

1. INTRODUCTION

1.1 AUTHORIZATION AND PURPOSE

This document is a Draft Environmental Impact Report (Draft EIR) for the proposed Paraiso Springs Resort Development (hereinafter “proposed project”), prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). This Draft EIR (or DEIR) has been prepared by RBF Consulting and EMC Planning Group for Monterey County (County of Monterey) as the “Lead Agency,” in consultation with the appropriate local, regional, and state agencies. The purpose of the EIR is to inform the public and various government agencies of the environmental effects/impacts of the project, identify possible ways to minimize the significant effects, and describe reasonable alternatives that support the objectives of the project. As defined by CEQA Guidelines Section 15383, “significant effect on the environment” means:

...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

1.2 EIR PROCESS

On June 30, 2005, the County of Monterey prepared a proposed Mitigated Negative Declaration (MND) for a Demolition Permit to clear Code Violations resulting from the un-permitted demolition of nine Victorian cottages on the project site (the MND is included in [Appendix A](#)). The initial study attached to the MND identified that the project applicant had been in contact with the County about a resort development on the subject site. Among the public comments received during the 30-day review period (concluding July 5, 2005) was a letter from the State Historic Preservation Office (SHPO) stating that the loss of the nine Victorians was a significant impact under CEQA and that the whole of the action needed to include the removal of the Victorian Structures and the proposed resort. County staff determined that the removal of the nine Victorian cottages was a potentially significant adverse environmental effect, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. CEQA Guidelines require preparation of an EIR when a Lead Agency determines that there is evidence that a project may have a significant effect on the environment. The applicant then submitted an application for the resort project that is being evaluated in this EIR. Therefore the “project” includes both the “after-the-fact” demolition permit and the resort.

This EIR was prepared to inform the public of the potentially significant environmental effects of the proposed project, identify possible ways to minimize the significant effects, and describe a reasonable range of project alternatives. The County of Monterey notified all responsible and trustee agencies, interested groups, and individuals that an EIR was required for the proposed project. The County of Monterey used the following methods to solicit input during the preparation of the DEIR:

- A Notice of Preparation (NOP) was filed with the State Clearinghouse on May 29, 2008 for a 30-day review period, which concluded on June 27, 2008. The California State Clearinghouse assigned a State Clearinghouse Number of 2005061016.
- In addition to state agency distribution through the Clearinghouse and in accordance with the requirements of CEQA, Monterey County, acting through the Monterey County Planning Department, circulated the NOP from May 29, 2008 to June 27, 2008 for the required 30-day review period to responsible and trustee agencies, as well as interested groups, organizations, and individuals.
- The County of Monterey also conducted a public scoping meeting on December 13, 2007 to solicit input on the EIR. All comments received were considered during the preparation of this DEIR. The NOP and comments received in response to the NOP are presented in [Appendix A](#).

This DEIR will be circulated for agency and public review during at least a 50-day public review period (see public comment instructions, below). Comments received by the County on the DEIR will be reviewed and responses to comments will be provided in the Final EIR (FEIR). Written responses to comments will be sent to those public agencies that provided timely comments on the DEIR at least 10 days prior to the certification hearing, when the Lead Agency will consider whether or not to certify the FEIR and approve the proposed project.

The County, as Lead Agency, will review and consider the EIR. If the County finds that the EIR reflects the County's independent judgment and has been prepared in accordance with CEQA and the CEQA Guidelines, the County will certify the adequacy and completeness of the EIR. Although the EIR does not control the Lead Agency's ultimate decision on the project, the County must consider the information in the EIR and respond to each significant effect identified in the EIR. A decision to approve the project would be accompanied by written findings prepared in accordance with CEQA Guidelines Section 15091, and if applicable, Section 15093¹. For each significant effect identified in the EIR, the findings will describe whether it can be reduced to a less than significant level through feasible mitigation measures, or if not, why there are no feasible mitigation measures or alternatives to reduce the effect to a less than significant level. No aspect of the proposed project will be approved until after the EIR is certified as adequate.

