

This Draft Environmental Impact Report (DEIR) has been prepared by the County of Monterey Planning Department (hereinafter "County of Monterey"), as lead agency, pursuant to applicable provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines (*CEQA Guidelines*). The purpose of this DEIR is to evaluate the potential environmental effects associated with development of Harper Canyon/Encina Hills Subdivision (hereinafter referred to as the "proposed project"), a proposed Combined Development and Use Permit (PLN000696) for the construction of a 17-unit subdivision and grading on slopes greater than 30 percent within the *Toro Area Plan* planning area. The proposed project site is located in the Encina Hills area, east of San Benancio Road and southeast of State Route 68. This section of the DEIR summarizes the purpose and intended uses of the EIR; the environmental procedures that are to be followed according to state and local law; and the EIR's scope and organization.

1.1 BACKGROUND AND PURPOSE

The application for the proposed project was deemed complete by the Planning Department on November 22, 2002. To evaluate the environmental effects of the proposed project, an Initial Study/Mitigated Negative Declaration was prepared in July 2003 and was circulated to local, regional, and state agencies for a 30-day public review period from July 24, 2003 through August 22, 2003. The Mitigated Negative Declaration and Initial Study are included in **Appendix A**. The Monterey County Planning Commission considered the project at their January 12, 2005 meeting. A motion was made at that meeting to direct staff to proceed with an Environmental Impact Report (EIR). The project applicant appealed the decision by the Planning Commission; however, the Board of Supervisors referred the project back to the Monterey County Planning Department for preparation of an Environmental Impact Report.

The County of Monterey has prepared this DEIR to provide the public, responsible agencies and trustee agencies with information about the potential environmental effects of the proposed project. As described in CEQA Guidelines Section 15121(a), a DEIR is a public information document that assesses potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development where feasible, and have an obligation to balance a variety of public objectives, including environmental, economic and social factors.

The project applicant is Harper Canyon Realty, LLC, (hereinafter referred to as the "project applicant"). The project applicant has submitted an application for a Combined Development Permit for a standard subdivision on two parcels (Assessor's Parcel Numbers 416-611-001-000 and 416-611-002-000) totaling 344 acres and a Use Permit for grading on slopes greater than 30 percent for roadway improvements. The permits are required to allow for the subdivision of 17 lots on approximately 164 acres, consistent with rural density residential zoning, and one 180-acre remainder parcel.

1.0 INTRODUCTION

CEQA requires the preparation of an EIR prior to approval of any “project” that may have a significant effect on the environment. For the purposes of CEQA, the term “project” refers to the whole of an action, which has potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

1.2 TYPE OF DOCUMENT

CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a “project EIR” pursuant to CEQA Guidelines Section 15161. A project EIR is the most common type of EIR and evaluates the environmental impacts of a specific development project. The EIR examines all phases of the project including planning, construction, and operation.

1.3 INTENDED USES OF THIS EIR

This EIR provides the environmental information and an evaluation necessary for the planning and construction of the proposed project. This document will be used by the County of Monterey, and any other responsible or reviewing agency, to identify and evaluate the significant environmental issues at the project site. This includes evaluations necessary for approvals identified in this EIR, as well as any additional approvals necessary or useful to planning, construction, and maintenance (e.g., any final construction plans, design reviews, and other development-related approvals). Likewise, this EIR provides the environmental information and evaluation needed by responsible agencies acting on permits relative to the proposed project and the project site. **Section 2.0, Project Description** contains a detailed project description. Actions that would be taken relative to the proposed project evaluated in this EIR are listed under subheading **2.7, Requested Actions and Required Approvals**.

1.4 ENVIRONMENTAL REVIEW PROCESS

The California Environmental Quality Act (CEQA) and the County of Monterey encourage public participation in the planning and environmental review processes. Opportunities will be provided for the public to present comments and concerns regarding the CEQA and planning process through a CEQA public review and comment period and public hearings and/or meetings before the County of Monterey Planning Commission and Board of Supervisors.

