

Section 1.0

Introduction and Purpose



1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE EIR

The Town of Yucca Valley (Town) is the Lead Agency under the California Environmental Quality Act (CEQA), and is responsible for preparing the Environmental Impact Report (EIR) for the Old Town Yucca Valley Specific Plan Project (State Clearinghouse No. 2006061143). This EIR has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), California *CEQA Guidelines* (California Code of Regulations, Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA, as adopted by the Town of Yucca Valley. The principal *CEQA Guidelines* sections governing content of this document are Sections 15120 through 15132 (Content of an EIR), and Section 15168 (Program EIR).

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed Old Town Yucca Valley Specific Plan. For more detailed information regarding the proposal, refer to Section 3.0, *Project Description*.

This EIR has been prepared as a Program EIR in accordance with Section 15168 of the *CEQA Guidelines*. Section 15168 states the following:

- “(a) *General. A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large Project and are related either:*
- (1) *Geographically,*
 - (2) *As logical parts in the chain of contemplated actions,*
 - (3) *In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
 - (4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*
- (b) *Advantages. Use of a Program EIR can provide the following advantages. The Program EIR can:*
- (1) *Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,*
 - (2) *Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,*



- (3) *Avoid duplicative reconsideration of basic policy considerations,*
 - (4) *Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and*
 - (5) *Allow reduction in paperwork.*
- (c) *Use with Later Activities. Subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.*
- (1) *If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.*
 - (2) *If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the Project covered by the Program EIR, and no new environmental document would be required.*
 - (3) *An agency shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into subsequent actions in the program.*
 - (4) *Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operations were covered in the Program EIR.*
 - (5) *A Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the Project described in the Program EIR, and no further environmental documents would be required.”*

The CEQA Guidelines Section 15168 describes the proper process for Program EIRs as follows (emphasis added):

“Use of the Program EIR also enables the Lead Agency to characterize the overall program as the Project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed



in the Program EIR, the agency could assert that the activities are merely part of the program which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.”

In accordance with Section 15121 of the *CEQA Guidelines*, the main purposes of this EIR are to:

- ◆ Provide decision-makers and the public with specific information regarding the environmental effects associated with the proposed Project;
- ◆ Identify ways to minimize the significant effects of the Project; and
- ◆ Describe reasonable alternatives to the Project.

Mitigation measures are provided that may be adopted as conditions of approval to minimize the significance of impacts resulting from the Project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed Project.

The Town of Yucca Valley (which has the principal responsibility of processing and approving the Project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the *CEQA Guidelines*, if a public agency approves a Project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the Project, based on the Final EIR and any other information in the public record for the Project. This is termed, per Section 15093 of the *CEQA Guidelines*, a “statement of overriding considerations.”

This document analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the *CEQA Guidelines*. The analysis considers the activities associated with the Project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both the direct and indirect impacts of this Project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future Projects.

1.2 COMPLIANCE WITH CEQA

PUBLIC REVIEW DRAFT EIR

The Draft EIR is subject to a 45-day review period by responsible and trustee agencies and interested parties. Section 15087 of the *CEQA Guidelines* lists optional procedures for noticing, including publication in a newspaper, posting on-site, or mailing to owners of a property or properties contiguous to the site. In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the *CEQA*



Guidelines, as amended, the Town of Yucca Valley, serving as the Lead Agency, will: 1) publish a notice of availability of a Draft EIR in the *Record Search Light*, a newspaper of general circulation; and 2) will prepare and transmit a Notice of Completion (NOC) to the State Clearinghouse. (Proof of publication is available at the offices of the Lead Agency.)

Any public agency or members of the public desiring to comment on the Draft EIR must submit their comments in writing to the individual identified on the document's NOC prior to the end of the public review period. During the public review period, the Town of Yucca Valley will hold a regularly scheduled public hearing regarding the Draft EIR. The public will be afforded the opportunity to orally comment on the Draft EIR at the public hearing. Such comments shall be recorded and shall have the same standing and response requirements as written comments provided during the public review period. Upon the close of the public review period, the Lead Agency will then proceed to evaluate and prepare responses to all relevant oral and written comments received from both citizens and public agencies during the public review period.

FINAL EIR

The Final EIR will consist of the Draft EIR, and revisions to the Draft EIR and responses to comments addressing concerns raised by responsible agencies or reviewing parties. After the Final EIR is completed and at least ten (10) days prior to its certification, a copy of the Responses to Comments will be transmitted to agencies providing written or oral comments on the Draft EIR.

