state and demolition of the existing buildings.

MONTEREY BAY
Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

December 17, 2007

Ms. Susan Hilinski
City of Soledad
248 Main Street
Soledad, CA 93960

Sent by Facsimile to:
(831) 678-3965

SUBJECT: DEIR FOR FRONT STREET MIXED USE PROJECT

Dear Ms. Hilinski:

Impacts of Demolition, Construction and Operations, Page 2-19.

1 The Air District suggests that URBEMIS 2007 be used to determine the project-specific impacts of demolition, construction and operation of the mixed use development. The results should be included in the Final EIR.

AQ-2. Page 2-19.

2 It appears that the Project and the Environmentally Superior Alternative would not involve any grading or excavation on this already-developed site. Accordingly, the Air District wonders what grading permit would be necessary, which would be the basis for preparing the Construction Emissions Reduction Plan? As to the construction-generated emissions, the Project Applicant should first use URBEMIS 2007 to estimate unmitigated impacts. The URBEMIS output would determine the level of mitigation necessary.

As to specific mitigation measures listed under AQ-2:

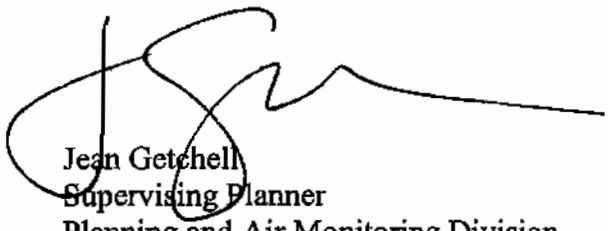
3 a. If the construction activity does not run for more than one year, there should be no chronic impacts from operation of the diesel equipment. The acute threshold for acrolein has been suspended and is scheduled for reconsideration by the Air Board in February 2008. The acute impacts of the construction activity should be evaluated according to the type, number and horsepower of equipment operating on the project, with project-specific mitigations to reduce impacts to the OEHHA health-based standard, if the Air District's threshold for acrolein is reinstated. Please contact David Craft of the District's Engineering Division to discuss this.

4 b. If temporary electrical service is to be used to power equipment like compressors, the mitigation measure should be written as a requirement, so it can be enforced.

5 c. The State Diesel Idling Rule (13 CCR 2485, attached) requires that certain diesel equipment not idle for more than five minutes, not two minutes.

Thank you for the opportunity to review the document.

Sincerely,



Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

Attachment

cc: Mike Sheehan, Compliance Division
David Craft, Engineering Division
EMC Planning Group, Inc.

Response to the Monterey Bay Unified Air Pollution Control District.

1. After consulting the Monterey Bay Unified Air Pollution Control District (MBUAPCD) CEQA Guidelines, it was concluded that performing an URBEMIS 2007 analysis was unnecessary for the project. As discussed in the Air Quality section of the Front Street Mixed Use Initial Study (Appendix C), the proposed project would not exceed the thresholds established by the MBUAPCD. Table 5-4 in the MBUAPCD CEQA Guidelines identifies some indirect sources that could significantly impact regional air quality if not mitigated. According to Table 5-4, the threshold for significance for Condominium/Townhouse General is 1,195 dwelling units, which at 102 dwelling units, the project is well below. For the commercial components of the project, the CEQA Guidelines Table 5-4 does not have a land category that matches the uses proposed in the project. But the project falls well below all of the potential land use categories thresholds for significance. For example, the guidelines state that the threshold for significance for Office General is 930,000 square feet, whereas the project proposes only 8,200 square feet of commercial. The guidelines also state that the threshold for significance for Restaurant (Sit-Down, High-Turnover) is 59,000 square feet, and the project only has 4,000 square feet of restaurant space. Therefore, the project operations would clearly have less than significant impact on air quality and an analysis of the project using URBMIS 2007 is not necessary.

2. Although the site is already developed, there is an abandoned swimming pool in the middle of the site that would have to be excavated and filled in order for development to occur on the site. Demolition of the existing buildings and site clearing would also need to occur. Finally, implementation of mitigation measure A-1 of the Draft EIR (page 2-9) would or could entail excavation for underground parking. A Construction Emissions Reduction Plan would need to be prepared to mitigate the effects of heavy equipment used on the site during those operations. Examples of uses that would necessitate heavy equipment on site during the construction phase of the project are the demolition of the existing buildings, the transportation of the debris from the demolition, the general clearing of the site, and the excavation of the swimming pool. As discussed in the previous comment, an URBEMIS analysis would not be necessary for a project of this size.

3. Construction is not anticipated to run for more than one year, therefore there should be no chronic impacts from operation of diesel equipment. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) was consulted regarding the acute threshold for acrolein and the District has provided us with the following guidelines:

The following equipment may be used without control devices or additional mitigation measures, without causing acute adverse health effects:

- No engines greater than 750 HP are used; and
- Engines between 501 HP and 750 HP are model years 2002 and newer; and
- Engines between 251 HP and 500 HP are model years 1996 or newer; and
- Engines between 175 HP and 250 HP are model years 1985 or newer.

The following equipment may be used without causing acute adverse health effects, if retrofitted with a catalyzed diesel particulate filter (CDPF):

- Engines greater than 750 HP, if model year 2006 and newer; and
- All engines less than 749 HP, regardless of model year.

If construction equipment uses B99 biodiesel, no acute adverse health effect would be expected in the following:

- Engines between 501 HP and 750 HP, if model years 2002 or newer; and
- Engines between 250 HP and 500 HP, if model years 1996 and newer; and
- Any engine less than 250 HP.

4. Mitigation measure AQ-2 on page 2-19 of the draft EIR has been revised in the final EIR to incorporate the comments of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) so that the use of temporary electrical service shall be used to power equipment and can be enforced.

5. Additional correspondence received from the Air District concerning a larger commercial project in the City indicates that the State Diesel Idling Rule applies to on-road trucks, rather than to off-road equipment. Accordingly, mitigation measure AQ-2 on page 2-19 of the draft EIR has been revised in the final EIR to incorporate the comments of the MBUAPCD stating that diesel trucks shall be turned off after idling for five minutes.

3.0
CHANGES TO THE DRAFT EIR

Changes have been made to the draft EIR text in response to comments received during the public review period. These changes are presented in this section.

SUMMARY

A revised summary is presented in Section 5.0 Revised Summary.

ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

The following changes were made to Environmental Setting, Impacts, and Mitigation Measures section of the draft EIR.

Air Quality

The following changes were made to page 2-19 and 2-20 of the draft EIR.

AQ-2. Prior to the issuance of a grading permit for earth-disturbing activity, the developer shall prepare a Construction Emissions Reduction Plan (CERP), for review by the MBUAPCD, to reduce construction-generated fugitive and mobile-source emissions. The CERP shall include the following:

a. Off-road construction equipment manufactured during or after 1996 that meets the NOx emissions standard of 6.9 grams per brake-horsepower hour or use alternative fuels (such as biodiesel) that result in lower particulate emissions;

b. Installation of temporary electrical service ~~whenever possible~~ to avoid the need for independently powered equipment (e.g. compressors);

c. Diesel equipment standing idle for more than two minutes shall be turned off and ~~This would include~~ trucks waiting to deliver or receive soil, aggregate or other bulk materials shall not remain idling more than five minutes. Rotating drum concrete trucks ~~could~~ may keep their engines running continuously as long as they ~~were~~ are onsite and are staged an adequate distance ~~away~~ from residential areas;

d. Properly tune and maintain equipment for low emissions; and

e. Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences).

Biological Resources

The following changes were made to 2-20 and 2-21 of the draft EIR.

BIO-1. The developer shall plant at least two new drought-tolerant trees for every one mature tree removed. If appropriate for the planting location, replacement trees should be native to the region. The developer may either plant the new trees on the project site, or in another location as decided by the City.

BIO-2. If construction activities or tree removal would occur during breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around the active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Transportation and Traffic

The following changes were made on page 2-23 of the draft EIR.

T-3. The applicant shall implement one or more of the following ~~traffic demand reduction~~ strategies ~~so that there is either a~~ to ~~reduction~~ reduce ~~in~~ traffic demand and/or provide ~~to the site or there is~~ an increase in the parking spaces available for each use at the site:

~~a. Work with Monterey Salinas Transit (MST) to provide a bus pull-out and shelter adjacent to the project site;~~

a~~b~~. Provide bike racks or lockers for both the residential and commercial components consistent with city policies;

b~~c~~. Allow shared parking for both residential and commercial use, while ensuring that there is at least one space exclusively per residential unit;

c~~d~~. Charge tenants for parking spaces, therefore encouraging a reduction in demand for cars on the premises; and

d~~e~~. Meter the commercial on-street parking spaces fronting the project site to reduce the demand for driving to the project site.

The applicant shall work to develop an appropriate set of strategies prior to approval of residential subdivision or condominium map.

T-4. The City shall continue to work with TAMC and AMTRAK to ~~create~~ establish a train stop adjacent or close to the project site to allow for easier commuting to areas outside of Soledad and decrease the need for those living in the residential site to own a car. If the City is unable to fulfill this measure within the timeframe of the project, the applicant shall still retain the right to proceed with the development of the project as approved by the City.

T-5. The Project proponent and the City shall consult with Monterey Salinas Transit to identify the most appropriate bus pull-out location adjacent to the project site, and Project proponent shall provide related improvements, including bus shelter, in accordance with MST and City standards."

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4.0
CHANGES TO THE PROJECT DESCRIPTION

The modified project is the construction of a four-story, 146-unit extended stay hotel, including a restaurant, retail store, conference facilities, and parking lot. Features of the modified project are summarized in Table 2 Revised Project Summary. The site plan is presented in Figure 1 Revised Project Site Plan. Elevations of the revised project are presented in Figure 2 Revised Project Elevations.

Table 2 Revised Project Summary

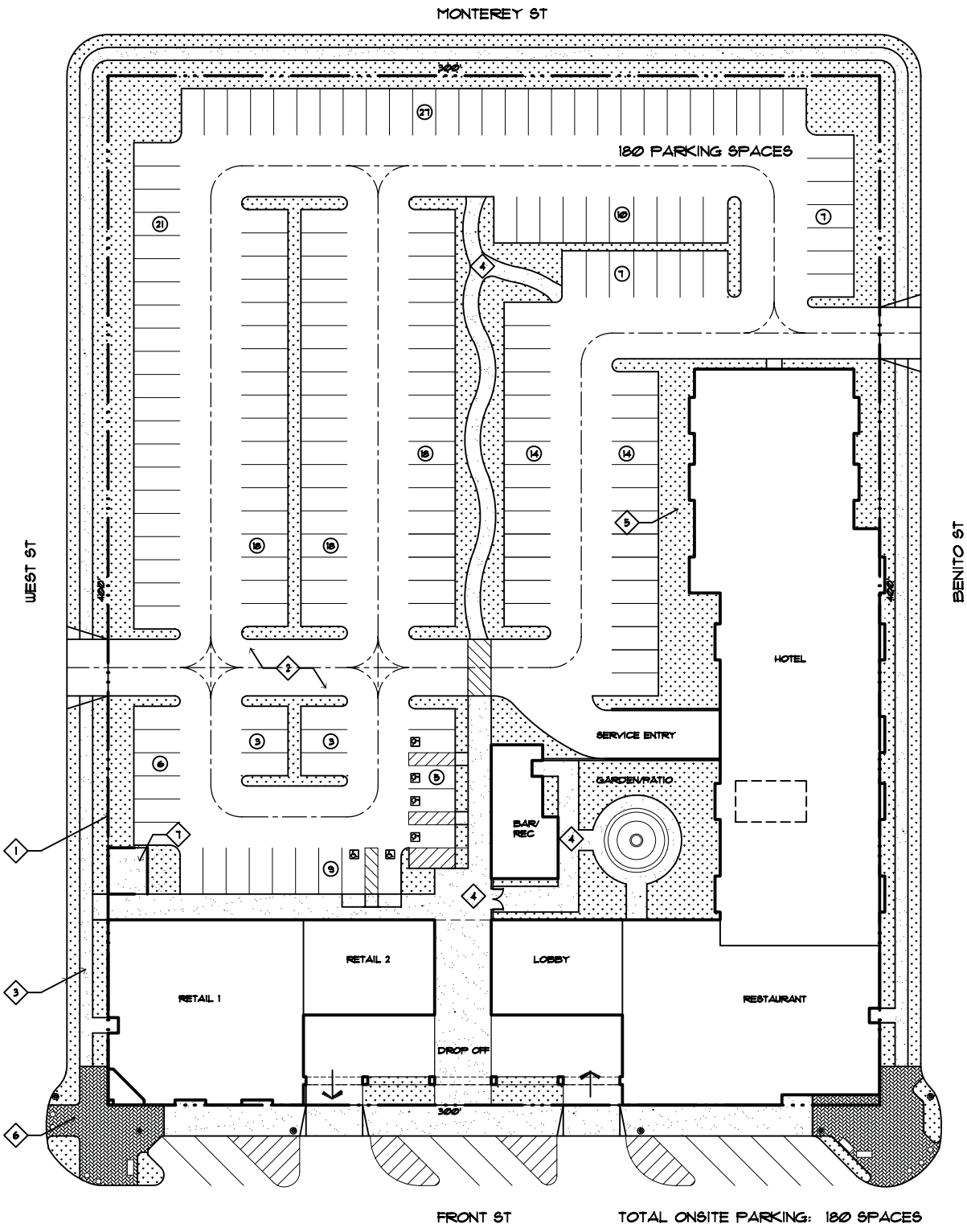
Project Component	Location	Size/Number
Hotel Room Floors	2nd, 3rd, and 4th Floors	94,425 sf; 146 units
Lobby	1st Floor	1,887 sf
Conference	Basement and 1st Floor	4,367 sf; 2 rooms
Hotel Service	Basement	3,124 sf
Bar/Reception/Recreation	Separate structure	1,159 sf
Restaurant	1st Floor	5,265 sf
Retail	1st Floor	5,276 sf

Source: Dennis Hodgin AIA Architects June 22, 2010

The hotel would feature three room layouts:

- 46 studio units with kitchenette and bath (379 square feet)
- 25 one-bedroom units with kitchenette and bath (608 square feet)
- 75 one bedroom units with full kitchen and bath (624 square feet)

The hotel building would be L-shaped, fronting on Front Street and Benito Street and about 48 feet tall. The fourth floor would be recessed from the plane of the first three floors by about 15 feet on each side. A parking lot with 180 spaces would be situated to the rear of the hotel building along West Street and Monterey Street. A drive-through drop-off lane would be constructed beneath the building along Front Street. A separate bar/reception/recreation building would be located between the hotel building and parking lot, and within a fenced garden/patio area. The service entrance would be accessed from the parking lot. Landscaping would be provided within and adjacent to the parking lot. The hotel project includes construction of a sidewalk, on-street parking, and landscape improvements along Front Street.



0 15 feet

Source: EMC Planning Group 2010, Dennis Hodgin Architecture and Planning 2010

Figure 1

Revised Project Site Plan

Front Street Mixed Use Revised Final EIR

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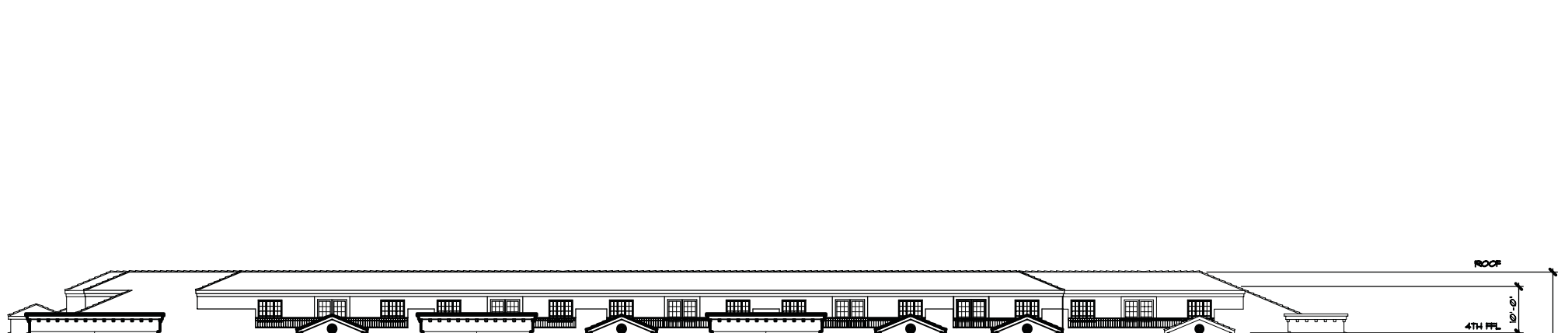
BENITO STREET ELEVATION

SCALE: 1/32"=1'-0"

(N)EXTELEV01-192
05/04/2010 AJG



FRONT STREET ELEVATION

SCALE: 1/32"=1'-0"

(N)EXTELEV01-192
05/04/2010 AJG

MATERIAL DESIGNATIONS THIS ELEVATION
ARE TYPICAL UNLESS OTHERWISE NOTED

WEST STREET ELEVATION

SCALE: 1/32"=1'-0"

(N)EXTELEV01-192
05/04/2010 AJG

MONTEREY STREET ELEVATION

SCALE: 1/32"=1'-0"

(N)EXTELEV01-192
05/04/2010 AJG

Source: EMC Planning Group 2010, Dennis Hodgin Architecture and Planning 2010

Figure 2
Revised Project Elevations
Front Street Mixed Use Revised Final EIR

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5.0
REVISED SUMMARY

INTRODUCTION

This section contains a revised version of the summary presented in the draft EIR. Changes are indicated with underline and strikethrough text, with single underline/strikethrough indicating changes made in response to comments on the draft EIR, and double underline/strikethrough indicating changes made due to the changes to the project description. The revised summary follows:

REVISED SUMMARY

CEQA Guidelines section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. This summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

~~SUMMARY OF PROJECT~~

Location

The 2.75-acre project site is located within the city limits of Soledad, north of Front Street and south of Monterey Street, between West Street and Benito Street. The project site consists of two parcels and is currently used as rental housing, created by the conversion of the 21-room Soledad Motor Lodge on the premises into residences and the addition of 31 mobile homes.

Project Description

~~The applicant has applied for a general plan amendment to change the property designation from General Commercial to Downtown Commercial, as well as changing the zoning district from H C (Highway Commercial) to a proposed C D (Downtown Commercial). The proposed project includes creation of the Downtown Commercial zoning district.~~ The proposed project includes the demolition of the existing house, residential motel, and surrounding mobile homes (52 units), and the construction of a ~~five~~ four-story building with ~~102~~ 146 ~~one and two bedroom residential condominium~~ hotel units, 4,367 square feet of conference space, ~~and separate one and two story buildings with 12,200~~ 5,276 square feet of ~~commercial~~ retail uses, a 5,265 square-foot restaurant, and 180 parking spaces. The new buildings would be located adjacent to Front Street and Benito Street (see Figure 1 on page 4-2 of the Revised Final EIR).