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

NOTICE OF PREPARATION AND PUBLIC SCOPING MEETING

In accordance with Section 15161 of the CEQA Guidelines, the County of Monterey determined that due to potential significant effects resulting from the project, an EIR would be necessary. In accordance with Section 15082(a) of the CEQA Guidelines, the County of Monterey prepared and distributed a Notice of Preparation (NOP) of an EIR on July 19,

2005. The public review period ended on August 17, 2005. The NOP was circulated to public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed project. On March 8, 2006, a public scoping meeting was held at the Monterey County Government Center in Salinas, California. Three comment letters were received during the review period. Concerns raised in response to the NOP and the scoping meeting were considered in the preparation of the DEIR. The NOP for the EIR and the letters received by the County of Monterey, in response to the notice and the scoping meeting, are included in **Appendix A**.

DRAFT EIR

This DEIR contains a description of the proposed project, description of the environmental setting, identification of project impacts and effects found not to be significant, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. Upon completion of the DEIR, the County of Monterey will file a Notice of Completion (NOC) with the State Office of Planning and Research, in accordance with Section 15085 of the CEQA Guidelines. This begins the public review period (Public Resources Code, Section 21161) for the DEIR.

PUBLIC NOTICE/PUBLIC REVIEW

Concurrent with the NOC, the County of Monterey provides public notice of the availability of the DEIR for public review in accordance with CEQA Guidelines Section 15087(a), and circulates the document to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the DEIR in accordance with Public Resources Code 21092(b). During the 45-day public review period, the DEIR, including the technical appendices, is available for review at the County of Monterey Resource Management Agency – Planning Department located at 168 West Alisal, 2nd Floor, Salinas, CA, 93901.

All written comments on the DEIR should be mailed to:

Laura M. Lawrence, R.E.H.S., Planning Services Manager
County of Monterey Resource Management Agency - Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901
Tel: (831) 755-5148

Email comments to: ceqacomment@co.monterey.ca.us.

Fax comments to: (831) 757-9516

Your comments are welcome during the 45-day public review period. You may submit your comments in hard copy to the name and address above. The Planning Department

1.0 INTRODUCTION

also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Monterey County Planning Department to ensure they have received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Monterey County Planning Department to confirm that the entire document was received.

RESPONSE TO COMMENTS/FINAL EIR

Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be addressed in the Final EIR (FEIR). The FEIR will be made available for review at least 10 days prior to the public hearing before the final decision-making body, at which time the certification of the Final EIR will be considered. The environmental comments and their responses will be included with the DEIR as part of the environmental record for consideration by decision-makers for the project. A decision to approve the proposed project would be accompanied by written Findings in accordance with CEQA Guidelines Section 15091 and, if applicable, Section 15093 (Statement of Overriding Considerations).

CERTIFICATION OF THE EIR

If the County of Monterey finds that the FEIR is “adequate and complete”, the County may certify the FEIR. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information, and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of environmental considerations.

PROJECT CONSIDERATION

Upon review and consideration of the FEIR, the County of Monterey may act upon the proposed project. A decision to approve the proposed project would be accompanied by

written Findings in accordance with CEQA Guidelines Section 15091 and, if applicable, Section 15093 (Statement of Overriding Considerations).

MITIGATION MONITORING

The County of Monterey must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment (Public Resources Code Section 21081.6(a)). This program will be designed to ensure that these measures are carried out during project implementation. The specific reporting or monitoring program required by CEQA is not required to be included in the EIR. Throughout the EIR, however, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures adopted by the County of Monterey as part of the certified FEIR will be considered as conditions for approval of the project and will be included in the Mitigation Monitoring and Reporting Program to ensure and verify compliance.

1.5 SCOPE AND ORGANIZATION

Sections 15122 through 15132 of the CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include: a description of the environmental setting; an environmental impact analysis; mitigation measures; alternatives to the proposed project; significant irreversible environmental changes; growth-inducing impacts; and cumulative impacts.

The environmental issues addressed in the DEIR were established through the preparation of environmental documentation and supporting technical reports developed for the proposed project, responses to the Notice of Preparation (NOP) for the DEIR and scoping meeting, and comments received. Based upon documentation, technical reports, NOP responses, agency consultation, and review of the project application, the County has determined the scope for this EIR. This Draft EIR is organized in the following manner:

SECTION S - EXECUTIVE SUMMARY

The Executive Summary provides a brief synopsis of the EIR findings. This summary includes a project overview, summary of significant environmental effects, and mitigation measures and alternatives that would reduce or avoid those effects. Impacts are organized in a matrix format that clearly identifies accompanying measures and level of significance after mitigation.