1.3 EIR SCOPING PROCESS

In compliance with the *CEQA Guidelines*, the Town of Yucca Valley has taken steps to maximize opportunities for interested individuals, parties, and agencies to participate in the environmental process. During the preparation of the Draft EIR, an effort was made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments and inform the public of the proposed project. Accordingly, an Initial Study and Notice of Preparation (NOP) were distributed on June 28, 2006. A public scoping meeting was held for the EIR on July 18, 2006, at the Yucca Valley Community Center.

INITIAL STUDY

In accordance with Section 15063(a) of the *CEQA Guidelines*, as amended, the Town undertook the preparation of an Initial Study. The Initial Study determined that a number of environmental issue areas may be impacted by the Old Town Yucca Valley Specific Plan Project. As a result, the Initial Study determined that the Draft EIR should address the Project's significant impacts on a variety of environmental issue areas.

Based on the Initial Study, no significant impacts upon agricultural resources, biological resources, cultural resources, geology/soils, hazards/hazardous materials, land use/relevant planning, mineral resources, or noise are anticipated as a result of



buildout of the Specific Plan. As a result, these issues are addressed in Section 10.0, *Effects Found Not To Be Significant*.

NOTICE OF PREPARATION

Pursuant to the provision of Section 15082 of the *CEQA Guidelines*, as amended, the Town of Yucca Valley circulated an NOP to public agencies, special districts, and members of the public requesting such notice for a minimum 30-day period commencing on June 28, 2006, and concluding on July 31, 2006.

The purpose of the NOP was to formally convey that the Town is preparing a Draft EIR for the Old Town Yucca Valley Specific Plan Project, and that as the Lead Agency, was soliciting input regarding the scope and content of the environmental information to be included in the EIR. The NOP, Initial Study, and responses to the NOP's are provided in Appendix 15.1, *Initial Study/Notice of Preparation/Public Review Comments*.

EARLY CONSULTATION (SCOPING)

During the NOP review period, the Town of Yucca Valley advertised a public scoping meeting. The meeting was held at the Yucca Valley Community Center on July 18, 2006, and was intended to facilitate public input. The meeting was held with the specific intent of affording interested individuals/groups and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR as described in the NOP.

NOP AND SCOPING RESULTS

The following specific areas of environmental concerns were raised by responses to the NOP and public scoping meeting for the Project:

- ◆ Increases in domestic wastewater generation and the ability of the Hi-Desert Water District to address the increase in wastewater generation and to ultimately eliminate the need for septic tank-leach field systems (Section 5.4, *Public Services and Utilities*);
- ◆ Light and glare increases resulting from intensification of proposed land uses (Section 10.0, *Effects Found Not To Be Significant*);
- ◆ Drainage and flood control impacts (Section 5.3, *Hydrology, Water Quality, and Drainage*);
- ◆ Impacts on water supply and water conservation (Section 5.4, *Public Services and Utilities*); and
- ◆ Impacts in demand for fire department and sheriff's services (Section 5.4, *Public Services and Utilities*).



This EIR focuses primarily on changes in the environment that would result from the proposed Project. The EIR identifies potential impacts resulting from the construction and operation of the proposed Project and provides measures to mitigate potential significant impacts. Those impacts which cannot be mitigated to less than significant levels are also identified. This EIR addresses impacts in the following areas:

- ◆ Traffic and Circulation;
- ◆ Air Quality;
- ◆ Hydrology, Drainage, and Water Quality; and
- ◆ Public Services and Utilities.

1.4 FORMAT OF THE EIR

The Draft EIR is organized into 15 sections, as follows:

- ◆ Section 1.0, *Introduction and Purpose*, provides CEQA compliance information.
- ◆ Section 2.0, *Executive Summary*, provides a brief Project description and summary of the environmental impacts and mitigation measures.
- ◆ Section 3.0, *Project Description*, provides a detailed Project description indicating Project location, background, and history; Project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- ◆ Section 4.0, *Basis for the Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- ◆ Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, Project impacts, recommended mitigation measures, and unavoidable adverse impacts for a number of environmental topic areas.
- ◆ Section 6.0, *Long-Term Implications of the Proposed Project*, discusses significant environmental changes that would be involved in the proposed action should it be implemented, and growth-inducing impacts of the proposed Project.
- ◆ Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the Project or to the location of the Project that could avoid or substantially lessen the significant impact of the Project and still feasibly attain the basic Project objectives.
- ◆ Section 8.0, *Inventory of Mitigation Measures*, lists mitigation measures proposed to minimize the significant impacts.
- ◆ Section 9.0, *Inventory of Significance After Mitigation*, describes those impacts that remain significant following mitigation.