Significant Unavoidable Effects ~~and Mitigation Measures~~

The proposed project would have significant impacts to ~~aesthetics and~~ historic resources. In regard to the motel building, the impact would be significant and unavoidable. ~~The commercial portion of the project is consistent with the City's policies and goals for downtown. The proposed commercial buildings would border Front Street and are designed in a way that complements other existing buildings on the street and provides for the continuity of the Front Street building facade. The residential component of the project is a five-story building with a roof height of up to 64 feet. The size of the proposed five-story residential building is dramatically different than the small mostly one-story homes in the surrounding neighborhoods. The building exceeds the 45-foot height limit described for Front Street in the *Downtown Specific Plan & Front Street Rehabilitation Plan* and the *Handbook of Downtown Design*. The building is not consistent with the design and scale of buildings in the surrounding residential neighborhood, although it has been designed in such a way as to lessen its impact to the nearby residences to the north on Monterey Street to the extent feasible for a five story building. Although features have been integrated into the current design of the project in an attempt to reduce the impact of its size and scale, due to the difference in size and height compared to the surrounding buildings, there may still be a significant aesthetics effect on the surrounding residential neighborhood.~~

~~To evaluate the effects of the project's five-story height on neighboring uses, a shade study was produced by RRM Design Group, that simulated the shadows that may be created by the buildings at various times and seasons. A copy of the Shade Study can be found as Appendix A of this document. According to the study, there may be some shading of the commercial developments to the east of Benito Street, as well as to the residential developments to the north on Monterey Street. The most severe shading impacts would occur to the surrounding areas with the March 21 at 5:00 p.m., June 21 at 7:00 p.m., and December 21 at 3:30 p.m. scenarios.~~

~~Therefore, the proposed project creates a significant impact and it was concluded that an EIR would be needed to evaluate the aesthetic impacts of the proposed project.~~

A historic evaluation report was prepared by Dr. Robert Cartier at Archaeological Resource Management on April 26, 2007, which can be found as Appendix B of this document [Draft EIR]. The report states that buildings on the project site may potentially qualify for listing in the California Register of Historical Resources (CRHR) because they meet one or more of the states criteria. The report determined that the Soledad Motor Lodge is associated with the early-to-mid twentieth-century expansion of American automobile culture. Therefore, it qualifies as potentially eligible under criteria one (1), which is association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. The report also identified the adjacent residence as a good example of the mission style of Spanish Colonial Revival architecture and it appears to qualify for listing under criteria three (3), which is embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values. In the State of California, a resource that can potentially be listed with the CRHR must be treated as historic resources until a final decision is made regarding its status. Therefore, the proposed project, which includes~~d~~ the demolition of the structures, could result in a significant impact and it was concluded that an EIR would be needed to evaluate the cultural resource impacts of the proposed project.

Significant Impacts Mitigated to a Less than Significant Level

This EIR ~~evaluates~~ focuses on the aesthetic and historic resource impacts of the proposed project. Detailed analysis and mitigation text are presented in Section 2 of this EIR. The following impacts were determined to be significant or potentially significant, but would be reduced to a less than significant level with implementation of mitigation measures. The proposed project's significant effects and mitigation measures are summarized in Table S-1, Significant Impacts and Mitigations Summary.

Air Quality

The proposed project could result in the emission of toxic air contaminants during demolition. A demolition permit from the Monterey Bay Unified Air Pollution Control District would reduce this impact to a less than significant level (AQ-1).

The proposed project may expose people to diesel exhaust. A Construction Emissions Reduction Plan would be required to reduce this impact to a less than significant level (AQ-2).

Biological Resources

The proposed project would remove trees. The developer will be required to replace all trees that are removed at a 2:1 ratio, which will reduce this impact to a less than significant level (BIO-1).

Construction or tree removal could disturb bird nests during breeding season. A survey for bird nests is required for construction during the breeding season and a buffer provided if nests are present, which will reduce this impact to a less than significant level (BIO-2).

Historic Resources

The proposed project would remove the potentially historic residence at the corner of Front Street and West Street. Restoration of the building would reduce this impact to a less than significant level (C-1).

Refer also to the prior discussion of significant unavoidable impacts.

Cultural Resources

The project could disturb unknown buried resources or human remains. The developer will be required to stop work and follow standard procedures in the event of such a discovery, which will reduce this impact to a less than significant level (C-2, C-3).

Land Use and Planning

The proposed building exceeds the height limits of the Downtown Specific Plan. The project must be modified or the Downtown Specific Plan revised to eliminate the inconsistency and reduce this impact to a less than significant level (L-1).

Noise

The project uses may be exposed to levels of noise that exceed City standards. A noise analysis is required as part of building construction to demonstrate that measures are included in project plans to reduce interior noise levels and reduce the impact to a less than significant level (N-1).

Project construction could exceed City noise standards are adjacent properties. Construction will be limited to specified hours and engine mufflers will be required on certain equipment to reduce this impact to a less than significant level (N-2).

Traffic

The project would provide less parking than required. The applicant will be required to implement strategies to reduce parking demand or shall provide additional parking, to reduce this impact to a less than significant level (T-3). The City will be responsible to work with TAMC, AMTRAK, and MST to increase service, however, if the City is unable to fulfill the measure, the developer will be entitled to continue with the project as approved (T-4, T-5).

Known Areas of Controversy

~~Other than~~ There had been concerns associated with the height of the five story residential component~~.~~ however, the re-designed four-story building alleviates those concerns~~, there are no known areas of controversy regarding the proposed project~~. There is a concern about the displacement of low-income residents from their homes on the project site.

Alternatives

This EIR includes an evaluation of five alternatives: the no project alternative; preservation with commercial emphasis; preservation with residential emphasis; project redesign; and alternative site. Consideration in development of the alternatives included meeting the basic objectives of the project and reducing the severity of the environmental impacts. All of the alternatives, with the exception of the project redesign, result in a reduction of the environmental impacts associated with the proposed project. All of the alternatives achieve at least one or both of the project objectives. Alternative 2, Preservation with Residential Emphasis, was determined to be the environmentally superior alternative.

Table S-1 Significant Impact and Mitigation Measure Summary

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
~~**Aesthetics (neighborhood character on Front Street)**~~	~~Project is not consistent with the size, scale, and character of the other development on Front Street~~	~~A-1~~	~~Changes shall be made to the project design so that the project is consistent with City policies governing the design and aesthetics in neighborhood character.~~	~~Less than Significant~~
~~**Aesthetics (neighborhood character on adjacent residential streets)**~~	~~Residences on Monterey Street would be exposed to a parking lot and the back of the five-story residential development~~	~~A-1~~	~~Changes shall be made to the project design so that the project is consistent with City policies governing the design and aesthetics in neighborhood character.~~	~~Less than Significant~~
~~**Aesthetics (shading)**~~	~~The project shades residences and businesses to the north and the east of the project~~	~~A-2~~	~~Project plans shall be revised so the project building height is reduced.~~	~~Less than Significant~~
Air Quality	The demolition of existing structures may be a temporary source of TACs by releasing asbestos into the air	AQ-1	~~Demolition permit from the MBUAPCD shall be acquired, and the permit may require a~~ An asbestos survey shall be completed by a qualified professional. Project shall comply with the MBUAPCD NESHAP policies and regulations for removal and disposal of contaminated materials.	Less than Significant

Air Quality	The project may expose people to diesel exhaust	AQ-2	Developer shall prepare a Construction Emissions Reduction Plan (CERP), for review by the MBUAPCD.	Less than Significant
Biological Resources	The project would require the removal of mature trees	BIO-1	Developer shall plant at least two new drought-tolerant trees for every one mature tree removed; trees should be native to the region if appropriate for the location.	Less than Significant
Biological Resources	Construction activities or tree removal may disturb songbird or raptor nests during breeding seasons (February through mid-September)	BIO-2	A qualified biologist shall survey for active nests and a buffer of 250 feet should be delineated around active nests until the breeding season has ended or a qualified biologist has determined that the birds have fledged.	Less than Significant
Historic Resources	The project would result in the demolition of the historic Soledad Motor Lodge	None	There are no feasible mitigation measures for the Soledad Motor Lodge.	Significant and Unavoidable Impact
Historic Resources	The project would result in the demolition of the historic residence	C-1	Two-story residence could be restored on-site or off-site.	Less than Significant
Cultural Resources	Project construction activities may unearth and accidentally discover unknown buried resources or human remains	C-2 C-3	Stop work if found; develop and implement appropriate data recovery program. Stop work if found; contact coroner and if determined to be Native American remains, take required steps to contact the most likely descendent.	Less than Significant

~~**Land Use and Planning**~~	~~The proposed new Downtown Commercial district is not consistent with policies in various City planning documents~~	~~L-1~~	~~The proposed new Downtown Commercial zone district language shall be revised to be consistent with the specific plan, City policies, and ordinance documents and ordinances shall be amended so that they are consistent~~	~~Less than Significant~~
Noise	The proposed project may ~~have~~ be exposed to significant interior noise impacts	N-1	Developer shall have a noise analysis conducted to identify noise reduction measures to reduce average interior noise levels to 45 dBa or less. This noise report shall be prepared prior to issuance of a building permit.	Less than Significant
Noise	Construction activities may create a noise impact	N-2	Limit construction time, mufflers on engines, located certain equipment away from sensitive receptors, notify Main Street Middle School.	Less than Significant
~~**Traffic**~~	~~The proposed project would require improvements to the streets adjacent to the project site~~	~~T-1~~	~~The project proponent shall construct street frontage improvements in accordance with improvement plans approved by the City.~~	~~Less than Significant~~
~~**Traffic**~~	~~The project shall increase traffic and the need for improvements on the streets adjacent to the project site~~	~~T-2~~	~~The project shall pay impact fees per the City's traffic impact fee program in effect at the time of the building permit issuance.~~	~~Less than Significant~~
Traffic	The proposed project would not provide adequate parking	T-3	Applicant shall implement ~~traffic demand reduction~~ strategies to reduce traffic demand and/or provide an increase in parking available for each use at the site.	Less than Significant

~~**Traffic**~~	~~The project would result in an increased demand for alternative forms of transportation to and from Soledad~~	T-4	The City shall work with TAMC and AMTRAK to create a train stop to allow for easier commuting to areas outside of Soledad and to reduce the need for driving to the project site. If the City is unable to fulfill the measure, the applicant shall still retain the right to proceed with the project as approved.	Less than Significant
~~**Traffic**~~	~~The proposed project would not provide adequate parking and would result in increased demand for alternative forms of transportation to and from Soledad~~	T-5	The project proponent and the City shall consult with MST to identify bus pull-out locations adjacent to the project site, and the project proponent shall provide related improvements in accordance ~~able~~ with MST and City standards.	Less than Significant
~~**Utilities and Infrastructure**~~	~~The proposed project would require improvements in water mains to accommodate increased fire flows~~	~~U-1~~	~~Water mains on Front Street, West Street, or Benito Street shall be replaced as needed to provide adequate fire flows for the project consistent with the Uniform Building Code as adopted by the City.~~	~~Less than Significant~~
~~**Utilities and Infrastructure**~~	~~The installation of additional infrastructure may conflict with City Design Standards and improvement plans~~	~~U-2~~	~~Any additional infrastructure (e.g. sewer, utilities, cable) shall be provided in accordance with City Design Standards and per approved improvement plans.~~	~~Less than Significant~~

Source: EMC Planning Group Inc. 2008

Note: The City determined that Mitigation Measures T-1, T-2, U-1 and U-2 were standard requirements and no mitigation was required. Mitigation Measures T-4 and T-5 are associated with the same impact for which Mitigation Measure T-3 is presented.

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6.0
MITIGATION MEASURES

This section presents all of the mitigation measures from the draft EIR, as well as mitigation measures added, deleted, or revised based on comments during the public review period or relating to changes to the project description. Changes resulting from the public review of the draft EIR are indicated with single underline or strikethrough. Changes resulting from modifications to the project description are indicated with double underline or strikethrough. An explanation of the change is provided in the box preceding the changed mitigation measures. For the consolidated final wording of the mitigation measures, refer to the Mitigation Monitoring and Reporting Program, included as Appendix C.

Mitigation Measure A-1 was deleted upon review of the revised project in the environmental evaluation. The design of the revised project reduces the building mass and height and the revised building would fit the character of the neighborhood. The environmental evaluation concluded that the revised project resulted in a less than significant impact on visual character and that the mitigation measure was not required.

~~A-1. The City shall determine that one, or a combination, of potential design changes shall be made to the project plans so that the project is consistent with City policies governing the design and aesthetics in terms of neighborhood character. Potential design changes are as follows:~~

~~a. Eliminate fifth floor of the residential component;~~

~~b. Construct the parking lot partially underground;~~

~~c. Construct the parking lot fully underground;~~

~~d. Add third level (residential) to the commercial component (in conjunction with at least one other option); and/or~~

~~e. Stagger portions of the residential development that faces Front Street.~~

Mitigation Measure A-2 was deleted upon review of the revised project in the environmental evaluation. The design of the revised project reduces the building mass and height and the revised building would not cast significant shadows over adjacent residences. The environmental evaluation concluded that the revised project resulted in a less than significant impact from shading and that the mitigation measure was not required.

~~A-2. The developer shall revise the project plans so that the residential component of the project does not cast shadows on the adjacent residential properties. This may be accomplished through a combination of the measures presented in Mitigation Measure A-1 and/or by moving the residential building approximately 60 feet (or less if the building height is reduced) to the south. If the residential building is moved south, the 49 parking spaces that are presently located between the commercial and residential components shall be relocated to the opposite side of the residential building, adjacent to Monterey Street.~~

The City determined that preservation of the historic residence at another location would provide adequate mitigation.

CR-1. The proposed project shall be redesigned to preserve the two-story residence and integrate it into the project, or the project applicant shall relocate the residence to an appropriate location within the City of Soledad or the Salinas Valley.

CR-2. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in all construction documents:

> "If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The City shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

CR-3. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City will ensure that this language is included in all construction documents in accordance with CEQA Guidelines section 15064.5(e):

> "If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage

Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

Mitigation Measure AQ-1 was revised to reflect MBUAPCD requirements that asbestos surveys be conducted by a qualified professional.

AQ-1. Prior to demolition activities, the project sponsor shall ~~apply for a demolition permit from~~ contract with a qualified professional to survey the buildings to be demolished and notify the MBUAPCD. ~~Conditions of the permit may require preparation of an asbestos survey.~~ The project sponsor shall comply with MBUAPCD NESHAP policies and regulations for removal and disposal of contaminated materials.

Mitigation Measure AQ-2 was revised based on MBUAPCD comments on the draft EIR. The City further determined to add dust mitigation to the measure.

AQ-2. Prior to the issuance of a grading permit for earth-disturbing activity, the developer shall prepare a Construction Emissions Reduction Plan (CERP), for review by the MBUAPCD, to reduce construction-generated fugitive and mobile-source emissions.

The CERP shall include the following dust reduction measures:

a. Water all active construction areas at least twice daily and more often during windy periods. Active areas should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week, regardless of onsite activities.

b. Cover all trucks hauling dirt, sand, or loose materials.

c. Haul trucks shall maintain at least 2'0" of freeboard.

d. Install wheel washers at the entrance to construction sites for all exiting trucks.

e. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the site.

f. Sweep daily all paved access roads, parking areas, and staging areas at the site.

g. Sweep streets if visible soil material is carried out from the construction site.

h. Hydroseed or apply non-toxic soil stabilizers on inactive construction areas (previously graded areas inactive for ten days or more).

i. Enclose, cover, water twice daily, or apply non-toxic soil stabilizers to exposed stockpiles.

j. Limit speeds on unpaved surfaces to 15 mph.

k. Suspend excavation and grading activities when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

The CERP shall include the following diesel exhaust measures:

a. The following equipment may be used without control devices or additional mitigation measures without causing acute adverse health effects:

    1. No engines greater than 75 HP are used

    2. Engines between 501 and 750 HP are model years 2002 or newer

    3. Engines between 251 and 500 HP are model years 1996 or newer

    4. Engines between 175 and 250 HP are model years 1985 or newer

b. The following equipment may be used without causing acute adverse health effects if retrofitted with a catalyzed diesel particulate filter (CDPF):

    1. Engines greater than 750 HP if model years 2006 or newer

    2. All engines less than 749 HP

c. The following equipment may be used without causing acute adverse health effects if B99 biodiesel fuel is used:

    1. Engines between 501 and 750 HP if model years 2002 or newer

    2. Engines between 251 and 500 HP if model years 1996 or newer

3. Engines of 250 or lower HP.

~~a. Off-road construction equipment manufactured during or after 1996 that meets the NOx emissions standard of 6.9 grams per brake horsepower-hour or use alternative fuels (such as biodiesel) that result in lower particulate emissions;~~

~~b~~d. Installation of temporary electrical service ~~whenever possible~~ to avoid the need for independently powered equipment (e.g. compressors);

~~c~~c. Diesel equipment standing idle for more than two minutes shall be turned off and ~~.~~ ~~This would include~~ trucks waiting to deliver or receive soil, aggregate or other bulk materials shall not remain idling more than five minutes. Rotating drum concrete trucks ~~could~~ may keep their engines running continuously as long as they ~~were~~ are onsite and are staged an adequate distance ~~away~~ from residential areas;

~~d~~f. Properly tune and maintain equipment for low emissions; and

~~e~~g. Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences).

Mitigation Measure BIO-1 was revised based on Department of Fish and Game comments on the draft EIR.

BIO-1. The developer shall plant at least two new drought-tolerant trees for every one mature tree removed. If appropriate for the planting location, replacement trees should be native to the region. The developer may either plant the new trees on the project site, or in another location as decided by the City.

Mitigation Measure Bio-2 was added based on Department of Fish and Game comments on the draft EIR.

BIO-2. If construction activities or tree removal must occur during breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around the active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Although the hotel continues to exceed the height limit established by the Downtown Specific Plan, the height is now exceeded by only three feet (and is consistent with the zoning regulations for height), and associated shadowing effects would no longer occur. Therefore, the City determined that this impact is now less than significant and Mitigation Measure L-1 would no longer be necessary.

