

INTRODUCTION

Legal Basis of the EIR

This Environmental Impact Report (EIR) has been prepared by the City of Antioch as Lead Agency in conformance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the CEQA Guidelines promulgated by the California Resources Agency, to inform public decision-makers and the public of the projects and plans that they propose to consider.

The following sections from the CEQA Guidelines define the role and purpose of an EIR:

§15121(a) Informational Document. An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

§15151 Standards of Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

This EIR is a Subsequent EIR to a Previously Adopted Mitigated Negative Declaration (MND)

The proposed project involves a building expansion (primarily for grocery sales), for which the land use, building envelope, and floor area was previously included in the City's approval of the original entitlements (e.g., Final Development Plan, Master Use Permit, and Parcel Map) for the Williamson Ranch Plaza Project (Phases 1 and 2) in 1998. This original approval was for a commercial shopping center with a gross floor area of up to 245,100 square feet. (In 2000, the City approved development of Phases 3 and 4 of the Williamson Ranch Project which included up to 105,500 square feet of commercial shopping center.) The CEQA documentation for the original project (Phases 1 and 2) consisted of an Initial Study/Mitigated Negative Declaration (MND 98-10) which was adopted in conjunction with project approval. The current project proposal includes site and building modifications which are subject to Design Review approval. According to the City Zoning Code, the purpose of design review is to: *"promote the orderly and harmonious development of the city, the stability of land values and investments, and the general welfare and to encourage and promote the highest quality of design and site planning to delight the user and others who come in contact with uses and structures in the city"* (Zoning Code §9-5.2701(B)). No other City entitlements are required for the proposed expansion and project modifications. (See Section I. *Project Description* for details.)

Although the proposed project fits within the scope of Walmart's previous approvals, the project circumstances have changed since the original approval in 1998. For example, most of the lands to the east and south of the project, which comprised undeveloped rangeland in 1998, have since been developed for commercial and residential uses. There have also been major improvements to the local

transportation network, including the widening of Lone Tree Way and the construction of the State Route 4 Bypass approximately one mile to the east. These land use and circulation changes have in turn resulted in changes to local traffic volumes and patterns, ambient noise levels, and air pollutant emissions levels. There have also been major changes in drainage and flood control facilities, including the improvement of East Antioch Creek to 100-year flood standards. As such, the City of Antioch has determined that an updated environmental document under CEQA is required. Given the magnitude of the changes in project circumstances and the possibility that new significant impacts may be identified, the City has further determined that the form of environmental documentation shall be an Environmental Impact Report (EIR). The particular issues of concern prompting the preparation of an EIR include operational noise, and light and glare.

This document will constitute a Subsequent EIR to the earlier MND. The CEQA Guidelines provide for this in Section 15162(b), which states: “*If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a).*” (Emphasis added.) Subsection (a) requires preparation of a Subsequent EIR if the project would involve “*..new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*” Given the City’s determination that the latter condition may apply, the appropriate form of environmental document under CEQA is a “Subsequent EIR.” (The alternative “Supplemental EIR” would not apply since such a document can only follow a previous EIR, and not an MND, under the CEQA Guidelines.) [Note: Although this document is a “Subsequent EIR” as defined under CEQA, it is hereinafter simply referred to as “EIR.”]

Under CEQA, a Subsequent EIR must be a complete EIR which focuses on the conditions described in Section 15162 of the Guidelines (see above). However, the discussion from the previous MND may be incorporated by reference, where relevant, although the EIR must contain a brief summary of those discussions. (The Initial Study/MND adopted in 1998 is attached as Appendix B of this EIR.)

Environmental Review Process

The review and certification of the EIR will involve the following procedural steps:

Notice of Preparation (NOP): Upon the City’s determination that an EIR was required for this project, a Notice of Preparation was made available to the public and public agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on August 13, 2008, and the 30-day comment period on the NOP closed on September 12, 2008. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from several public agencies and one household. The letters from the agencies were focused on technical issues within their areas of responsibility. The letter from the private citizens expressed support for the project and included no specific comments relating to preparation of the EIR. None of the comment letters received raised any specific concerns with respect to environmental issues.

Notice of Completion (NOC): Upon completion of the Draft EIR, the City will file a Notice of Completion with the State Clearinghouse, Office of Planning and Research, to begin the public and agency review period.

Public Notice/Public Review: Concurrent with filing the NOC, the City will provide public notice of the availability of the DEIR for public review, and invite comment from the general public, agencies, organizations, and other interested parties. The length of the public review period is 45 days, during which time written comments on the DEIR will be accepted.

Response to Comments: After the close of the public review period, the City will prepare formal responses to the written comments received during the 45-day review period, along with an addendum section indicating any revisions made to the EIR. A Final EIR will be prepared which contains the comment letters, responses to comments, and the addendum. The Draft EIR will remain a separately bound volume, and will be incorporated into the Final EIR by reference only.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the completeness of the EIR under CEQA (see ‘Standards of Adequacy of an EIR’ above), and will adopt a resolution to certify the EIR if determined to be complete.

Project Approval: Once the EIR is certified and the project is approved by the Planning Commission, these actions will be final unless appealed to the City Council. Appeals must be in writing and must be submitted within 5 working days after the decision. The Council then holds a hearing on the appeal and has 60 days from the filing date of the appeal to render its decision. If an appeal is filed, the City Council will be the final decision-making body on both the EIR certification and project approval.

Notice of Determination (NOD): Within five working days of project approval, CEQA requires that the City file an NOD with the County Clerk, which certifies that the project has been approved. This filing begins the running of a 30-day Statute of Limitations period during which legal challenges to the EIR may be filed in Superior Court.

Mitigation Monitoring and Reporting Program (MMRP): Upon certification of the EIR, the Planning Commission will also adopt a program for monitoring and reporting on the measures it has imposed to mitigate, avoid, or substantially lessen the significant impacts of the project. These measures will be fully enforceable through permit conditions, agreements, or other measures. The City will be responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP.