- ◆ Section 10.0, *Effects Found Not To Be Significant*, provides an explanation of potential impacts that have been determined not to be significant.
- ◆ Section 11.0, *Organizations and Persons Consulted*, identifies all federal, state, or local agencies, other organizations, and individuals consulted.
- ◆ Section 12.0, *Bibliography*, identifies reference sources for the EIR.
- ◆ Section 13.0, *Mitigation Monitoring Program*, identifies responsibilities for monitoring mitigation.
- ◆ Section 14.0, *Comments and Responses*, will be included in the Final EIR and will provide comments and responses pertaining to the Draft EIR.
- ◆ Section 15.0, *Appendices*, contains technical documentation for the Project.

1.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the *CEQA Guidelines*, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the project. (Section 15381)

“Trustee Agency” means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include. . . . (Section 15386)

Responsible and Trustee Agencies and other entities that may use the Program EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- ◆ Town of Yucca Valley Town Manager’s Office;
- ◆ Town Council and Redevelopment Agency;
- ◆ Town of Yucca Valley Planning Commission;
- ◆ Town of Yucca Valley Community Development Department;
- ◆ Town of Yucca Valley Administrative Services Department;
- ◆ Town of Yucca Valley Community Services Department;
- ◆ Town of Yucca Valley Public Works/Engineering Department;



- ◆ County of San Bernardino Fire Department;
- ◆ County of San Bernardino Sheriff's Department;
- ◆ County of San Bernardino, Advanced Planning Division;
- ◆ County of San Bernardino, Department of Public Health;
- ◆ County of San Bernardino, Department of Public Works;
- ◆ California Regional Water Quality Control Board;
- ◆ Hi-Desert Water District; and
- ◆ Mojave Desert Air Quality Management District.

1.6 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages "incorporation by reference" as a means of reducing redundancy and length of environmental reports. The following documents, which are available for public review at the Town of Yucca Valley, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. A brief synopsis of the scope and content of these documents is provided below:

- ◆ Town of Yucca Valley Comprehensive General Plan (1995). The General Plan provides comprehensive planning for the future of the Town. The goals and policies contained in the General Plan are provided to guide the Town's decision-makers. It integrates the mandatory and discretionary elements among five major chapters: Community Development, Environmental Resources, Environmental Hazards, and Public Services and Facilities. The analysis of existing conditions and potential Project impacts included in this Initial Study incorporates information from the General Plan.
- ◆ Town of Yucca Valley General Plan Draft Environmental Impact Report (1995). The EIR analyzes and summarizes potential environmental impacts associated with implementation of the General Plan. The EIR also serves as a benchmark to assess environmental impact reports on future projects. The analysis of existing conditions and potential Project impacts included in this Initial Study incorporates information from the General Plan EIR.
- ◆ Town of Yucca Valley Municipal Code. The Town of Yucca Valley has adopted a series of codes that regulate development within the Town, referred to as the Town of Yucca Valley Municipal Code (MC). Titles 16 and 17 of the Municipal Code are commonly referred to as the Development Code. Title 16 governs the subdivision of land and Title 17 contains the zoning and development regulations.
- ◆ Old Town Yucca Valley Specific Plan (Public Review Draft, May 5, 2006). The Town and the Yucca Valley community have prepared the Specific Plan for Old Town Yucca Valley. The purpose of the Plan is to identify key opportunities to enhance the Town's overall economic base and the historic Old Town area. This document provides a comprehensive set of plans, guidelines, and regulatory standards in addition to administrative and implementation provisions within the land use districts.



- ◆ Home Depot Retail Center Draft EIR (2006). This document analyzes an 18.20-acre project site proposed for commercial/retail development. The development analyzed in this EIR is for a Home Depot Retail Center, which consists of a 13.09-acre home improvement center (Home Depot), a 0.90-acre restaurant or bank, and 4.21 acres of other retail uses. The project site addressed in this EIR is outside the proposed Old Town Yucca Valley Specific Plan area. However, certain environmental issues discussed within the document are pertinent to the Old Town Yucca Valley Specific Plan Project.