L-1. ~~The *City of Soledad General Plan*, *the* specific plan, and the *Handbook of Downtown Design* shall be amended or the Downtown Commercial zone district standards shall be rewritten~~

~~to maintain consistency between the Downtown Commercial district's development standards with the following City policies:~~

~~a. Historically or architecturally significant buildings shall not be demolished or substantially changed in outward appearance in a way that diminishes the historical character, unless doing so is necessary to remove a threat to health and safety and other means to avoid the threat are infeasible (*City of Soledad General Plan,* L-52);~~

~~b. New development in the downtown shall provide parking in accordance with Section 17.36 of the Soledad Zoning Ordinance (specific plan, Circulation Element Policy 1);~~

~~c. Existing buildings in the downtown contribute to the character of the City and should be retained and rehabilitated (specific plan, Land Use Element Policy 4); and~~

~~d. The maximum building height for buildings facing Front Street shall be 45 feet (*Handbook of Downtown Design,* Architecture Element Policy 18).~~

N-1. The developer shall have a noise analysis conducted to identify the appropriate noise reduction measures to reduce averaged interior noise levels to 45 dBa or less. Measures could include use of triple pane or STC-rated windows and/or ventilation systems with non-operable windows.

A noise report shall be prepared prior to issuance of a building permit, subject to review and approval by the City of Soledad.

N-2. The following measures shall be incorporated into the proposed project to mitigate construction noise:

a. Noise-generation shall be limited to weekdays between 7 a.m. and 7 p.m., and on Saturdays between 8 a.m. and 6 p.m., with no construction on Sundays and holidays;

b. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment;

c. Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; and

d. The applicant shall notify the principal of Main Street Middle School at least 24 hours in advance when construction generating high levels of noise is to take place on scheduled school days.

Mitigation Measures T-1 and T-2 were determined to be addressed by standard City requirements and therefore have been removed as mitigation measures.

~~T-1. The project proponent shall be responsible for constructing any street frontage improvements to Front Street, West Street, Benito Street, and Monterey Street in accordance with improvement plans approved by the City.~~

~~T-2. The project shall pay impact fees per the City's traffic impact fee program in effect at the time of the building permit issuance.~~

Mitigation Measure T-3 was revised to clarify language and to move bus stop requirements into a separate measure. Some of the provisions of Mitigation Measure T-3 are specific to uses not included in the revised project. These provisions were removed.

T-3. The applicant shall implement ~~one or more of the following~~ ~~traffic demand reduction~~ strategies including the following measures ~~so that there is either a~~ to ~~reduction~~ reduce ~~in~~ traffic demand and/or provide ~~to the site or there is~~ an increase in the parking spaces available for each use at the site:

~~a. Work with Monterey Salinas Transit (MST) to provide a bus pull-out and shelter adjacent to the project site;~~

a~~b~~. Provide bike racks or lockers for both the ~~residential~~ hotel and commercial components consistent with city policies;

b~~c~~. ~~Allow shared parking for both residential and commercial use, while ensuring that there is at least one space exclusively per residential unit;~~

c~~d~~. ~~Charge tenants for parking spaces, therefore encouraging a reduction in demand for cars on the premises;~~ and

b~~d~~e. Meter the commercial on-street parking spaces fronting the project site to reduce the demand for driving to the project site.

~~The applicant shall work to develop an a~~ Appropriate ~~set of~~ strategies ~~prior to approval of residential subdivision or condominium map~~ shall be incorporated in the conditions of project approval.

Based on comments received on the draft EIR, the City revised Mitigation Measure T-4 to clarify that because the measure is not under the control of the applicant, that the project may proceed as approved by the City if the City, TAMC, and/or AMTRAK are not able to accomplish the establishment of a station.

T-4. The City shall continue to work with TAMC and AMTRAK to ~~create~~ establish a train stop adjacent or close to the project site to allow for easier commuting to areas outside of Soledad and decrease the need for those living in the residential site to own a car. If the City is unable to fulfill this measure within the timeframe of the project, the applicant shall still retain the right to proceed with the project as approved by the City.

This provision, originally part of Mitigation Measure T-3, was made into a separate mitigation measure pursuant to City direction.

T-5. The Project proponent and the City shall consult with Monterey Salinas Transit to identify the most appropriate bus pull-out location adjacent to the project site, and Project proponent shall provide related improvements, including bus shelter, in accordance with MST and City standards."

Mitigation Measures U-1 and U-2 were determined to be addressed by standard City requirements and therefore have been removed as mitigation measures.

~~U-1. Water mains on Front Street, West Street, or Benito Street shall be replaced as needed to provide adequate fire flows for the project as consistent with the Uniform Building Code as adopted by the City.~~

~~U-2. Any additional infrastructure (e.g. sewer, utilities, cable) shall be provided in accordance with City Design Standards and per approved improvement plans.~~

APPENDIX A

ENVIRONMENTAL EVALUATION REPORT

Planning for Success.

ENVIRONMENTAL EVALUATION

FRONT STREET HOTEL

PREPARED FOR

City of Soledad Community Development Department

November 9, 2010

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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FRONT STREET HOTEL

Environmental Evaluation

PREPARED FOR

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November 9, 2010

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BACKGROUND AND PROJECT DESCRIPTION

Project Title	Front Street Mixed Use Project
State Clearinghouse Number	2007081031
Lead Agency Contact Person and Phone Number	Susan Hilinski, AICP, Senior Planner (831) 223-5041
Date Prepared	November 8, 2010
Study Prepared by	EMC Planning Group 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Planner Teri Wissler Adam, Principal-in-Charge
Project Location	Between West Street and Benito Street, north of Front Street and south of Monterey Street in the City of Soledad, Monterey County.
Project Sponsor Name and Address	Nader Agha
General Plan Designation	Downtown Commercial (within Downtown Specific Plan)
Zoning	Highway Commercial (HC)

CEQA Background and Environmental Evaluation Focus

In 2006, the applicant proposed a project consisting of 102 residential condominiums, a 4,000 square foot restaurant, 5,000 square feet of retail, and 3,200 square feet of bank/office space. The project included general plan and zoning amendments to permit additional building height and to reduce parking requirements. The City contracted with EMC Planning Group to assist with the CEQA process. EMC Planning Group prepared a detailed initial study to narrow the scope of work for a focused EIR. The focused draft EIR was subsequently prepared and circulated for public review between November 2, 2007 and December 17, 2007. Although the final EIR was prepared in June 2008, the EIR was not taken to the Planning Commission and City Council for certification and no action was taken on the proposed project.

The applicant submitted a modified project in 2010, which is described below. This environmental evaluation was prepared to compare the environmental effects of the modified project with that of the original project analyzed in the draft EIR.

Setting

The 2.75-acre project site is located within the city limits of Soledad, northeast of Front Street and southwest of Monterey Street, between West Street and Benito Street. The project site consists of two parcels: APN 022-016-001 and APN 022-016-002. Figure 1, Regional Location, presents the site's location within the Salinas Valley region and Figure 2, Project Vicinity, presents the site within the context of the City of Soledad. A PG&E power substation and a storage facility are located to the northwest, and a tire and towing business and store to the southeast. Single-family residences are located to the northeast of the project site. The Union Pacific railroad tracks run approximately 220 feet to the southwest on the opposite side of Front Street. Main Street Middle School is located less than a quarter-mile north of the project site. The project site is currently used as rental housing, created by the conversion of the 21-room Soledad Motor Lodge on the premises into residences and the addition of 31 mobile homes.

Figure 3, Aerial Map, depicts existing land uses of the project site and surrounding properties. Figure 4, Site Photographs, present photographs of the site and give a more detailed view of the current conditions of the project site.

Description of Modified Project

The modified project is the construction of a four-story, 146-unit extended stay hotel, including a restaurant, retail store, conference facilities, and parking lot. Features of the modified project are summarized in Table 1 Revised Project Summary. The site plan is presented in Figure 5 Revised Project Site Plan. Elevations of the revised project are presented in Figure 6 Revised Project Elevations.

Table 1 Revised Project Summary

Project Component	Location	Size/Number
Hotel Room Floors	2nd, 3rd, and 4th Floors	94,425 sf; 146 units
Lobby	1st Floor	1,887 sf
Conference	Basement and 1st Floor	4,367 sf; 2 rooms
Hotel Service	Basement	3,124 sf
Bar/Reception/Recreation	Separate structure	1,159 sf
Restaurant	1st Floor	5,265 sf
Retail	1st Floor	5,276 sf

Source: Dennis Hodgin AIA Architects June 22, 2010

Not to Scale

Source: EMC Planning Group 2010

Figure 1

Regional Location

Front Street Hotel Environmental Assessment

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Source: EMC Planning Group 2010, Google Earth 2007

Figure 2

Project Vicinity

Front Street Hotel Environmental Assessment

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0 500 feet

Source: EMC Planning Group 2010, Google Earth 2007

Figure 3

Aerial Photograph

Front Street Hotel Environmental Assessment

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1 View north from the southeast edge of the property showing part of the existing development

2 View north from the southern edge of the property showing the existing development and central open lawn area

3 View south from the middle of the property looking toward Front Street and the adjacent railroad tracks

4 View west from the north end of the property showing some of the existing mobile homes

5 View south from the western edge of the property showing West Street and the adjacent PG&E Substation

6 View east from the northern edge of the property along Monterey Street showing the adjacent residential neighborhood

Source: EMC Planning Group 2010, Google Earth 2007

Figure 4

Site Photographs

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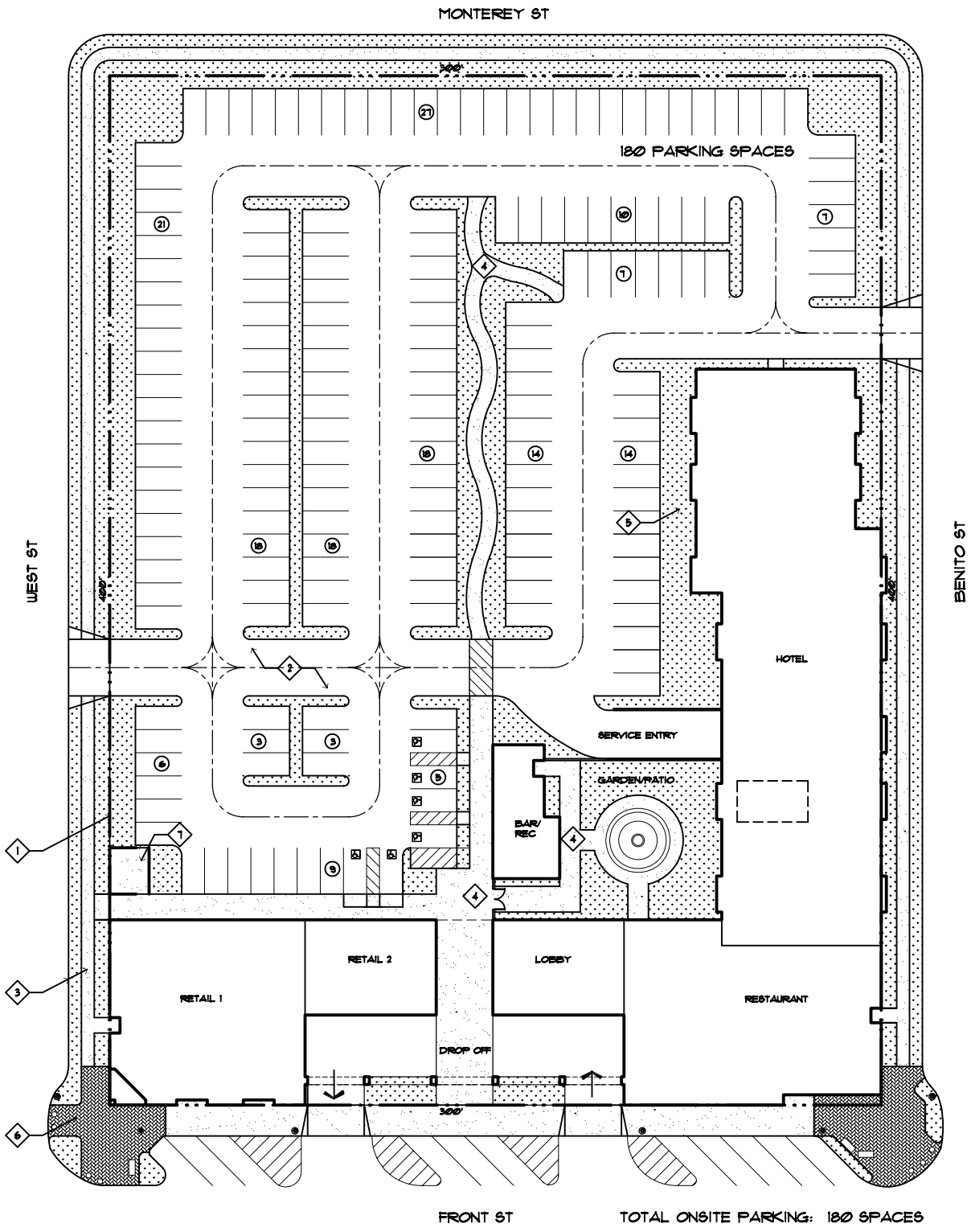

0 15 feet

Source: EMC Planning Group 2010, Dennis Hodgin Architecture and Planning 2010

Figure 5

Revised Project Site Plan

Front Street Hotel Environmental Assessment

E M C

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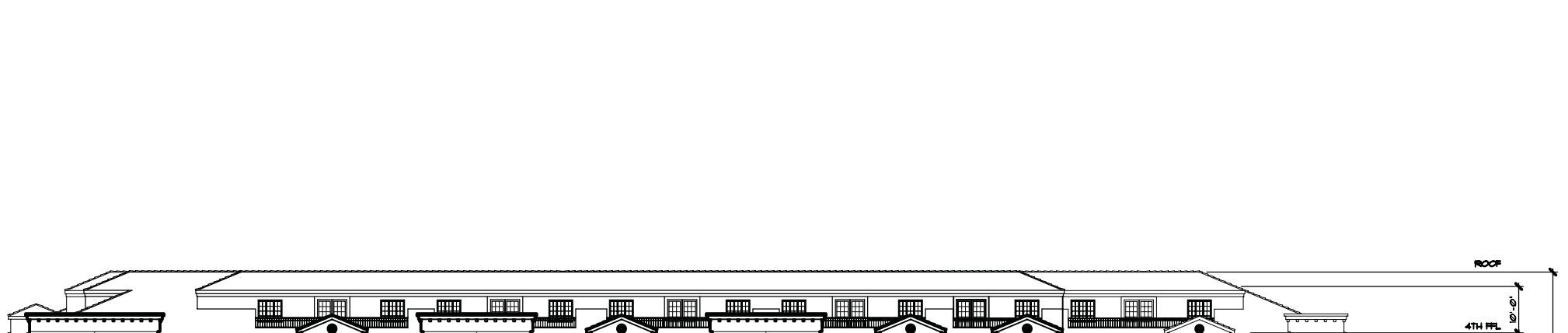
BENITO STREET ELEVATION
SCALE: 1/32"=1'-0"
(N)EXTELEV01-192
05/04/2010 AJG



FRONT STREET ELEVATION
SCALE: 1/32"=1'-0"
(N)EXTELEV01-192
05/04/2010 AJG

MATERIAL DESIGNATIONS THIS ELEVATION
ARE TYPICAL UNLESS OTHERWISE NOTED

WEST STREET ELEVATION
SCALE: 1/32"=1'-0"
(N)EXTELEV01-192
05/04/2010 AJG

MONTEREY STREET ELEVATION
SCALE: 1/32"=1'-0"
(N)EXTELEV01-192
05/04/2010 AJG

Source: EMC Planning Group 2010, Dennis Hodgin Architecture and Planning 2010

Figure 6
Revised Project Elevations
Front Street Hotel Environmental Assessment

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The hotel would feature three room layouts:

46 studio units with kitchenette and bath (379 square feet)

25 one-bedroom units with kitchenette and bath (608 square feet)

75 one bedroom units with full kitchen and bath (624 square feet)

The hotel building would be L-shaped, fronting on Front Street and Benito Street and about 48 feet tall. The fourth floor would be recessed from the plane of the first three floors by about 15 feet on each side. A parking lot with 180 spaces would be situated to the rear of the hotel building along West Street and Monterey Street. A drive-through drop-off lane would be constructed beneath the building along Front Street. A separate bar/reception/recreation building would be located between the hotel building and parking lot, and within a fenced garden/patio area. The service entrance would be accessed from the parking lot. Landscaping would be provided within and adjacent to the parking lot. The hotel project includes construction of a sidewalk, on-street parking, and landscape improvements along Front Street.

ENVIRONMENTAL EVALUATION

The term "condominium project" is used to refer to the original residential/commercial project. The term "hotel project" is used to refer to the project as modified and currently proposed, and includes recent changes such as the hotel component. The term "proposed project" is used in references where differences between the two versions of the project are not important to the discussion.

This environmental evaluation was prepared using an initial study checklist format to compare the environmental effects of the modified project with that of the original project analyzed in the draft EIR. Assessments of significance in the checklist are based on the hotel project. The purpose of the comparison is to determine if a revised EIR must be circulated or if the previously circulated EIR is adequate for approval of the hotel project. Conclusions within each environmental topic area are presented in bold text. Applicable mitigation measures from the draft EIR or, if revised following public review of the draft EIR, from the final EIR, are presented. In some cases, additional revisions are made to the mitigation measures to reflect the changes to the project or updated regulatory requirements.

The hotel project would generally result in less significant impacts compared to the condominium project. In the case of loss of on-site historic resources, the impact is the same with either project. A new environmental issue area, greenhouse gas emissions, was studied in the environmental evaluation, and determined to result in a less than significant impact. Thus, re-circulation of the draft EIR is not required.

1. AESTHETICS

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Have a substantial adverse effect on a scenic vista? (1, 2, 3, 4)	❑	❑	❑	✓
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 2, 13, 15)	❑	❑	❑	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 3, 4, 5, 6, 14, 16)	❑	❑	✓	❑
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 2)	❑	❑	✓	❑

Comments:

a. Both the condominium project and the hotel project consist of the redevelopment of the same developed site that is not located within a designated or perceived scenic resource or vista area.

No significant change.

Neither the condominium project nor the hotel project would affect scenic resources.

b. The project site is not located within, or in the vicinity, of a state scenic highway. The *City of Soledad General Plan* identifies two scenic routes within the Soledad planning area (Metz Road and Paraiso Road), neither of which is located near the project site. Neither the condominium project nor the hotel project would have any impact on a scenic highway or any other identified scenic route.

No significant change.