SECTION 1.0 - INTRODUCTION

The Introduction briefly describes the project background, the purpose and intended uses of the EIR, the environmental review process, and the scope and organization of the EIR.

1.0 INTRODUCTION

SECTION 2.0 - PROJECT DESCRIPTION

This section provides a detailed account of the proposal and forms the basis of the analysis, as required by CEQA. This section includes the project location and legal description, project objectives, project characteristics and details of the construction work.

SECTION 3.0 - ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

This section describes the existing project setting, discusses the environmental impacts of the proposed project, describes cumulative impacts, and identifies mitigation measures for the environmental impacts examined in this EIR.

The following major environmental topics shall be addressed in this section:

- **3.1 Aesthetics and Visual Resources:** The change in the project site from grazing land to rural residential uses is evaluated within this subsection of the EIR. The project site is zoned RDR [5.1-D], which is defined as “Rural Density Residential” within a Design Control District and therefore is subject to the requirements of Section 21.44.010 of the *Monterey County Zoning Ordinance*, which requires specific design standards and additional design review prior to approval of new development within the proposed subdivision. Project visibility, scale, additional light and glare, and community character are evaluated within this subsection of the DEIR relative to the existing character of the project area.
- **3.2 Air Quality:** This subsection addresses the requirements of the Monterey Bay Unified Air Pollution Control District and analyzes local and regional air quality impacts associated with project implementation including short-term construction impacts (grading, etc.), as well as long-term operational emissions from mobile sources (e.g. increased vehicle traffic to the project site).
- **3.3 Biological Resources:** Potential impacts to biological resources at the project site are analyzed in this subsection of the DEIR. The biological resources subsection emphasizes the potential degradation or elimination of important species, and the impacts on listed, proposed, and candidate threatened and endangered species. The basis of the analysis is a *Biological Resources Assessment* (July 2001) and *Follow-up Survey* (October 2001 and September 2005) prepared by Zander Associates, and a *Forest Management Plan* (June 2001) prepared by Stephen Staub, Forester and Environmental Consultant.
- **3.4 Cultural Resources:** This subsection analyzes the presence or absence of potentially significant resources and examines the results of a general sensitivity review based upon database searches, known resources in the area, and surveys. This analysis is based on a *Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California* (March 1993) performed by Archaeological Consulting and peer

reviewed by PMC. As a result of the peer review an updated records search and pedestrian surveys were conducted by PMC in May 2006.

- **3.5 Geology and Soils:** This subsection examines potential geologic and seismic hazards, as well as any engineering constraints and general soil suitability for the land uses proposed by the project applicant, including residential, road improvements, open space and recreational uses. The basis of the analysis is a Geotechnical Report that evaluated the existing and potential geological hazards of surrounding faults and soil constraints. The basis of the analysis is a *Geological and Geotechnical Feasibility Study* (August 2001) prepared by D&M Consulting Engineers.
- **3.6 Groundwater Resources and Hydrogeology:** The impacts of the proposed project on hydrology and the quantity and quality of groundwater resources are discussed. Groundwater consumption and quality is addressed in regard to long-term water supply that meets the safe drinking water standards. The basis of the analysis is a *Project Specific Hydrogeologic Report* (September 2002, updated July 2003) prepared by Todd Engineers for the Monterey County Health Department, Division of Environmental Health.
- **3.7 Surface Hydrology and Water Quality:** The analysis identifies existing drainage patterns, proposed stormwater collection system, flooding potential, surface water quality, and runoff generated by the conversion of the site from undeveloped land to residential use. The analysis is based on *Geological and Geotechnical Feasibility Study* (August 2001) by D&M Consulting Engineers.
- **3.8 Land Use, Population, and Housing:** This section evaluates the land use, population, and housing impacts associated with development of a new residential subdivision. This section will evaluate the impact of the existing use and surrounding uses, potential to induce growth, and impact on housing in the area.
- **3.9 Public Services and Utilities:** This subsection addresses the availability of existing public facilities, calculates demand generated by the project for additional facilities such as schools, parks, police and fire services, and examines the impacts and adequacy of proposed utility systems. It also provides a general assessment of additional system requirements and physical improvements needed to serve the build-out demands of the project.
- **3.10 Transportation and Circulation:** This subsection examines potential impacts on the area roadway network, including roadway segments and intersections along State Route 68. Existing roadway conditions, existing conditions plus the project conditions, and cumulative conditions are evaluated herein. The conclusions are based on a traffic impact analysis prepared by Higgins Associates.