Neither the condominium project nor the hotel project would affect a scenic highway.

c. The four-story hotel project would be located on Front Street and Benito Street. The hotel building would measure about 48 feet in height, within the 50-foot height standard allowed within the Highway Commercial zoning district, but three feet in excess of the 45-foot height standard within the Downtown Specific Plan area. The highest parts of

the building would be recessed toward the interior of the building, about 15 feet from the vertical plane of the first three stories. The hotel building would be 16 feet lower than the condominium project.

The 48-foot four-story façade along Front Street would be higher than the adjacent commercial building on Front Street, which is about 20 feet tall. As viewed from the sidewalk, the fourth story would not be visible, resulting in a visible building height of about 40 feet at the corner of Front Street and Benito Street. Other than exceeding the height limit by three feet, the hotel project would be consistent with the guidance of the Downtown Specific Plan. The hotel building's design would be consistent with Guidelines 4, 12, 14, 15, and 16 (refer to Draft EIR page 2-3). The hotel project would be more in character with adjacent development due to the reduced overall building height, and reductions in the height of the building façade at the sidewalk.

Impact reduced to Less than Significant.

Relocation of the building away from Monterey Street and the design of the Front Street façade would reduce impacts on neighborhood character to a less than significant level. Mitigation Measure A-1 would not be necessary.

The nearest wall of the hotel building would be about 110 feet from the nearest house (at the south corner of Benito Street and Monterey Street). There would be a slight amount of early shading at this house during the spring, summer, and fall (due to the alignment of the sun at sunset during those seasons). Shading would be much less than with the condominium project. There would be no significant early shading at this house during the winter season, or at any other residential locations during any season. The hotel building is set far enough back from residences along Monterey Street (110 to 430 feet) that the larger size would not visually impose upon the one-story residences. Streetscape landscaping would provide a buffer between the houses and the parking lot, and a central landscaped area would break up the continuity of the parking lot. The hotel project would reduce shading effects at nearby residences.

Impact reduced to Less than Significant.

Shading impacts identified for the condominium project would be reduced to a less than significant level. Mitigation Measure A-2 would not be necessary.

d. The hotel project would result in a new source of light, in particular, illuminated windows within a four-story building. The hotel building would be a minimum of 110 feet from any residence, and at least 150 feet from any residence with a direct view of the hotel. Trees to be retained or planted along the Monterey Road frontage would reduce direct views of illuminated windows when viewed from nearby residences. Street lighting

in compliance with the City standards would be installed along all four fronting streets. Parking lot lighting would be installed on 14-foot poles. Trees to be retained or planted along the Monterey Road frontage would reduce direct views of parking lot lights when viewed from nearby residences. Lighting effects would not be significantly different than those of the condominium project.

No significant change.

Neither the condominium project nor the hotel project would result in significant light or glare.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
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 nonagricultural use? (1, 17)	❑	❑	❑	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1)	❑	❑	❑	✓
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))? (1, 3, 11)	❑	❑	❑	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1)	❑	❑	❑	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1, 13)	❑	❑	❑	✓

Comments:

a-e. The project site is an already-developed site within the City of Soledad. The project site does not include any agricultural or forest resources.

No significant change.

Neither the hotel project nor the condominium project would result in impacts to agricultural or forest resources.

3. 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:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Conflict with or obstruct implementation of the applicable air quality plan? (18, 19)	❑	❑	❑	✓
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (19)	❑	✓	❑	❑
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (19)	❑	❑	✓	❑
d. Expose sensitive receptors to substantial pollutant concentrations? (1, 2, 13, 19)	❑	✓	❑	❑
e. Create objectionable odors affecting a substantial number of people? (1, 2)	❑	❑	❑	✓

Comments:

a. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is responsible for monitoring air quality in the North Central Coast Air Basin (hereinafter "air basin"). The air basin is designated, under state criteria, as a non-attainment area for ozone and particulates. To achieve compliance with state air quality standards, the MBUAPCD adopted the Air Quality Management Plan (AQMP) in 1991, with the most recent version adopted in August 2008. The hotel project is consistent with the Soledad General Plan land use designation and development density. Therefore, the project would not conflict or obstruct the AQMP.

No significant change.

Neither the condominium project nor the hotel project would conflict with the AQMP.

b. The air basin is currently in state non-attainment status for particulate matter of 10 microns in diameter or smaller (PM_{10}) and ozone. The MBUAPCD has developed criteria pollutant emissions thresholds, which meet or exceed state and federal air quality thresholds. State thresholds are enforced by the California Air Resources Board as mandated by the California Clean Air Act.

Operational Impacts. The hotel project includes the redevelopment of the project site to include 10,541 square feet of commercial development (restaurant and retail) and a 146-unit extended stay hotel. There is currently no commercial development on the project site and 52 residential units. The hotel project would not exceed the thresholds established by the MBUAPCD. Table 5-4 in the MBUAPCD CEQA Air Quality Guidelines identifies some indirect sources that could significantly impact regional air quality if not mitigated. According to Table 5-4, the threshold for significance for a hotel is 880 rooms, which the project is well below. The appurtenant commercial components of the project are far below the screening thresholds. The condominium project also fell well below the MBUAPCD screening thresholds. Neither condominium nor hotel project operations emissions would have a significant impact on air quality.

No significant change.

Neither the condominium project nor the hotel project would result in significant operational air pollutant emissions.

Short-Term Construction Criteria Pollutant Emissions. Emissions produced during grading and construction activities are considered "short-term" as they occur only during the construction phase of the project. Construction criteria pollutant emissions include mobile source exhaust emissions, and emissions generated during the application of asphalt paving material and architectural coatings.

Table 5-2 of the MBUAPCD CEQA Guidelines identifies the level of construction activity that could result in significant temporary impacts if not mitigated. The threshold of potential significance for construction activities with minimal earthmoving is 8.1 acres per day. The project site is flat and minimal grading and earth moving would be required. The project site is approximately 2.75 acres, therefore below the threshold of significance and the impact would be less than significant, regardless of whether the condominium or hotel project is constructed.

No significant change.

Neither the condominium project nor the hotel project would result in significant short-term criteria pollutant emissions during construction.

Asbestos. Toxic air contaminants (TACs) are pollutants which may be expected to result in an increase in mortality or serious illness or which may pose a present or potential hazard to human health. TACs are not considered criteria pollutants in that the federal and California Clean Air Acts do not address them specifically through the setting of National or State Ambient Air Quality Standards. Instead, the Environmental Protection Agency (EPA) and California Air Resources Board regulate hazardous air pollutants and toxic air pollutants, respectively, through statutes and regulations. In conjunction with District rules, they establish the regulatory framework for TACs. The EPA has established National Emission Standards for Hazardous Air Pollutants (NESHAPs) as required by the federal Clean Air Act amendments. These include source-specific regulations that limit allowable emissions of such pollutants. The MBUAPCD enforces the Asbestos NESHAP regulation with authority delegated by the EPA.

The existing structures on the project site are over forty years old. It is possible there is asbestos present in the buildings. Therefore, the demolition of the structures could be a temporary source of TACs by releasing asbestos into the air. This would be considered a significant adverse environmental impact regardless of whether the condominium or hotel project is constructed.

No significant change.

Both the condominium project and the hotel project would result in potentially significant impacts relating to release of asbestos during demolition. Mitigation Measure AQ-1 would be required.

Mitigation Measure

AQ-1. Prior to demolition activities, the project sponsor shall contract with a qualified professional to survey the buildings to be demolished and notify the MBUAPCD. The project sponsor shall comply with MBUAPCD and NESHAP policies and regulations for removal and disposal of asbestos-contaminated materials.

c. Both the condominium project and the hotel project are consistent with the AQMP and therefore, would not have a substantial cumulative affect on air quality.

No significant change.

Neither the condominium project nor the hotel project would conflict with the AQMP.

d. According to the MBUAPCD CEQA Air Quality Guidelines, a sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons, are located where there is reasonable expectation of continuous human

exposure. These typically include residences, hospitals, and schools. Sensitive receptors ++ in the vicinity of the project include adjacent residents, and the students that attend the Main Street Middle School, which is less than a quarter-mile away. During operation, the project is not expected to create any substantial pollutants, but there would be a potential for air pollutants to be released during demolition and construction. The emission of PM_{10} is a concern during the construction phase of the project regardless of whether the condominium or hotel project is constructed.

Diesel exhaust is considered a toxic air contaminant, a category of air pollutants that are highly toxic in small doses. Diesel exhaust is especially common during the grading stage of construction, when most of the heavy equipment is used and adjacent to heavily trafficked roadways. Diesel exhaust is a combination of gasses and particulate matter, including nitrogen oxides (NO_X) and PM_{10} and contains several chemicals harmful to human health, visibility, and vegetation. Long-term exposure to diesel exhaust can lead to lung cancer. Short-term exposure is associated with variable irritation and inflammatory symptoms. Residents of nearby houses could be exposed to diesel exhaust.

No significant change.

The hotel project would potentially expose sensitive receptors to construction dust. Mitigation Measure AQ-2 would be required.

Mitigation Measure

AQ-2. Prior to the issuance of a grading permit for earth-disturbing activity, the developer shall prepare a Construction Emissions Reduction Plan (CERP), for review by the MBUAPCD, to reduce construction-generated fugitive and mobile-source emissions.

The CERP shall include the following dust reduction measures:

a. Water all active construction areas at least twice daily and more often during windy periods. Active areas should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week, regardless of onsite activities.

b. Cover all trucks hauling dirt, sand, or loose materials.

c. Haul trucks shall maintain at least 2'0" of freeboard.

d. Install wheel washers at the entrance to construction sites for all exiting trucks.

e. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the site.

f. Sweep daily all paved access roads, parking areas, and staging areas at the site.

g. Sweep streets if visible soil material is carried out from the construction site.

h. Hydroseed or apply non-toxic soil stabilizers on inactive construction areas (previously graded areas inactive for ten days or more).

i. Enclose, cover, water twice daily, or apply non-toxic soil stabilizers to exposed stockpiles.

j. Limit speeds on unpaved surfaces to 15 mph.

k. Suspend excavation and grading activities when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

The CERP shall include the following diesel exhaust measures:

a. The following equipment may be used without control devices or additional mitigation measures without causing acute adverse health effects:

1. No engines greater than 75 HP are used

2. Engines between 501 and 750 HP are model years 2002 or newer

3. Engines between 251 and 500 HP are model years 1996 or newer

4. Engines between 175 and 250 HP are model years 1985 or newer

b. The following equipment may be used without causing acute adverse health effects if retrofitted with a catalyzed diesel particulate filter (CDPF):

1. Engines greater than 750 HP if model years 2006 or newer

2. All engines less than 749 HP

c. The following equipment may be used without causing acute adverse health effects if B99 biodiesel fuel is used:

1. Engines between 501 and 750 HP if model years 2002 or newer

2. Engines between 251 and 500 HP if model years 1996 or newer

3. Engines of 250 or lower HP.

d. Installation of temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors);

e. Diesel equipment standing idle for more than two minutes shall be turned off and trucks waiting to deliver or receive soil, aggregate or other bulk materials shall not remain idling more than five minutes. Rotating drum concrete trucks may keep their engines running continuously as long as they are onsite and are staged an adequate distance from residential areas;

f. Properly tune and maintain equipment for low emissions; and

g. Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences).

e. Neither the condominium project nor the hotel project would create odors.

No significant change.

Both the hotel project and the condominium project would result in similar potentially significant construction phase air quality impacts.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
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, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (1)	❑	✓	❑	❑
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (1)	❑	❑	❑	✓
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, filing, hydrological interruption, or other means? (1)	❑	❑	❑	✓
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? (1)	❑	❑	❑	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 2, 11)	❑	✓	❑	❑
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? (3, 4)	❑	❑	❑	✓

Comments:

a. No species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game

or U.S. Fish and Wildlife Service is found on the project site or adjacent to the project site. However, the removal of trees could result in disturbance of birds or bird nests during the breeding season.

No significant change.

Neither the condominium project nor the hotel project would have an effect on any candidate, sensitive, or special status species. Mitigation for potential impacts to nesting birds is presented under item "e" below.

b/c. Based on a site visit and review of aerial photographs, the project site contains no riparian, wetland, or other sensitive natural community.

No significant change.

Neither the condominium project nor the hotel project would have an effect on sensitive habitat.

d. The project site does not contain wildlife movement corridors.

No significant change.

Neither the condominium project nor the hotel project would affect movement of wildlife species

e. There are approximately 20 mature trees on the project site, some of which would be removed to accommodate either the condominium project or the hotel project. Policy C/OS-19 of the *City of Soledad General Plan* states that when mature trees are removed to accommodate new development, they shall be replaced at a ratio of at least two new trees for every one tree removed. However; this is currently not a City ordinance, therefore mitigation was required in the draft EIR. Additionally, removal of trees could result in disturbance of nesting birds, which are protected under federal law.

No significant change. Note that the impact regarding potential impacts to birds was added based on comments on the Draft EIR provided by the California Department of Fish and Game.

Both the condominium project and the hotel project would remove trees and potentially disturb bird nests or nesting birds. Mitigation Measures BIO-1 and BIO-2 would be required.

Mitigation Measure

BIO-1. The developer shall plant at least two new drought-tolerant trees for every one mature tree removed. If appropriate for the planting location, replacement trees should be native to the region. The developer may either plant the new trees on the project site, or in another location as decided by the City.

BIO-2. If construction activities or tree removal would occur during breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around the active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

f. There is no Habitat Conservation Plan or Natural Community Conservation Plan that is applicable to the project site.

No significant change.

Neither the condominium project nor the hotel project would conflict with a habitat or conservation plan.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 2, 20)	✓	❑	❑	❑
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (3, 4)	❑	✓	❑	❑
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (4)	❑	❑	❑	✓
d. Disturb any human remains, including those interred outside of formal cemeteries? (3, 4)	❑	✓	❑	❑

Comments:

a. A historic evaluation was conducted by Dr. Robert Cartier, Principal Investigator with Archaeological Resource Management in April 2007. The evaluation included archival research into state records and a surface survey of the property. The results of the records search and the field reconnaissance indicate that both the Soledad Motor Lodge and the motel office (originally functioning as a separate residence) are potentially historic.

According to the historic evaluation, the Soledad Motor Lodge is not currently listed on the National Register of Historic Places and the property does not fulfill any of the criteria set forth by the National Register and therefore does not appear to be potentially eligible for listing in this register.

The Soledad Motor Lodge is not currently on the California Register of Historic Resources (CRHR), but it appears to quality as potentially eligible for inclusion in this register due to its fulfillment of two of the four required criteria. The motel is a good example of the Mission style of Spanish Colonial Revival architecture, and motor court motels have been recognized during the last decade in the State of California as significant historic resources, with emphasis on their preservation. The residence was constructed during the 1920s and is a good example of the Mission style of Spanish Colonial Revival architecture.

A historic resource is considered significant if it qualifies as eligible for listing in the CRHR; therefore it is determined that the hotel project, which entails the demolition of the present buildings, will have a significant impact on a significant historic resources.

No significant change.

Demolition of the Soledad Motor Lodge could not be avoided with implementation of either the condominium project or the hotel project, and its removal would be a significant and unavoidable impact as described in the draft EIR. The residence could be retained with revision of the site plan for either the condominium project or the hotel project. Mitigation Measure CR-1 would be required. Mitigation Measure CR-1 may be modified to add re-location of the historic residence to an alternative location as an acceptable alternative mitigation.

Mitigation Measure

CR-1. The proposed project shall be redesigned to preserve the two-story residence and integrate it into the project, or the project applicant shall relocate the residence to an appropriate location within the City of Soledad or the Salinas Valley.

b. According to the *City of Soledad General Plan* the project site is not located within a high archaeological sensitivity zone. However, there is always the possibility that buried resources could be accidentally discovered during earth moving activities.

No significant change.

Both the condominium project and the hotel project have similar potential to disturb buried resources. Mitigation Measures CR-2 and CR-3 would be required.

Mitigation Measures

CR-2. Due to the possibility that significant buried cultural resources might be found during construction, the following language in all construction documents:

"If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The city shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

CR-3. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the city will ensure that this language is included in all construction documents in accordance with CEQA Guidelines section 15064.5(e):

"If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human

remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Soledad or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Soledad or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Soledad or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

c. The *City of Soledad General Plan* and general plan EIR do not identify the project site area as paleontologically sensitive.

No significant change.

Neither the condominium project nor the hotel project would disturb paleontological resources.

d. Although no evidence of potentially sensitive cultural resources was discovered at the project site. There is the possibility of an accidental discovery or recognition of human remains during construction.

No significant change.

Both the condominium project and the hotel project have similar potential to disturb human remains. Mitigation Measures CR-2 and CR-3 (presented above) would be required.

6. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) 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? (3, 4)	❑	❑	✓	❑
(2) Strong seismic ground shaking? (3, 4)	❑	❑	✓	❑
(3) Seismic-related ground failure, including liquefaction? (3, 4)	❑	❑	✓	❑
(4) Landslides? (1)	❑	❑	❑	✓
b. Result in substantial soil erosion or the loss of topsoil? (1)	❑	❑	✓	❑
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? (3, 4)	❑	❑	✓	❑
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? (3, 4)	❑	❑	✓	❑
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (2)	❑	❑	❑	✓

Comments:

a. (1-3) There are no known earthquake faults that traverse the project site. However, potential ground shaking produced by earthquakes along the two major regional faults (the San Andreas, located 13 miles to the northeast of the project site and the Reliz, located four miles southwest of the project site) pose the greatest seismic hazard to the proposed project.

The San Andreas Fault zone poses the single greatest seismic hazard in the study area. Its maximum predicted earthquake magnitude is 8.5 on the Richter scale with a recurrence interval of 50 – 200 years.

The project site is located in an alluvial-filled valley that responds strongly to seismic waves generated by an earthquake. While ground shaking is a major seismic hazard throughout the valley, ground failure could also cause structural damage on the project site, depending on the composition and degree of water saturation. Through the city's development review process, a registered geotechnical or soils engineer will make recommendations for incorporation into the final improvement plans. The City Building Inspector and City Engineer will review and approve the improvement plans. In addition, all design and construction shall be in accordance with seismic design standards in the most recent edition of the California Building Code or any more stringent local building code provisions, which would protect structures and public safety in the event of seismic shaking. Therefore, the impact would be less than significant.

(4) The project site and surrounding area is uniformly flat, therefore no landslides would occur.

No significant change.

Both the condominium project and the hotel project would be exposed to seismic activity and associated risks.

b. According to the *Soil Survey of Monterey County* (USDA Natural Resource Conservation Service, 1977) (Soils Survey) the project site includes one soil type: Cropley Silty Clay (CnA). The erosion hazard for this soil is minimal and the runoff is considered slow. There is little to no erosion hazard for the soil.

No significant change.

Soil erosion would be a minor concern for either the condominium project or the hotel project.

c. Thick alluvial soils such as those found in the Salinas Valley, where Soledad is located, when saturated by water have the potential to cause ground failure in the form of liquefaction. At least two of the three major earthquakes that occurred along the San Andreas Fault caused subsidence in the Salinas Valley. In addition to liquefaction, "lurch cracking" could occur during seismic events. Irregular cracks, fissures, and fractures of lengths varying from a few inches to many feet characterize "lurch cracking." The City of Soledad is located in a seismically active region. *City of Soledad General Plan* Policy HZ-5 states that all new development shall satisfy the applicable requirements of the Uniform Building Code (now succeeded by the California Building Code). The seismic safety provisions of the California Building Code minimize potential impacts from liquefaction or other forms of ground failure. *City of Soledad General Plan* Policy HZ—6 states that the city shall require the preparation of a soil report by a geotechnical engineer for any development on expansive soils, or soils that may create risk in a seismic event due to potential building limitations. The project site has zero to two percent slopes and is therefore not subject to landslides.

No significant change.

Standard soil report requirements would be adequate for construction of either the condominium project or the hotel project.

d. Expansive soils, or shrink swell potential, refer to the change in volume of the soil material that results from a change in the moisture content. Significant damage to building foundations, roads, and other structures is caused by expansive soils as they become wet or dry. According to the *Soil Survey of Monterey County*, Cropley Silty Clay has a high shrink-swell limitation that causes severe hazards for building sites, roads, and structures. As mentioned above, a soil report by a geotechnical engineer is require for any development on expansive soils, or soils that may create risk in a seismic event due to potential building limitations. The soils report will contain recommendations. This measure would ensure the impact would be less than significant.

No significant change.

Standard soil report requirements would be adequate for construction of either the condominium project or the hotel project.

e. The City of Soledad would provide sewer service to the proposed project, and therefore septic systems are not required.

No significant change.

This issue is not relevant to either the condominium project or the hotel project.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (31, 32)	❑	❑	✓	❑
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (31, 32)	❑	❑	✓	❑

Comments:

a/b. Greenhouse gas (GHG) emissions were estimated for the existing residential uses and both the condominium project and the hotel project. The results of that analysis are presented in Table 2 Total Unmitigated GHG Emissions (metric tons/year). The hotel project would result in greater GHG emissions than the existing residential use, but fewer GHG emissions than the condominium project.

Table 2 Total Unmitigated GHG Emissions (metric tons/year)

GHG Emissions Sources	Existing Residential	Condominium Project	Hotel Project
Direct	565.82	1,677.63	1,132.58
Indirect	80.59	216.74	316.83
Total	**646.41**	**1,894.37**	**1,449.41**

Source: EMC Planning Group Inc. 2010

The Monterey Bay Unified Air Pollution Control District and the City of Soledad have not adopted thresholds of significance for GHG emissions. In the absence of local thresholds of significance, the city reviewed those of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD has identified both project (cumulative) and plan-level impacts thresholds. The cumulative impact thresholds are relevant to the proposed project. The thresholds are based on AB 32 GHG emission reduction goals and take into consideration emission reduction strategies that are

outlined in the California Air Resources Board's AB 32 Scoping Plan. Three operational threshold options are provided. A proposed project is considered to have a less than cumulatively considerable impact on climate change if it meets any one of the three threshold options discussed below:

Option #1: the project is consistent with an approved Climate Action Plan: the city has not adopted a climate action plan, so this option is not available.

Option #2: project GHG emissions are below 1,100 metric tons of carbon dioxide equivalent (CO2e) per year. Project GHG emissions would be 1,449.41 metric tons per year, or about 350 metric tons above. However, if replacement of existing uses is taken into account, the hotel project would have a net of 803 metric tons of GHG emissions, which is below the threshold.

Option #3: project GHG emissions are below an efficiency-based threshold of 4.6 metric tons of CO2e per service population. The service population is defined as residents plus employees. For this project, the city is assuming that guests would be counted as residents, and has estimated an average of one guest per room (146 guests). Assuming 25 hotel employees, 10 restaurant employees, and five retail employees, the service population could be as high as 186. This results in a threshold of 856 metric tons. This threshold is lower than Option #2, so is not applicable.

The Option #2 threshold is applicable to this project. Because the hotel project would displace existing residential uses that generate an estimated 646 metric tons of GHG emissions, the net increase of 803 metric tons has been used to gauge the level of significance. The net increase in GHG emissions falls below the BAAQMD threshold, and therefore, the hotel project would have a less than significant impact on GHG emissions.

The draft EIR did not consider the potential effects of the proposed project on greenhouse gas emissions or climate change. The GHG emissions quantification demonstrates that the hotel project would have lower GHG emissions than the condominium project. The hotel project would by itself exceed the BAAQMD GHG emissions threshold, but considering the net change, would not exceed the threshold and would therefore have a less than significant impact on GHG emissions.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (2)	❑	❑	❑	✓
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? (2)	❑	❑	❑	✓
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 2, 13)	❑	❑	❑	✓
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, create a significant hazard to the public or the environment? (3, 4)	❑	❑	❑	✓
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 a public-use airport, result in a safety hazard for people residing or working in the project area? (13)	❑	❑	❑	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (13)	❑	❑	✓	❑
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (3, 4)	❑	❑	❑	✓

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (1, 13)	❑	❑	❑	✓

Comments:

a/b. Project operations would not result in the use, transport, emission or hauling of hazardous or acutely hazardous materials.

No significant change.

Neither the condominium project nor the hotel project would involve the use of hazardous materials.

c. The project site is within one-quarter mile of Main Street Middle School. The demolition of the existing buildings would likely result in temporary PM_{10}, and could result in the release of asbestos. The potential impact for PM_{10} and asbestos is addressed in Section 3 Air Quality, and in accordance with Mitigation Measure AQ-1 the Monterey Bay Unified Air Pollution Control District would enforce compliance with federal protocols for asbestos removal and disposal.

No significant change.

Both the condominium project and the hotel project have the potential to release PM10 and asbestos, which could affect sensitive receptors. Mitigation Measure AQ-3 (presented earlier) would be required.

d. According to the California Department of Toxic Substances Control Envirostor website, the project site it not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5.

No significant change.

Neither the condominium project nor the hotel project would be affected by on-site hazardous materials.

e/f. The project site is not within two miles of a public airport. A private airstrip is located in a vineyard approximately 1.5 miles east of the project site. The landing strip consists of a 1,000-foot by 95-foot dirt runway. Flight paths to and from the airstrip are to the

northwest and southeast, and pass to the north of the project site. Therefore, safety hazards from the proposed project's location near a private airstrip are considered less than significant.

No significant change.

Neither the condominium project nor the hotel project would be affected by air traffic.

g. Adequate emergency vehicle access is provided within the public street and the parking lot of the hotel project. The condominium plans allow for emergency vehicle access on both the east and the west side of the outdoor parking lot. The city's fire ordinance requires that new buildings have automatic fire sprinkler systems, fire alarm system and a standpipe system in all stairwells. Additionally, all stairwells would have roof access. The city currently does not have an aerial truck to reach a four or five-story roof, but it has been determined that an aerial truck may not be needed until there are five or more buildings that are three or more stories in height. In the absence of high-rise fire equipment, buildings can be designed to facilitate interior fire-fighting methods. Re-development of the project site would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

No significant change.

Both the condominium project and the hotel project have more than three stories, and will require life safety designs that accommodate fire fighting from within the building interior.

h. The *City of Soledad General Plan* states that development located in the outlying areas of the city could be exposed to the threat of wildland fires originating in the surrounding hillsides. The project site is located in the urban center of the city and is not in an outlying area, so the site is not prone to wildland fires.

No significant change.

Neither the condominium project nor the hotel project would be affected by wildland fires.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Violate any water quality standards or waste discharge requirements? (3, 4, 11)	❑	❑	✓	❑
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., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (26, 27)	❑	❑	✓	❑
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?* (1, 2)	❑	❑	✓	❑
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 run-off in a manner which would result in *flooding on- or off-site?* (1. 2)	❑	❑	✓	❑
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (1, 2, 11)	❑	❑	✓	❑
f. Otherwise substantially degrade water quality? (1, 2, 11)	❑	❑	✓	❑
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (3, 4)	❑	❑	❑	✓

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (3, 4)	❑	❑	❑	✓
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? (3, 4)	❑	❑	❑	✓
j. Cause inundation by seiche, tsunami, or mudflow? (1)	❑	❑	❑	✓

Comments:

a/f. Redevelopment of the project site has the potential to result in water quality impacts from storms during the construction phase. The City of Soledad requires all new development to pay applicable development impact fees and to comply with relevant provisions of the Federal National Pollutant Discharge Elimination System (NPDES) program pursuant to Chapter 13.52 of the Soledad Municipal Code – Storm Water Quality. A Storm Water Pollution Prevention Plan (SWPPP) must be completed and a storm water permit obtained prior to any demolition, grading, or construction activities on the project site, or issuance of a grading permit. The plan would include a description of the construction site, time restrictions, erosion and sediment controls to be used, means of waste disposal, control of post-construction sediment and erosion control measures and maintenance responsibilities, landscaping during and after grading, and non-storm water management controls. During project construction, all new development would be required by the plan to implement appropriate storm water runoff Best Management Practices (BMP's) and design features to protect receiving water quality during construction and occupancy, consistent with the requirements of Chapter 13.52. BMP's include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution (i.e. straw bales, dikes, silt fences, sediment traps, or similar methods). Completion of a SWPPP in accordance with the provisions of Chapter 13.52 and implementation of BMP's pursuant to an approved SWPPP would ensure that the impact of project construction-related sediment or other contaminants on receiving waters would be less-than-significant.

No significant change.

Both the condominium project and the hotel project could introduce water pollutants during construction.

b. It is not anticipated that the hotel project would significantly deplete groundwater supplies or interfere substantially with groundwater recharge. The City has the capacity to supply water for the hotel project. The hotel project is consistent with the uses allowed in the *City of Soledad General Plan* and *City of Soledad Water Master Plan.* See Section 16, Utilities and Service Systems, for a discussion on water demand and supply.

No significant change.

Neither the condominium project nor the hotel project would significantly deplete groundwater.

c-e. Currently, about 10 percent of the site is covered in lawn, which absorbs runoff and lessens the amount of surface drainage that comes from the site. Both the condominium project and the hotel project propose landscaped areas at the parking lot perimeter, adjacent to portions of the building, and within portions of the parking lot; however, the projects would increase the amount of impervious surface within the project site. Due to an increase in impervious surfaces, there would be additional surface drainage from the project site. The implementation of the Best Management Practices and Low Impact Development Standards required by the city's storm water quality ordinance would reduce this impact to a level that is less than significant.

No significant change.

Neither the condominium project nor the hotel project would significantly affect storm water quality given the City's regulations in that regard.

g/h. The City of Soledad is outside of the 100-year flood area, according to the Federal Emergency Management Agency (FEMA).

No significant change.

Neither the condominium project nor the hotel project would be affected by flooding.

i. The project site is not located near a dam or levee and therefore would not expose people or structures to a significant risk of loss, injury, or death involving flooding as the result of the failure of a levee or dam.

No significant change.

Neither the condominium project nor the hotel project would be affected by dam failure.

j. The project site is not in an area subject to seiche, tsunami, or mudflow.

No significant change.

Neither the condominium project nor the hotel project would be affected by seiche, tsunami, or mudflow.

10. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Physically divide an established community? (1, 2, 3, 4, 5, 6)	❑	❑	❑	✓
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? (3, 4, 5, 6)	❑	❑	✓	❑
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (3, 4)	❑	❑	❑	✓

Comments:

a. The project site consists of a single city block adjoining the principal commercial street in the City. The project site and other adjacent properties along Front Street are designated for commercial development. The land to the east of the project site is planned for residential development. The project site borders a transition from commercial and residential uses.

No significant change.

Neither the condominium project nor the hotel project would physically divide the community.

b. The current land use designation for the project site is General Commercial and the current zoning is Highway Commercial. The proposed hotel and commercial uses are consistent with uses allowed within these designations. The condominium project included a change to the general plan and zoning to accommodate the proposed residential use. The hotel project does not include a general plan amendment or creation of a new zoning district.

The Soledad Zoning Ordinance establishes a 50-foot height limit within the Highway Commercial district for areas outside the Downtown Specific Plan area. Site development is also subject to applicable design and building standards of the City of

Soledad's *Downtown Specific Plan & Front Street Rehabilitation Plan* and *Handbook of Downtown Design*. The Downtown Specific Plan sets a building height limit of 45 feet. The Downtown Specific Plan provides a conceptual design plan and design guidelines for streetscape improvements and development on properties within the downtown area along the key downtown corridor, Front Street, and side streets. Revitalization and design principles applicable to the project site call for maintaining the architectural compatibility with the character of the downtown area and Front Street, implementing streetscape improvements that can accommodate traffic volumes anticipated under general plan build-out conditions; minimizing driveway openings along Front Street, and allowing offsite parking for infill commercial development along Front Street. The hotel project is generally consistent with the majority of the specific plan's land use and design principles (pp. 40-41 and 49-50). The hotel project conflicts with the Downtown Specific Plan building height provisions (exceeding the 45-foot limit by three feet).

Impact reduced to Less than Significant.

The condominium project required a general plan and zoning amendment for policy and regulatory consistency. The hotel project does not include a general plan amendment or a zoning amendment to create a new commercial district and change parking standards. The hotel project is consistent with existing general plan policy and zoning regulations. Although the building continues to exceed the height limit established by the Downtown Specific Plan, the height is now exceeded by only three feet (and is consistent with the zoning regulations for height), and associated shadowing effects would no longer occur (refer to Aesthetics section). Therefore, it has been determined that this impact is now less than significant and Mitigation Measure L-1 would no longer be necessary.

c. There is no Habitat Conservation Plan or Natural Community Conservation Plan that is applicable to the project site.

No significant change.

This issue is not relevant to either the condominium project or the hotel project.

11. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (3, 4)	❑	❑	❑	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (3, 4)	❑	❑	❑	✓

Comments:

a/b. There are no known mineral resources located in the vicinity of the project site.

No significant change.

Neither the hotel project nor the condominium project would result in impacts to mineral resources.

12. NOISE

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. 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 in applicable standards of other agencies? (3, 4)	❑	✓	❑	❑
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (2)	❑	❑	❑	✓
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (3, 4)	❑	❑	✓	❑
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (3, 4)	❑	✓	❑	❑
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, expose people residing or working in the project area to excessive noise levels? (13)	❑	❑	❑	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (13)	❑	❑	❑	✓

Comments:

a. The principal noise source in Soledad is traffic on streets and highways. Other noise generators such as railroads, aircraft, farming, quarrying, and industrial and food packaging can contribute to local ambient noise levels. Sensitive receptors near the project site include the residential neighborhood directly to the north.

Exterior Noise Impacts. The general plan EIR (page V.4-1) states that the acceptable exterior noise standard for transient occupancy is 65 dBA Community Noise Equivalent Level (CNEL), with levels up to 70 dBA CNEL conditionally acceptable. This noise

level is applied to the outdoor environment limited to a private patio or balcony serviced by a means of exit from inside, but also has implications for interior noise levels, which should not exceed 45 dBA CNEL. The hotel balconies of the project may be exposed to levels of noise from automobile and railroad traffic. Front Street and the surrounding streets, as well as the railroad tracks that run to the west of the project site, are the main sources of noise for the project site. According to the *City of Soledad General Plan DEIR*, at build-out, the subject parcel may be exposed on all sides to an averaged noise level of at least 65 dBA from traffic. At build-out, average noise levels on Front Street are expected to be 65 dBA at a distance of 250 feet from the centerline; average noise levels from West Street would reach 65 dBA up to 200 feet from the centerline; and average noise levels from Monterey Street would reach 65 dBA at a distance of 200 feet from the centerline.

The Union Pacific Railroad runs to the southwest of the project site. The *City of Soledad General Plan DEIR* states that an average of 12 trains pass through Soledad per day. The general plan DEIR assumes that when no intervening structures are present, average noise from trains would exceed 65 dBA within 630 feet of the tracks.

The patio and courtyard area, which is the main exterior activity area at the hotel, is in the interior of the project site shielded from noise by the hotel building. A number of the hotel's outdoor balconies face the railroad tracks and surrounding streets, but these would be used only occasionally. Likewise, the exterior use areas of the condominium project are located where the project buildings would provide noise attenuation.

No significant change.

Neither the condominium project nor the hotel project exterior use areas would be significantly affected by noise.

Interior Noise Levels. The general plan EIR (page V.4.-1) states that the interior noise standard for transient occupancy uses is 45 CNEL. This noise level is applied to the indoor environment excluding bathrooms, closets, and corridors. Typical light frame building construction reduces outdoor noise by about 15 dBa. If windows are inoperable, a mechanical ventilation system or other means of natural ventilation is required per the building code. General Plan Policy N-5 states that when noise mitigation measures are required to achieve acceptable standards, the emphasis of such measures shall be placed on site planning and project design. Because of the hotel building's proximity to Front Street and Benito Street, and the anticipated noise levels at general plan build-out, train noise and traffic noise from the adjacent streets could result in significant interior noise levels. Likewise, the closest residential units in the condominium project would be affected by noise levels in excess of standards.

No significant change.

Both the condominium project and the hotel project interior areas that face toward Front Street and the railroad tracks would be subject to noise levels that exceed city standards. Mitigation Measure N-1 would be required.

Mitigation Measure

N-1. The developer shall have a noise analysis conducted to identify the appropriate noise reductions measures to reduce averaged interior noise levels to 45 CNEL or less. Measures could include use of STC-rated windows and/or ventilation systems with non-operable windows.

A noise report shall be prepared prior to issuance of a building permit, subject to review and approval by the City of Soledad.

b-c. The residential, commercial, or hotel uses would not generate noise levels in excess of standards established in the general plan. There are no sources of vibration near the project site.

No significant change.

Neither the condominium project nor the hotel project would generate significant noise or be subject to significant vibration.

d. Short-term construction impacts may occur during construction activities. Construction equipment generates noise levels in the range of 75 to 95 dBA at a distance of 30 feet from the source and has the potential for disturbing surrounding residential and educational land uses when equipment operating in their vicinity.

No significant change.

Both the condominium project and the hotel project could result in significant short-term construction noise that would adversely affect nearby sensitive receptors. Mitigation Measure N-2 would be required.