1.0 INTRODUCTION

- **3.11 Noise:** Potential noise impacts associated with the proposed project are discussed within this subsection. Long-term operational impacts are identified within this subsection, including noise from traffic generation along roadways where residential or other noise-sensitive receptors are located, and stationary noise sources from operation of the proposed project. Short-term construction noise impacts associated with the proposed project are also identified.

SECTION 4.0 – ALTERNATIVES TO THE PROJECT

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen the environmental effects of the project. The determinations of the County of Monterey concerning the feasibility, acceptance, or rejection of each and all alternatives considered in this EIR will be addressed and resolved in the County's findings, as required by CEQA. The alternatives considered in this EIR consist of the following:

- **Alternative 1 – No Project/No Development:** CEQA Guidelines Section 15126.6(e)(3) requires that a “no-project” alternative be evaluated as part of an EIR, proceeding under one of two scenarios: the project site remaining in its current state or, development of the project site under the current zoning designation. Alternative 1 considers the environmental effects of not approving the proposed project.
- **Alternative 2 – Modified Subdivision Design ‘A’:** This alternative would modify the subdivision design to provide for two inclusionary units on-site by dividing Lot #17 into two parcels and relocating the homesite originally proposed on Lot #17. This alternative would also reduce the amount of in-lieu fees the project applicant would be required to pay to comply with the Monterey County Inclusionary Housing Ordinance.
- **Alternative 3 – Modified Subdivision Design ‘B’:** This alternative is similar to the proposed project with the exception of eliminating four residential units on the project site within Lots #11, #13, #14, and #15 to reduce exposure to landslide hazards.

SECTION 5.0 – CUMULATIVE IMPACT SUMMARY

This section evaluates the cumulative impacts generated by a list of past, present and reasonably foreseeable future projects in proximity to the project site, as identified by the County of Monterey and in various technical analyses.

SECTION 6.0 – OTHER SECTIONS REQUIRED BY CEQA

This section contains required discussions and analyses of various topical issues mandated by CEQA Guidelines Section 15126.2, including significant and unavoidable

environmental effects, irreversible environmental changes, and effects found not to be significant (15128).

SECTION 7.0 - REPORT PREPARERS AND REFERENCES

The purpose of this section is to provide a list of all authors and agencies that assisted in the preparation of the report by name, title, and company or agency affiliation. It also itemizes supporting and reference data used in the preparation of the Draft EIR and lists all governmental agencies, organizations and other individuals consulted in preparing the Draft EIR.

APPENDICES

This section includes all notices and other procedural documents pertinent to the EIR, as well as all technical reports prepared in support of the analysis.

1.6 IMPACT TERMINOLOGY

This DEIR uses the following terminology to describe environmental effects of the proposed project:

- **Standards of Significance:** A set of criteria used by the lead agency to determine at what level, or “threshold”, an impact would be considered significant. Significance criteria used in this EIR include the CEQA Guidelines and Statutes; factual or scientific information; regulatory performance standards of local, state, and federal agencies; and the Goals, Objectives, and Policies of the *Monterey County General Plan*.
- **Less than Significant Impact:** A less than significant impact would cause no substantial change in the environment and no mitigation is required.
- **Significant (Potentially Significant) Impact:** A significant or potentially significant impact may cause a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects using specified standards of significance. Mitigation measures and/or project alternatives are identified to reduce project effects to the environment.
- **Significant (Potentially Significant) Unavoidable Impact:** A significant (or potentially significant) and unavoidable impact would result in a substantial change in the environment for which no feasible mitigation is available to reduce the impact to a less than significant level, although mitigation may be available to lessen the degree of the impact.
- **Cumulative Impact:** Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

1.0 INTRODUCTION

REFERENCES/DOCUMENTATION

Governor's Office of Planning and Research, State of California. *Guidelines for Implementation of the California Environmental Quality Act*, as amended. 2007.