Mitigation Measure

N-2. The following measures shall be incorporated into the proposed project to mitigate construction noise:

a. Construction shall be limited to weekdays between 7 AM and 7 PM, and on Saturdays between 8 AM and 6 PM, with no construction on Sundays and holidays;

b. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment;

c. Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; and

d. The applicant shall notify the principal of Main Street Middle School at least 24 hours in advance when construction generating high levels of noise is to take place on scheduled school days.

e/f. The site is not located within two miles of a public airport or airstrip. A private airstrip is located in a vineyard approximately 1.5 miles east from the project site. The landing strip consists of a 1,000-foot by 95-foot dirt runway. Flight paths to and from the airstrip are to the northwest and southeast, and pass to the north of the project site. Aircraft utilizing the airstrip are typically crop dusters and other small planes. Flights are infrequent and are not expected to be a significant source of noise for the proposed project.

No significant change.

Neither the condominium project nor the hotel project would be affected by aircraft noise.

13. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (2, 3, 4)	❑	❑	❑	✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 2)	❑	❑	✓	❑
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1, 2, 21, 22, 234)	❑	❑	✓	❑

Comments:

a. The hotel project includes a hotel, a retail store, and a restaurant on an already developed site. It is unlikely that a commercial development of this size would induce a substantial population growth in the area. The condominium project would increase the number of residential units, but is consistent with the Housing Element and would not induce growth.

No significant change.

Neither the condominium project nor the hotel project would result in significant population growth.

b/c. The hotel project would create new commercial and hotel development on a site currently occupied by housing. The housing was originally constructed as a motel, but has been used for housing for many years. Currently, there are 52 residential units on the project site, all of which would be removed. The *City of Soledad Housing Element* states that there are approximately 4.526 persons per household. Assuming the existing housing is occupied at the average rate, then about 235 people reside on site.

The project site is currently zoned Highway Commercial, but is used as high density residential due to the conversion of the Soledad Motor Lodge and mobile homes to housing units, which are assumed to be occupied by low income families. The current residents of the project site would be displaced and would have to find housing

elsewhere. Although this may be a significant social concern, it does not result in direct physical environmental effects and therefore does not require evaluation under CEQA.

The developer would need to comply with applicable state regulations regarding closure of mobile home parks.

No significant change.

While the condominium project would technically have replaced all of the removed residences, as discussed in the EIR, due to expected economic disparity, the majority of new residential units in the condominium project would not be available to the current residents. The hotel project, although it does not include housing, would have a similar effect on housing supply for the displaced residents.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Fire protection? (3, 4, 30)	❑	❑	✓	❑
b. Police protection? (3, 4, 30)	❑	❑	✓	❑
c. Schools? (2)	❑	❑	❑	✓
d. Parks? (2, 3, 4)	❑	❑	❑	✓
e. Other public facilities? (2, 3, 4)	❑	❑	✓	❑

Comments:

a. The City of Soledad Fire Department is located at 525 Monterey Street and is a combination paid/volunteer fire department with seven full-time and 12 part-time employees and 25 volunteers (City of Soledad website, accessed August 5, 2010). *City of Soledad General Plan* Policy S-37 requires new development to pay its fair share of providing or funding facilities that maintain specified fire protection standards (an Insurance Service Organization (ISO) rating or "4" or better, a fire emergency response time to over 90 percent of the city of five minutes or less). The project site is located within the five minute response time of the existing station. New residential and commercial development must meet the city's Fire Code requirements. The fire department conducts annual inspections of businesses within the City.

The condominium project would be five stories tall and the hotel project would be four stories tall. The City does not have equipment designed to reach buildings this tall. However, buildings of this height can be designed to accommodate interior fire-fighting methods.

No significant change.

Neither the condominium project nor the hotel project would require the construction of new fire department facilities.

b. The City of Soledad Police Department is located at 236 Main Street. The city currently has 22 full time police officers and one reserve officer. To augment its service the police

department has mutual aid agreements with the cities of Greenfield and Gonzales and the Monterey County Sheriff's Department. Not counting the prison population, there are 1.47 officers for every 1,000 residents of Soledad. *City of Soledad General Plan* Policy S-32 requires new development to pay its fair share of providing or funding facilities that, at a minimum, achieve and maintain police protection standards. These standards include a minimum service standard of one officer for every 1,000 citizens and an emergency response time of a maximum or five minutes for police emergencies.

No significant change.

Neither the condominium project nor the hotel project would require the construction of new police department facilities.

c. Based on *City of Soledad General Plan EIR* estimates of school-aged children, approximately 42 school-aged children would currently live on the project site. According to the *City of Soledad General Plan EIR* there is plenty of remaining capacity in the elementary and high schools of Soledad. The hotel project would not include any housing, so would not generate students, nor affect student capacity or the need for additional school facilities. The condominium project would increase the number of students on the project site to about 80. The developer of new commercial or residential buildings is required to pay a school facilities impact fee to comply with Government Code section 65995 et seq.

No significant change.

Neither the condominium project nor the hotel project would require the construction of new school facilities. The hotel project eliminates student generation from the project site.

d/e. The hotel project would not increase demand for parks or other public facilities and would not result in the construction or expansion of facilities that would have an adverse effect on the environment. The hotel project would replace residences with a hotel and commercial uses, and have no additional demand for park facilities. The condominium project would marginally increase demand for parks facilities, but would pay park impact fees to the city for use in the city's planned park development program.

No significant change.

Neither the condominium project nor the hotel project would require the construction of new park facilities.

15. RECREATION

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. 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? (2, 3, 4)	❑	❑	❑	✓
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? (2, 3, 4)	❑	❑	❑	✓

Comments:

a/b. Please see the discussion under Public Services, item "d" above.

No significant change.

Neither the condominium project nor the hotel project would require the construction of new recreational facilities.

16. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
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? (3, 4, 5, 6, 11, 24, 25, 33)	❑	✓	❑	❑
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? (3, 4)	❑	❑	✓	❑
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? (1)	❑	❑	❑	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 2)	❑	❑	✓	❑
e. Result in inadequate emergency access? (1, 2, 3, 4)	❑	❑	❑	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (3, 4, 5, 6)	❑	❑	❑	✓

Comments:

a/b. The hotel project would not conflict with the City's level of service standards. The traffic impact analysis prepared for the condominium project determined that project would

generate 1,985 daily trips and would not result in level of service deficiencies at any of seven studied intersections. The hotel project is estimated to generate 1,897 daily trips, as summarized in Table 3, Daily Trip Generation. A conservative 10 percent pass-by reduction was applied to the restaurant and the retail use to account for use by hotel patrons and those who stop while passing by the site on other trips.

Table 3 Daily Trip Generation

Use and ITE Code or Other Source	Size	Rate	Daily Trips
Business Hotel (#312)	146 rooms	7.27 trips / room	1,061
Sit Down Restaurant (#932)	5.3 ksf	127.15 trips / ksf	674
Retail (#814)	5.3 ksf	44.4 / ksf	235
Conference Rooms (City of San Diego)	4.4 ksf	4.0/ksf	18
Sub-total			**1,988**
Pass-by Reduction for Sit Down Restaurant and Retail		Less 10 percent	(67) (24)
Total			**1,897**

Source: Institute of Transportation Engineers 2003, Higgins Associates 2007, Hexagon Transportation Engineers 2009; City of San Diego 2003.

The *Downtown Specific Plan* calls for parallel parking on both sides of Front Street between West and Benito streets. The project design proposes diagonal parking, however, to provide increased parking for retail customers. The proposed on-street parking is similar to that of the condominium project, and no environmental impact would result.

The City does not have a parking standard for hotels. Based on review of other cities' hotel parking requirement, typical is about one space per room (146 spaces). According to the City's parking ordinance, the retail use would require five spaces per 1,000 square feet (27 spaces) and the restaurant would require one space per 30 square feet (170 spaces). The hotel conference rooms could create additional parking demand if non-hotel guests use the facility; based on 18 daily conference room trips, about nine additional

parking spaces would be required. Therefore, total parking demand could be as much as 352 spaces. The hotel project provides 180 on-site parking spaces, and about 30 additional spaces would be available at the curb fronting the project site. There would be a shortage of parking spaces during peak demand periods. Although a detailed parking study would be necessary to determine to precisely what extent uses could share parking, some generalization can be made. Peak retail parking demand is likely to occur on weekends and weekday afternoons. Peak restaurant parking is likely to occur during the early evening. Peak hotel parking demand is likely to occur late evening until early morning, although the extended stay nature of the hotel would expand demand farther into the daytime hours than a standard hotel. Hotel patrons would also utilize the conference, retail, and restaurant uses, thus reducing total parking demand.

No significant change.

Mitigation Measures T-1 and T-2, which were included in the Draft EIR, have been determined by the City to be addressed by standard City requirements, and have been removed.

Both the hotel project and the condominium project as proposed may not provide sufficient off-street parking. The potential for shared parking and cross-patronage of proposed uses on the site would reduce parking demand. A revised version of Mitigation Measure T-3 (eliminating measures not relevant to the hotel project and adding others) is warranted as follows.

Mitigation Measures

T-3. The applicant shall implement strategies, including the following measures, to reduce traffic demand and/or provide an increase in the parking spaces available for each use at the site:

a. Provide bike racks or lockers for both the hotel and commercial components consistent with city policies;

b. Meter the commercial on-street parking spaces fronting the project site to reduce the demand for driving to the project site.

Appropriate strategies shall be incorporated in the conditions of project approval.

T-4. The City shall work with TAMC and AMTRAK to establish a train stop adjacent or close to the project site to allow for easier commuting to areas outside of Soledad and decrease the need for those living in the residential site to own a car. If the city is unable to fulfill this measure within the timeframe of the project, the applicant shall still retain the right to proceed with the development of the project as approved by the city.

T-5. The project proponent and the city shall consult with Monterey Salinas Transit to identify the most appropriate bus pull-out location adjacent to the project site, and project proponent shall provide related improvements, including bus shelter, in accordance with MST and city standards.

c. The proposed project would not affect air travel patterns.

No significant change.

Neither the condominium project nor the hotel project would affect air travel patterns.

d. The hotel drop-off lane crosses the sidewalk on Front Street in two locations (in and out). The preliminary plans show front building walls built to the edge of the sidewalk, and thus exiting cars crossing the sidewalk could unexpectedly enter the sidewalk from behind a wall. This is a common design in urban areas, and is typically addressed through signage and/or pavement markings. The City will require adequate warnings for pedestrians and motorists as a condition of project approval.

Potentially greater impact.

This concern should be addressed through the completion of improvement plans related to onsite and offsite circulation and traffic, and reviewed and approved by the City prior to issuance of building permits for the project.

e/f. The hotel project would not affect emergency access. Adequate circulation aisles are provided within the parking lot for emergency vehicles and the hotel project would not restrict off-site emergency or evacuation routes. The proposed project would not conflict with public transit, bicycle, or pedestrian plans. Refer to item "d" regarding pedestrian safety.

No significant change.

Neither the condominium project nor the hotel project would affect emergency access or conflict with transit, bicycle, or pedestrian plans.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (3, 4, 9)	❑	❑	✓	❑
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? (3, 4, 7, 8, 9)	❑	❑	❑	✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3, 4, 10, 11)	❑	❑	❑	✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (3, 4, 7, 8)	❑	❑	✓	❑
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (3, 4, 9)	❑	❑	✓	❑
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (3, 4, 28, 29)	❑	❑	✓	❑
g. Comply with federal, state, and local statues and regulations related to solid waste? (28)	❑	❑	✓	❑

Comments:

a/b/e. According to the *City of Soledad Long Term Wastewater Management Plan* the average residential wastewater discharge is 270 gpd per household; based on this figure the current discharge is 14,040 gallons per day (gpd). The current *City of Soledad General Plan* land use designation for the site is General Commercial; at a typical discharge rate of

2,000 gpd/acre, the site would generate 5,400 gpd of wastewater if built out in accordance with the general plan—i.e., if the entire site were developed with commercial uses. The Monterey Peninsula Water Management District (MPWMD) high use commercial water use factor (0.0002 acre-feet/year per square foot or 0.179 gpd per square foot) was applied to provide an additional commercial projection; assuming 40 percent building coverage and 95 percent of water used indoors (thus entering the wastewater collection system), this factor results in usage of about 8,148 gpd under the General Commercial designation. Given the small site size, an estimate based on building square footage is more applicable, therefore the MPWMD factor is used for commercial.

With the condominium project, wastewater generation would increase to approximately 29,615 gpd (27,540 gpd for residential and 2,075 gpd for commercial). The MPWMD high usage factor should reasonably account for water usage (and wastewater flow), since a restaurant comprises a substantial portion of the commercial component of the project.

The proposed commercial uses were estimated based on the methodology noted above. The proposed hotel's wastewater generation was assumed to be 90 percent of the water use, assuming about ten percent of the water used would be outdoors, and therefore, the remaining 90 percent would flow into the wastewater system.

Table 4, Wastewater Generation, outlines the wastewater generated by the four scenarios:

Table 4 Wastewater Generation

Use	Rate	Gallons per Day
Existing Residential	52 units * 270 gpd/ household	14,040
Consistent with the Soledad Wastewater Management Plan Assumptions for the current General Plan Designation	0.179 gpd/sq ft * 47,916 sq ft * 0.95	8,148
Condominium Project	Residential 102 units * 270 gpd/household Commercial 0.179 gpd/sq ft * 12,200 sq ft * 0.95	29,615
Hotel Project	Hotel 146 unit*90 gpd*0.9 Commercial 0.179 gpd/sq ft * 10,600 sq ft * 0.95	13,628

Source: EMC Planning Group Inc. (2007), City of Soledad Long Term Wastewater Management Plan (2005), and MPWMD

Wastewater generation would increase compared to the wastewater master plan estimate; however, the proposed uses are consistent with the general plan and the City has planned adequate capacity for the wastewater treatment plant, as calculated by the *City of Soledad Long Term Wastewater Management Plan*. An increase on a small parcel represents a minor incremental increase in city-wide generation. The proposed project would pay the city's sewer impact fee, which would fund a pro-rata share of the required wastewater treatment plant expansion. The hotel project would reduce wastewater generation compared to the condominium project.

Impact reduced (remains Less than Significant)

The hotel project would generate substantially less wastewater than the condominium project, although neither project would result in a significant impact.

c. The hotel project would slightly increase the amount of impervious surface compared to the condominium project (from approximately 90 percent to 95 percent). The implementation of Low Impact Development Standards, as spelled out in the City the Soledad storm water quality ordinance would be required for the proposed project. Therefore, the proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects

No significant change.

Neither the condominium project nor the hotel project would require the construction of new storm water facilities.

d. The City of Soledad derives its water supply from the Forebay Sub-basin of the Salinas Valley Groundwater Basin, which underlies the entire Salinas Valley in east-central Monterey County. According to the California Department of Water Resources, the Sub-basin is functionally in overdraft, with withdrawals exceeding recharge by some 30,000 to 50,000 acre-feet per year (AFY). The Monterey County Water Resources Agency completed the Salinas Valley Water Project in early 2010. The *Salinas Valley Water Project EIR* determined that the Salinas Valley Water Project will result in adequate groundwater recharge to off-set groundwater withdrawals from within the Salinas Valley Groundwater Basin.

As was done for the wastewater estimate, the MPWMD high use commercial factor (0.0002 acre-feet/year per square foot or 0.179 gpd per square foot) was used for commercial uses.

A variety of sources were consulted regarding an appropriate water use factor for the hotel, including data from the California Water Resources Control Board, Marina Coast Water District, Fort Ord Reuse Authority, Monterey Peninsula Water Management District, City of Seaside, and Cal Water. Ultimately the figures from Cal Water (90 gallons per room per day), which closely corroborated those of the California Water Resources Board (50-100 gallons per room per day) were used.

The existing residential uses of the site use an estimated 17,160 gpd. If the site were developed under the water master plan assumptions for the current of General Commercial general plan designation, the demand for water would be approximately 8,577 gpd. With the condominium project, the water use demand for the commercial use would be 2,184 gpd and the water use demand for the high density residential would be 33,660 gpd, for a total water use demand of 35,844 gpd. The hotel project would use about 13,140 gpd for the hotel use and about 1,897 gpd for the commercial uses, for a total estimated water use of 15,037 gpd. The hotel project would decrease water demand compared to the condominium project. Water use would be similar to that of the current uses. Although the hotel project would increase water use compared to typical site development under the current general plan designation, the hotel project is consistent with the general plan land use designations, and the City has an adequate water supply to serve the project. An increase on a small parcel represents a minor increase in city-wide demand.

Table 5, Water Demand, shows the estimated water demand for the existing condition, the demand if the parcel were developed under the current general plan designation, the condominium project, and the hotel project.

Table 5 Water Demand

Use	Rate	GPD
Existing Residential	52 units * 330 gpd/ household	17,160
Development under Water Master Plan assumptions for the current General Plan Designation	47,916 sq. ft. * 0.179 gpd/sq. ft.	8,577
Condominium Project	Residential 102 units * 330 gpd/unit Commercial 12,250 sq. ft. * 0.179 gpd/sq. ft.	35,844
Hotel Project	146 unit*90 gpd Commercial 10,600 sq. ft. * 0.179 gpd/sq. ft.	15,037

Source: EMC Planning Group, Inc. 2007, Soledad Water Master Plan (2005), City of Soledad DEIR (2005), Cal Water 2004

Impact reduced (remains Less than Significant)

The hotel project would use less water than the condominium project, although neither project would result in a significant impact.

f/g. The *City of Soledad General Plan EIR* states that in 2000, the waste generation rate was approximately 0.4 pounds per capita per day. Although the site is zoned Highway Commercial, the old motor lodge is used as high density residential units (52). The *City of Soledad Housing Element* estimates that there are approximately 4.526 persons per household; at this household size, the site currently generates approximately 94 pounds of solid waste per day. Although the existing use of the site is for high density residential, the general plan designates the site as General Commercial. Under the general plan, it is expected that the site generates waste at the rate assumed for commercial development. The general plan DEIR assumes that for commercial development, solid waste is generated at a rate of 22.7 pounds per employee per day, with one employee per 500 square feet. With commercial development of approximately 48,000 square feet on the entire project site, there would be approximately 96 employees and 2,179 pounds of solid waste would be generated at the site each day. Therefore, the actual amount of waste currently generated by the project site is much less than what would result with commercial development under the current general plan designation. The condominium project was estimated to generate between 680 and 739 pounds of waste per day, depending on the population rate assumed.

The hotel project would have 10,600 square feet of commercial development. Using the waste generation rates from the general plan DEIR, a commercial development of this size would have approximately 21 employees and generate approximately 481 pounds of solid waste per day. The hotel waste generation rate was taken from four examples provided on the California Integrated Waste Management Board website, which ranged from two to four pounds per day per room. The average of the four samples was 2.9 pounds per day per room. Based on this factor, the proposed hotel would generate about 423 pounds of waster per day. Table 6, Solid Waste Generation, outlines the amount of solid waste generated by the four different scenarios: the existing condition, the assumptions for the current general plan designation of the site, the condominium project, and the hotel project.

Solid waste from the city is collected by Salinas Rural Disposal, Inc. and transported to the Johnson Canyon Landfill site. At the current permitted level, this landfill will operate another 12 to 14 years. The hotel project would generate garbage at a higher rate than the condominium project, but at a lower rate than what has been planned for in the general plan.

Table 6 Solid Waste Generation

Use	Rate	Lbs/day
Existing Residential	4.526 p/u * 52 units * 0.4 lbs/per capita/day	**94**
Development under General Plan EIR assumptions for the Current General Plan Designation	96 employees * 22.7 lbs/employee	**2,179**
Condominium Project	Commercial 24.4 employees * 22.7 lbs/employee Residential 316 to 462 persons * 0.4 lbs/person	**680 to 739**
Hotel Project	Commercial 21 employees * 22.7 lbs/employee Hotel 146 rooms * 2.9 lbs/room	**904**

Source: EMC Planning Group, Inc. 2007, City of Soledad General Plan DEIR (2005), City of Soledad Housing Element; California Integrated Waste Management Board

Recycling programs available in the City of Soledad would be available to the proposed project. According to a 2006 study by the California Integrated Waste Management Board, "large hotels" recycle about 23 percent of all waste, and an additional 55 percent of waste was classified as "easily divertible."

No significant change.

The hotel project would increase solid waste generation compared to the condominium project, but would reduce solid waste generation compared to a typical scenario under the current general plan designation for the project site.

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31. EMC Planning Group. *Front Street Mixed Use Project Greenhouse Gas Emissions Report*. September 22, 2010.

32. Bay Area Air Quality Management District. *Adopted Air Quality CEQA Thresholds of Significance*. June 2, 2010.

33. City of San Diego. *Land Development Code Trip Generation Manual*. May 2003. www.sandiego.gov/planning/pdf/tripmanual.pdf.

All documents indicated with bold numbers are available for review at the **City of Soledad Community Development, 248 Main Street, Soledad, CA 93960 (831) 678-3963** during normal business hours.

All documents listed above are available for review at the EMC Planning Group office, 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

APPENDIX B

GREENHOUSE GAS EMISSIONS ANALYSIS

Planning for Success.

GREENHOUSE GAS ASSESSMENT

FRONT STREET HOTEL

PREPARED FOR

City of Soledad Community Development Department

September 22, 2010

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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FRONT STREET HOTEL

Greenhouse Gas Assessment

PREPARED FOR

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September 22, 2010

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Appendices

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FRONT STREET MIXED USE PROJECT
GREENHOUSE GAS EMISSIONS REPORT

QUANTIFICATION METHODOLOGY

Greenhouse gas (GHG) emissions from land use development projects are most typically associated with transportation (direct GHG emissions) and energy use/consumption (indirect emissions) during project construction and operational phases. To estimate GHG emissions, methods of calculating both direct and indirect sources are needed.

In January 2008, the California Air Pollution Control Officers Association (CAPCOA) released a guidance document for evaluating potential climate change impacts of new development entitled *CEQA and Climate Change – Evaluating and Addressing Greenhouse Gas Emissions from Project Subject to the Environmental Quality Act.* As stated by CAPCOA, there are no models currently available that can be used to quantify all direct and indirect GHG emissions from a proposed project. CAPCOA identifies a range of potential modeling options that can be used to calculate GHG emissions. For most projects, a combination of two of the modeling options is generally used to quantify estimated emissions from development, one for direct emissions and one for indirect emissions. There are only a few trees on the project site, so sequestration of CO_2 by vegetation was not considered.

Greenhouse gases were quantified for the hotel project and the condominium project, as well as the existing residential use.

Direct Emissions Quantification

Direct emissions include those from vehicle use ("operational" emissions) and from on-site activities, primarily energy consumption in the form of natural gas ("area source" emissions). The Urban Emissions Model (URBEMIS) is used to model direct emissions from a project. URBEMIS is a computer program that has been used for many years to estimate criteria

pollutant emissions from development projects. The program draws on an extensive database of vehicle fleet mix and emissions factors, land use traffic generation factors, and construction emissions factors.

Indirect Emissions Quantification

Indirect GHG emissions from the use of electricity are calculated by projecting a project's demand for electricity in kilowatt or megawatt hours and multiplying the demand by a GHG emissions volume per unit of electricity demand factor. The Bay Area Air Quality Management District (BAAQMD) recommends using the California Air Resources Board's *Local Government Operations Protocol* (LGOP) Version 1.0, prepared in September 2008 to quantify indirect emissions. Similar to the *California Climate Action Registry General Reporting Protocol*, the LGOP contains emissions factors for use in quantifying indirect carbon dioxide (CO_2), methane (CH_4), and nitrogen dioxide (N_2O) emissions generation resulting from demand for electricity. The quantification methodology employed is based on typical energy intensities as contained in Appendix G of the LGOP or compiled from other sources, such as Pacific Gas and Electric Company, CAPCOA, Energy Consumption Demand Management System (ECDMS) data for Monterey County (*http://ecdms.energy.ca.gov/elecbycounty.asp#results*) and U.S. Census Data for Monterey County (*http://quickfacts.census.gov/qfd/states/06/06085.html*).

Indirect Emissions Included

The primary sources of indirect GHG emissions are from production of electricity needed to meet project demand and from energy consumed in supplying domestic water (pumping) and treating sanitary wastewater.

Indirect Emissions Excluded

Additional incremental GHG emissions would come from the manufacture and transportation of construction materials. Greenhouse gas emissions from these sources are expected to be minimal relative to ongoing emissions from transportation and electricity demand. Projects also indirectly contribute to CH_4 emissions from landfills. However, such emissions are not included in the quantification of project GHG emissions for two main reasons: first, the California Integrated Waste Management Board requires local agencies to divert a high percentage of solid waste and the percentages are likely to increase over time; second, the use of methane capture systems at landfills is widespread and CARB requirements for landfill methane capture will increase over time. Solid waste is delivered to Johnson Canyon Landfill near the City. The Salinas Valley Solid Waste Authority operates the landfill. Methane generated at Johnson Canyon landfill is currently captured in a landfill gas recovery system.

HOTEL PROJECT GHG EMISSIONS QUANTIFICATION

Direct GHG Emissions

Direct GHG emissions from the hotel project were calculated using URBEMIS2007 Version 9.2. None of the mitigation options that are available in URBEMIS were selected for inclusion in the analysis. Therefore, the results show the worst-case emissions volume. The results of the model run are included in Appendix A. Project operations would generate approximately 969.44 short tons CO_2 per year and area source emissions are estimated at 278.99 short tons per year CO_2 for a total of 1,248.43 short tons per year CO_2. Using a conversion factor of 2,204 pounds/metric ton (x 0.9072), the project would generate about 1,132.58 metric tons CO_2 equivalents (CO_2e) per year.

Indirect GHG Emissions

Energy use data for hotel, restaurant and retail uses was obtained from the *California Commercial End Use Survey* (California Energy Commission 2006). The survey provides electricity and gas use factors per square foot of floor area for 14 different types of commercial use within several service areas. The data used in this analysis is from the PG&E service area. Energy use factors for water pumping and wastewater treatment were obtained from the LGOP. Table 1, Hotel Project Estimated Annual Electricity Demand (MWh), provides a summary of electricity demand for the current project.

Table 1 Hotel Project Estimated Annual Electricity Demand (MWh)

Source of Demand	Annual Use Factor	Quantity	Annual Demand
Restaurant Operations	33.12 kWh/sq ft	5,300 sq ft	175.54 MWh
Retail Operations	12.19 kWh/sq ft	5,300 sq ft	64.61 MWh
Lodging Operations	9.78 kWh/sq ft	105,000 sq ft	1,026.90 MWh
Water Supply Pumping	1,450 kWh/1,000,000 gallons of water	15,000 gallons	21.75 MWh
Wastewater Treatment	2,500 kWh/1,000, 000 gallons of wastewater	13,600 gallons	34.00 MWh
Total			**1,322.80MWh**

Source: California Energy Commission 2006 and EMC Planning Group Inc. 2010

Table 2, Hotel Project Indirect GHG Emissions Generation, summarizes indirect source GHG emissions. Again, the generation volume is considered worst-case and does not reflect any mitigation measures that might be employed as part of the project to reduce electricity demand.

Table 2 Hotel Project Indirect GHG Emissions Generation

Projected Electricity Demand from Future Development (MWh)	GHG Type	GHG Emissions Factor (lbs/MWh)[1]	Global Warming Potential	CO_2 Equivalent (metric tons/yr)[2]
1,322.80	CO_2	524.0	1	314.41
1,322.80	CH_4	0.029	21	0.37
1,322.80	N_20	0.011	310	2.05
Total				**316.83**

Source: EMC Planning Group Inc. 2010; PG&E 2009; California Air Resources Board 2008

1. CO_2 factor from PG&E 2009; CH_4 and N_2O factors from Table G.6, Local Government Operations Protocol, 2008.
2. CO_2 Equivalent is calculated as (electricity use) x (emissions factor) x (warming potential) / (2,204.62 lbs/metric ton). Figures shown are rounded to the nearest metric ton.

Table 3, Hotel Project Total Unmitigated Proposed Project GHG Emissions, shows the sum of direct and indirect emissions. The emissions volume shown is unmitigated.

Table 3 Hotel Project Total Unmitigated GHG Emissions (metric tons/year)

GHG Emissions Source	GHG Emissions Volume
Direct	1,132.58
Indirect	316.83
Total	**1,449.41**

Source: EMC Planning Group Inc. 2010

CONDOMINIUM PROJECT GHG EMISSIONS QUANTIFICATION

Direct GHG Emissions

Direct GHG emissions from the condominium project were calculated using URBEMIS2007 Version 9.2. None of the mitigation options that are available in URBEMIS were selected for inclusion in the analysis. Therefore, the results show the worst-case emissions volume. The

results of the model run are included in Appendix B. Project operations would generate approximately 1,525 short tons CO_2 per year and area source emissions are estimated at 323.43 short tons per year CO_2 for a total of 1,849.24 short tons per year CO_2. Using a conversion factor of 2,204 pounds/metric ton (x 0.9072), the project would generate about 1,677.63 metric tons CO_2 per year.

Indirect GHG Emissions

The ECDMS includes energy consumption data for individual counties. In 2008, it is estimated that residential development in Monterey County consumed approximately 745,753,749 kilowatt hours (KWh) of energy. U.S. Census data for 2008 indicate that there were approximately 140,227 housing units in the County. This data can be used to estimate that a single housing unit in the County consumed an average of approximately 5,318 kilowatt hours (KWh) of energy in 2008. Using this factor, the 102 residential units included in the condominium project would create a demand for approximately 542,436 KWh per year of electricity or approximately 542.44 megawatt hours (MWh) per year.

Energy use data for restaurant and retail uses was obtained from the *California Commercial End Use Survey* (California Energy Commission 2006). The survey provides electricity and gas use factors per square foot of floor area for 14 different types of commercial use within several service areas. The data used in this analysis is from the PG&E service area. Energy use factors for water pumping and wastewater treatment were obtained from the LGOP. Table 4, Condominium Project Estimated Annual Electricity Demand (MWh), provides a summary of electricity demand for the condominium project.

Table 5, Condominium Project Indirect GHG Emissions Generation, summarizes indirect source GHG emissions. Again, the generation volume is considered worst-case and does not reflect any mitigation measures that might be employed as part of the project to reduce electricity demand.

Table 6, Condominium Project Total Unmitigated Proposed Project GHG Emissions, shows the sum of direct and indirect emissions. The emissions volume shown is unmitigated.

Table 4 Condominium Project Estimated Annual Electricity Demand (MWh)

Source of Demand	Annual Use Factor	Quantity	Annual Demand
Restaurant Operations	33.12 kWh/sq ft	4,000 sq ft	132.48 MWh
Retail Operations	12.19 kWh/sq ft	5,000 sq ft	60.95 MWh
Office Operations	13.49 kWh/sq ft	3,200 sq ft	43.17 MWh
Residential Operations	5,318 kWh/unit	102 units	542.44 MWh
Water Supply Pumping	1,450 kWh/1,000,000 gallons of water	35,800 gallons	51.91 MWh
Wastewater Treatment	2,500 kWh/1,000, 000 gallons of wastewater	29,600 gallons	74.00 MWh
Total			**904.95 MWh**

Source: California Energy Commission 2006 and EMC Planning Group Inc. 2010

Table 5 Condominium Project Indirect GHG Emissions Generation

Projected Electricity Demand from Future Development (MWh)	GHG Type	GHG Emissions Factor (lbs/MWh)[1]	Global Warming Potential	CO_2 Equivalent (metric tons/yr)[2]
904.95	CO_2	524.0	1	215.09
904.95	CH_4	0.029	21	0.25
904.95	N_20	0.011	310	1.40
Total				**216.74**

Source: EMC Planning Group Inc. 2010; PG&E 2009; California Air Resources Board 2008

1. CO_2 factor from PG&E 2009; CH_4 and N_2O factors from Table G.6, Local Government Operations Protocol, 2008.

2. CO_2 Equivalent is calculated as (electricity use) x (emissions factor) x (warming potential) / (2,204.62 lbs/metric ton). Figures shown are rounded to the nearest metric ton.

Table 6 Condominium Project Total Unmitigated GHG Emissions (metric tons/year)

GHG Emissions Source	GHG Emissions Volume
Direct	1,677.63
Indirect	216.74
Total	**1,894.37**

Source: EMC Planning Group Inc. 2010

EXISTING RESIDENTIAL GHG EMISSIONS QUANTIFICATION

Direct GHG Emissions

Direct GHG emissions from the existing residential uses were calculated using URBEMIS2007 Version 9.2. None of the mitigation options that are available in URBEMIS were selected for inclusion in the analysis. Therefore, the results show the worst-case emissions volume. The results of the model run are included in Appendix C. Existing residential uses generate operational CO_2 emissions of approximately 410.66 short tons per year and area source emissions are estimated at 213.04 short tons per year CO_2 for a total of 623.70 short tons per year CO_2. Using a conversion factor of 2,204 pounds/metric ton (x 0.9072), the existing residential uses generate about 565.82 metric tons CO_2 per year.

Indirect GHG Emissions

The ECDMS includes energy consumption data for individual counties. In 2008, it is estimated that residential development in Monterey County consumed approximately 745,753,749 kilowatt hours (KWh) of energy. U.S. Census data for 2008 indicate that there were approximately 140,227 housing units in the County. This data can be used to estimate that a single housing unit in the County consumed an average of approximately 5,318 kilowatt hours (KWh) of energy in 2008. Using this factor, the 52 existing residential units use approximately 276,536 KWh per year of electricity or approximately 276.54 megawatt hours (MWh) per year. Energy use factors for water pumping and wastewater treatment were obtained from the LGOP. Table 7, Existing Residential Estimated Annual Electricity Demand (MWh), provides a summary of electricity demand for the existing residential uses.

Table 7 Existing Residential Estimated Annual Electricity Demand (MWh)

Source of Demand	Annual Use Factor	Quantity	Annual Demand
Residential Operations	5,318 kWh/unit	52 units	276.54 MWh
Water Supply Pumping	1,450 kWh/1,000,000 gallons of water	17,160 gallons	24.88 MWh
Wastewater Treatment	2,500 kWh/1,000, 000 gallons of wastewater	14,040 gallons	35.10 MWh
Total			**336.52 MWh**

Source: California Energy Commission 2006 and EMC Planning Group Inc. 2010

Table 8, Existing Residential Indirect GHG Emissions Generation, summarizes indirect source GHG emissions. Again, the generation volume is considered worst-case and does not reflect any mitigation measures that might be employed as part of the project to reduce electricity demand.

Table 8 Existing Residential Indirect GHG Emissions Generation

Projected Electricity Demand from Future Development (MWh)	GHG Type	GHG Emissions Factor (lbs/MWh)[1]	Global Warming Potential	CO_2 Equivalent (metric tons/yr)[2]
336.52	CO_2	524.0	1	79.98
336.52	CH_4	0.029	21	0.09
336.52	N_20	0.011	310	0.52
Total				**80.59**

Source: EMC Planning Group Inc. 2010; PG&E 2009; California Air Resources Board 2008

1. CO_2 factor from PG&E 2009; CH_4 and N_2O factors from Table G.6, Local Government Operations Protocol, 2008.

2. CO_2 Equivalent is calculated as (electricity use) x (emissions factor) x (warming potential) / (2,204.62 lbs/metric ton). Figures shown are rounded to the nearest metric ton.

Table 9, Existing Residential Total Unmitigated Proposed Project GHG Emissions, shows the sum of direct and indirect emissions. The emissions volume shown is unmitigated.

Table 9 Existing Residential Total Unmitigated GHG Emissions (metric tons/year)

GHG Emissions Source	GHG Emissions Volume
Direct	565.82
Indirect	80.59
Total	**646.41**

Source: EMC Planning Group Inc. 2010

EMISSIONS COMPARISONS

Scenario Comparisons

Table 10 Existing and Project Emissions Comparison compares the total GHG emissions from the proposed hotel and condominium projects and from the existing residential uses.

Table 10 Existing and Project Emissions Comparison

Emission Type	Condominium Project	Hotel Project	Existing Residential
Direct	1,677.63	1,132.58	565.82
Indirect	216.74	316.83	80.59
Total	**1,894.37**	**1,449.41**	**646.41**

Source: EMC Planning Group Inc. 2010, CARB 2007

Cumulative Emissions Comparisons

For context, existing and projected project GHG emissions are compared to GHG emissions volume projections for California and Monterey County. The City has not yet conducted a GHG emissions inventory, so comparison to projected local emissions cannot yet be made. Table 11, Project Share of Regional Emissions, shows the relative proportion of California and Monterey County GHG emissions that are generated by the existing residential uses and would be generated by the proposed projects. As would be expected, GHGs from project site uses constitute an extremely small share of California emissions. The GHG emissions logically represent a larger share of County-wide emissions, but that share remains quite small.

Table 11 Project Share of Regional Emissions

Regional Emissions Inventories	Condominium Project Share	Hotel Project Share	Existing Residential
California	0.004%	0.003%	0.001%
Monterey County	0.136%	0.104%	0.046%

Source: EMC Planning Group Inc. 2010, CARB 2007

Note: California emissions CO_2 Equivalent (metric tons/year) is 483,870,000 (2006)

Monterey County emissions CO_2 Equivalent (metric tons/year) is approximately 1,394,404 metric tons (2006)

The estimate of GHG emissions is somewhat speculative and likely to be quite conservative for a number of reasons. For example, GHG emissions from the transportation sector in California are likely to decline over time with the state's implementation of improved fuel standards (i.e. AB 1493) and improvements in automobile fuel efficiency. Greenhouse gas emissions factors for electricity consumption are likely to decline as utilities are required to expand the percentage of their electricity supply generated by renewable energy sources and improvements in efficiency of generation from fossil fuels are phased in. The implementation of AB 32 is and will continue to drive reductions in GHG emissions from all sectors of the economy and in nearly every action where energy is produced and/or consumed. Further, there is some uncertainty as to whether or not the emissions generated are "new" or whether some percentage of the emissions are displaced from other locations.

GHG EMISSIONS MITIGATION OPTIONS

A number of measures can be employed to reduce GHG emissions from either project. The extent of the emissions reductions would be dependent on which measures are found to feasible for the projects. Additional analysis can be conducted at the request of the City to identify potentially feasible reduction measures and to quantify reductions that would accrue for each measure and for the project as a whole given a specific set of measures to be implemented.

REFERENCES

California Air Resources Board. *Local Government Operations Protocol* Version 1.0, September 2008.

California Energy Commission. *California Commercial End-Use Survey*. March 2006.

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GREENHOUSE GAS REPORT
APPENDIX A

HOTEL PROJECT URBEMIS REPORT

8/12/2010 10:45:52 AM

Urbemis 2007 Version 9.2.0

Summary Report for Annual Emissions (Tons/Year)

File Name:

Project Name: Soledad Front Street Condo Project

Project Location: Monterey County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust
2011 TOTALS (tons/year unmitigated)	0.11	0.76	0.86	0.00	0.12	0.04	0.16	0.02
2012 TOTALS (tons/year unmitigated)	0.90	0.03	0.04	0.00	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	0.14	0.24	0.61	0.00	0.00	0.00	278.99

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.93	2.16	17.22	0.01	1.72	0.36	969.44

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	2.07	2.40	17.83	0.01	1.72	0.36	1,248.43

PM2.5 Exhaust	PM2.5	CO2
0.04	0.07	110.53
0.00	0.00	4.98

REENHOUSE GAS REPORT
APPENDIX B

CONDOMINIUM PROJECT URBEMIS REPORT

8/12/2010 10:49:41 AM

Urbemis 2007 Version 9.2.0

Summary Report for Annual Emissions (Tons/Year)

File Name: I:\Projects\ENV Projects\500 Series\ENV-574 (Front Street Hotel Environmental Evaluation)\Environmental Assessment\Front Street Oiginal Project URBEMIS.urb9

Project Name: Soledad Front Street Condo Project

Project Location: Monterey County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust
2011 TOTALS (tons/year unmitigated)	0.26	1.36	1.53	0.00	0.27	0.08	0.35	0.06
2012 TOTALS (tons/year unmitigated)	0.85	0.05	0.06	0.00	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.05	0.26	0.68	0.00	0.00	0.00	323.43

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	2.60	3.20	25.31	0.01	2.72	0.56	1,525.81

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	3.65	3.46	25.99	0.01	2.72	0.56	1,849.24

PM2.5 Exhaust	PM2.5	CO2
0.08	0.13	196.13
0.00	0.00	7.16

GREENHOUSE GAS REPORT
APPENDIX C

EXISTING RESIDENTIAL URBEMIS REPORT

9/16/2010 9:09:16 AM

Urbemis 2007 Version 9.2.0

Combined Annual Emissions Reports (Tons/Year)

File Name: I:\Projects\ENV Projects\500 Series\ENV-574 (Front Street Hotel Environmental Evaluation)\GHG Assessment\Front Street Existing Residential URBEMIS.urb9

Project Name: Soledad Front Street Condo Project

Project Location: Monterey County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	NOx	CO2

AREA SOURCE EMISSION ESTIMATES

	NOx	CO2
TOTALS (tons/year, unmitigated)	0.18	213.04

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	NOx	CO2
TOTALS (tons/year, unmitigated)	0.79	410.66

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	NOx	CO2
TOTALS (tons/year, unmitigated)	0.97	623.70

APPENDIX C

MITIGATION MONITORING AND REPORTING PROGRAM

FRONT STREET MIXED USE MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

Assembly Bill 3180 (1988 legislative session) requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

Monitoring Program

The basis for this monitoring program is the mitigation measures included in the project environmental impact report. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval that the City of Soledad will monitor during implementation of the project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

Monitoring Program Procedures

The City of Soledad will use the attached monitoring checklist for the project. The monitoring program will be implemented as follows:

1. The Soledad Community Development Department will be responsible for coordination of the monitoring program, including the monitoring list. The Soledad Community Development Department will be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.

2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Soledad Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Soledad Community Development Department.

3. The Soledad Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time. Compliance with mitigation measures is required for project approvals.

4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Soledad Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period, construction may be halted and fines may be imposed at the discretion of the City of Soledad.

Each mitigation measure requires full or partial implementation at one or more of the following points in the development process:

- Prior to Approval of Improvement Plans;
- Prior to Issuance of Grading Permits;
- Prior to Issuance of Building Permits;
- During Construction Activities;
- Prior to Occupancy.

MITIGATION MEASURE CHECKLIST

Prior to Approval of Improvement Plans

T-4. The City shall continue to work with TAMC and AMTRAK to establish a train stop adjacent or close to the project site to allow for easier commuting to areas outside of Soledad and decrease the need for those living in the residential site to own a car. If the City is unable to fulfill this measure within the timeframe of the project, the applicant shall still retain the right to proceed with the development of the project as approved by the City.

Party Responsible for Implementation: **City of Soledad**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

❑ Implementation not complete but project may proceed

Monitoring Notes and Status:

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T-5. The Project proponent and the City shall consult with Monterey Salinas Transit to identify the most appropriate bus pull-out location adjacent to the project site, and Project proponent shall provide related improvements, including bus shelter, in accordance with MST and City standards."

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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Prior to Issuance of Grading Permits

CR-1. The proposed project shall be redesigned to preserve the two-story residence and integrate it into the project, or the project applicant shall relocate the residence to an appropriate location within the City of Soledad or the Salinas Valley.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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CR-2. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in all construction documents:

> "If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The City shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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CR-3. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City will ensure that this language is included in all construction documents in accordance with CEQA Guidelines section 15064.5(e):

> "If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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AQ-1. Prior to demolition activities, the project sponsor shall apply contract with a qualified professional to survey the buildings to be demolished and notify the MBUAPCD. The project sponsor shall comply with MBUAPCD NESHAP policies and regulations for removal and disposal of contaminated materials.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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AQ-2. Prior to the issuance of a grading permit for earth-disturbing activity, the developer shall prepare a Construction Emissions Reduction Plan (CERP), for review by the MBUAPCD, to reduce construction-generated fugitive and mobile-source emissions.

The CERP shall include the following dust reduction measures:

a. Water all active construction areas at least twice daily and more often during windy periods. Active areas should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week, regardless of onsite activities.

b. Cover all trucks hauling dirt, sand, or loose materials.

c. Haul trucks shall maintain at least 2'0" of freeboard.

d. Install wheel washers at the entrance to construction sites for all exiting trucks.

e. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the site.

f. Sweep daily all paved access roads, parking areas, and staging areas at the site.

g. Sweep streets if visible soil material is carried out from the construction site.

h. Hydroseed or apply non-toxic soil stabilizers on inactive construction areas (previously graded areas inactive for ten days or more).

i. Enclose, cover, water twice daily, or apply non-toxic soil stabilizers to exposed stockpiles.

j. Limit speeds on unpaved surfaces to 15 mph.

k. Suspend excavation and grading activities when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

The CERP shall include the following diesel exhaust measures:

a. The following equipment may be used without control devices or additional mitigation measures without causing acute adverse health effects:

1. No engines greater than 75 HP are used

2. Engines between 501 and 750 HP are model years 2002 or newer

3. Engines between 251 and 500 HP are model years 1996 or newer

4. Engines between 175 and 250 HP are model years 1985 or newer

b. The following equipment may be used without causing acute adverse health effects if retrofitted with a catalyzed diesel particulate filter (CDPF):

1. Engines greater than 750 HP if model years 2006 or newer

2. All engines less than 749 HP

c. The following equipment may be used without causing acute adverse health effects if B99 biodiesel fuel is used:

1. Engines between 501 and 750 HP if model years 2002 or newer

2. Engines between 251 and 500 HP if model years 1996 or newer

3. Engines of 250 or lower HP.

d. Installation of temporary electrical service to avoid the need for independently powered equipment (e.g. compressors);

e. Diesel equipment standing idle for more than two minutes shall be turned off and trucks waiting to deliver or receive soil, aggregate or other bulk materials shall not remain idling more than five minutes. Rotating drum concrete trucks may keep their engines running continuously as long as they are onsite and are staged an adequate distance from residential areas;

f. Properly tune and maintain equipment for low emissions; and

g. Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences).

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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Prior to Issuance of Building Permits

N-1. The developer shall have a noise analysis conducted to identify the appropriate noise reduction measures to reduce averaged interior noise levels to 45 dBa or less. Measures could include use of triple pane or STC-rated windows and/or ventilation systems with non-operable windows.

A noise report shall be prepared prior to issuance of a building permit, subject to review and approval by the City of Soledad.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

T-3. The applicant shall implement strategies to reduce traffic demand and/or provide an increase in the parking spaces available for each use at the site:

a. Provide bike racks or lockers for both the hotel and commercial components consistent with city policies; and

b. Meter the commercial on-street parking spaces fronting the project site to reduce the demand for driving to the project site.

Appropriate strategies shall be incorporated in the conditions of project approval.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

Prior to and During Construction

The developer shall monitor construction activities to ensure the following mitigation measures are properly implemented. During construction, the developer shall submit a monthly report on the monitoring activities to the Soledad Community Development Department:

BIO-2. If construction activities or tree removal would occur during breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around the active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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CR-2. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in all construction documents:

> "If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The City shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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CR-3. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City will ensure that this language is included in all construction documents in accordance with CEQA Guidelines section 15064.5(e):

> "If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or it's authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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N-2. The following measures shall be incorporated into the proposed project to mitigate construction noise:

a. Noise-generation shall be limited to weekdays between 7 a.m. and 7 p.m., and on Saturdays between 8 a.m. and 6 p.m., with no construction on Sundays and holidays;

b. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment;

c. Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; and

d. The applicant shall notify the principal of Main Street Middle School at least 24 hours in advance when construction generating high levels of noise is to take place on scheduled school days.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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Prior to Occupancy

BIO-1. The developer shall plant at least two new drought-tolerant trees for every one mature tree removed. If appropriate for the planting location, trees should be native to the region. The developer may either plant the new trees on the project site, or in another location as decided by the City.

Party Responsible for Implementation: **Applicant/Developer(s)**

Party Responsible for Monitoring: **Soledad Community Development Department**

❑ Implementation Complete

Monitoring Notes and Status:

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APPENDIX D

STATE DIESEL IDLING RULE

13 CA ADC § 2485

Term [redacted]

13 CCR s 2485

Cal. Admin. Code tit. 13, s 2485

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 13. MOTOR VEHICLES
DIVISION 3. AIR RESOURCES BOARD
CHAPTER 10. MOBILE SOURCE OPERATIONAL CONTROLS
ARTICLE 1. MOTOR VEHICLES
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s 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

(a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.

(b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes:

(1) California-based vehicles; and

(2) Non-California-based vehicles.

(c) Requirements.

(1) Idling Restriction. On or after February 1, 2005, the driver of any vehicle subject to this section shall comply with the following requirements, except as noted in subsection (d) below:

(A) the driver shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location.

(B) the driver shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area.

(2) Use of Alternative Technologies.

(A) On or after January 1, 2008, the driver shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the vehicle is:

1. equipped with an APS meeting the emissions performance requirements found in subsection (c)(3)(A), below; and

2. the vehicle is equipped with a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(B) On or after January 1, 2008, the driver shall not operate a fuel-fired heater on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the fuel-fired heater meets the emissions performance requirements found in subsection (c)(3)(B), below;

(C) On or after January 1, 2008, the driver of a vehicle equipped with a 2006 or older model year primary diesel engine may use and operate in California any certified internal combustion APS with or without the additional PM control specified in subsection (c)(3)(A)1. or any other certified alternative idling reduction technology.

(3) Compliance Requirements. As an alternative to idling the primary engine, diesel engines/vehicles may, as an option, be equipped with alternative technologies, as listed and defined below in (A), (B), and (C) of this subsection. If so equipped, these technologies are subject to the following requirements:

(A) Internal Combustion APS.

1. In order to operate in California, an APS utilizing an internal combustion engine must comply with applicable California off-road and/or federal non-road emission standards and test procedures for its fuel type and power category. In addition, diesel-fueled APSs installed on vehicles equipped with primary engines certified to the 2007 and subsequent model year heavy-duty diesel engine standards, pursuant to section 1956.8(a)(2)(A) of title 13, CCR, shall either,

a. be equipped with a verified Level 3 in-use strategy for particulate matter control (see title 13, CCR, sections 2700 to 2710), or

b. have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

2. With advance Executive Officer approval, a certifying/verifying APS manufacturer may petition for an alternate compliance strategy other than described in (A)1. a. or b. in this subsection above. However, this provision is limited to manufacturers that can demonstrate, to the satisfaction of the Executive Officer, that their alternative strategy is equivalent (or "cleaner"), from an emissions standpoint, compared to the requirement described in (A)1.a. or b. in this subsection above. As an example, strategies that can use the available electric power infrastructure, instead of solely operating a diesel-fueled APS for engine and/or cab heating and cooling, may be able to use such a strategy to demonstrate compliance with

these requirements.

(B) Fuel-Fired Heaters. Fuel-fired heaters must comply with the applicable California emission standards and test procedures as specified in the Low Emission Vehicle program requirements found in title 13, CCR, subsections 1961(a)(15) and (d), or in Part I.E.1.13 of the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," as incorporated by reference in title 13, CCR, section 1961(d). However, the specified requirement that limits fuel-fired heaters from being operated above 40 <<degrees>> F does not apply.

(C) Other Idle Reduction Technologies. Other technologies that will reduce idling emissions may also be used, including the use of batteries, fuel cells, power inverter/chargers for on-shore electrical power, on-shore electric power infrastructure also known as truck stop electrification, and other technologies that produce minimal or no emissions. With the exception of battery and fuel cell powered APSs, power inverter/chargers, and electric power infrastructure, the use of other technologies are subject to advance Executive Officer approval and must be at least as effective in reducing idling emissions as the technologies described in subsections (c)(3)(A), above, or the NOx idling emission standard specified in title 13, CCR, section 1956.8(a)(6)(C). The Executive Officer shall use good engineering judgment and test data to determine if an idle reduction technology provides idling emission controls equivalent to the standards specified in subsection (c)(3)(A) above, or in title 13, CCR, section 1956.8(a)(6)(C).

(D) Labeling Requirements. 2007 and subsequent model year commercial diesel vehicles equipped with an internal combustion APS meeting the requirements specified in subsection (c)(3)(A) shall have a label affixed to the hood of the vehicle to allow operation of the APS in California. The labels shall meet the requirements specified in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(d) Exceptions.

(1) Except when a vehicle is located within 100 feet of a restricted area, subsection (c)(1)(A) does not apply, if the vehicle is equipped with

(A) a primary diesel engine meeting the optional NOx idling emission standard pursuant to title 13, CCR, section 1956.8(a)(6)(C); and

(B) a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(2) Subsection (c)(1) does not apply for the period or periods during which

(A) a bus is idling for

1. up to 10.0 minutes prior to passenger boarding, or

2. when passengers are onboard;

(B) prior to January 1, 2008, idling of the primary diesel-engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(C) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS or other device at the direction of a peace officer;

(D) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(E) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;

(F) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;

(G) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices is mandatory for testing, servicing, repairing, or diagnostic purposes, including regeneration or maintenance of the exhaust emission control device during engine idling when the dashboard indicator light, if so equipped, is illuminated indicating that regeneration or maintenance is in progress;

(H) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:

1. controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;

2. providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or

3. collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(I) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(J) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;

(K) idling of military tactical vehicles during periods of training, testing, and deployment; and

(L) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act.

(e) Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

(1) California Vehicle Code Section 22515;

(2) Title 13, Section 2480, California Code of Regulations;

(3) California Health and Safety Code Section 40720; or

(4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) Enforcement. This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) Penalties. For violations of subsection (c)(1), (c)(2) or (c)(3), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) Definitions.

The following definitions apply to this section:

(1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.

(2) "Auxiliary power system" or "APS" means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.

(3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.

(4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:

(A) a zero emission vehicle; or

(B) a pickup truck as defined in Vehicle Code Section 471.

(5) "Driver" is as defined in Vehicle Code Section 305.

(6) "Fuel-fired heater" means a fuel burning device that creates heat for the purpose of (1) warming the cab or sleeper berth compartment of a vehicle or (2) warming the engine oil and/or coolant for easy start-up of the vehicle's engine but does not contribute to the propulsion of the vehicle.

(7) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.

(8) "Highway" is as defined in Vehicle Code Section 360.

(9) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.

(10) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) "Official traffic control device" is as defined in Vehicle Code Section 440.

(12) "Official traffic control signal" is as defined in Vehicle Code Section 445.

(13) "Owner" is as defined in Vehicle Code Section 460.

(14) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.

(15) "Queuing" means (A) through (C)

(A) the intermittent starting and stopping of a vehicle;

(B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and

(C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.

(D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.

(16) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.

(17) "Safety or health emergency" means:

(A) a sudden, urgent, or usually unforeseen, occurrence; or

(B) a foreseeable occurrence relative to a medical or physiological condition.

(18) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.

(19) "Vehicle" is as defined in the Vehicle Code Section 670.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013 (b), 43013(h), 43018(b) and 43018(c), Health and Safety Code; and Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.(1975), 14 Cal.3d.411. Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42403.5, 42410, 43013 and 43018, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001 and 40001(b)(5), Vehicle Code; and Sections 1201, 1900, 1962 and 2480, Title 13, California Code of Regulations.

HISTORY

1. New section filed 1-27-2005; operative 2-1-2005 pursuant to GovernmentCode section 11343.4 (Register 2005, No. 4).

2. Amendment filed 10-16-2006; operative 11-15-2006 (Register 2006, No. 42).

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