State law requires that a public agency adopt a monitoring program for mitigation measures that have been incorporated into the approved project to reduce or avoid significant effects on the environment. The Mitigation Monitoring and Reporting

¹ If significant adverse environmental effects identified in the EIR, approval of the project must be accompanied by written findings, as follows:

A. Changes or alterations have been required in, or incorporated into, such project that mitigate or avoid the significant environmental effects thereof as identified in the completed EIR.

B. Such changes or alterations are within the responsibility and jurisdictions of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

C. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Program (MMRP), as required by Section 15097 of the CEQA Guidelines, describes how each of the mitigation measures will be implemented and provides a mechanism for monitoring and/or reporting on their implementation. The purpose of the MMRP is to ensure compliance with environmental mitigation during project implementation and operation. A monitoring program will be included in the FEIR.

If the lead agency approves the project with associated significant effects on the environment that cannot be feasibly avoided or reduced to less than significant levels, the County must adopt a Statement of Overriding Considerations that explain how the benefits of the project outweigh the significant unavoidable environmental effects, in accordance with Section 15093 of the CEQA Guidelines.

1.3 PUBLIC COMMENT INSTRUCTIONS

This DEIR has been distributed to the State Clearinghouse, appropriate federal agencies, responsible and trustee agencies, other affected agencies, nearby cities, and interested parties, as well as all parties requesting a copy of the DEIR in accordance with Public Resources Code 21092(b). The Notice of Completion of the DEIR has also been distributed as required by CEQA. During the 50-day public review period, the DEIR, including the technical appendices, is available for review at the County of Monterey Resource Management Agency – Planning Department.

All written comments on the Draft EIR should be addressed to:

County of Monterey Resource Management Agency - Planning Department
Attn: Mike Novo, Planning Director
168 West Alisal, 2nd Floor
Salinas, CA 93901

The County of Monterey welcomes your comments during the 50-day public review period. Comments may be submitted in hard copy to the name and address above. The County also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Planning Department has received your comments.

To submit your comments by e-mail, please send a complete document including all attachments to: ceqacomments@co.monterey.ca.us. 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 Planning Department to ensure your comments were received.

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 documents should be sent to the contact noted above at (831) 757-9516. 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 Planning Department to confirm that the entire document was received.

1.4 ORGANIZATION OF THE DRAFT EIR

This EIR consists of eight sections: Executive Summary, Introduction, Project Description, Environmental Setting Impacts and Mitigation Measures, CEQA Considerations, and References, plus a set of appendices.

- The **Executive Summary** provides a brief overview of key components of the EIR, which include a description of project location, summary of project description, and project objectives, summary of alternatives, and impacts and mitigation measures identified in the EIR.
- **Section 1.0 Introduction** provides an overview of the organization of the EIR and processes involved in preparation and review of the DEIR. Background information regarding the project planning process and coordinated planning process is included as well.
- **Section 2.0 Project Description** provides a detailed description of all aspects of the proposed project including construction, infrastructure improvements, offsite improvements, and required entitlements and project-related actions by agencies other than the lead agency. The Project Description also describes relevant background information related to the project location and project and regional setting.
- **Section 3.0 Environmental Setting, Impacts, and Mitigation Measures** section contains in depth analysis of the project's environmental impacts. Analysis is provided for all environmental factors listed in CEQA Appendix G environmental checklist. A detailed description of this section's organization and contents is included in the introduction to Section 3.0: Environmental Setting, Impacts, and Mitigation Measures.
- **Section 4.0 CEQA Considerations** section contains a discussion of significant unavoidable effects; significant and irreversible environmental changes; growth inducing impacts; cumulative impacts; and unavoidable significant adverse environmental impacts.
- **Section 5.0 Alternatives** section contains a discussion of alternatives to the proposed project.
- **Section 6.0 References** section is the final section of the DEIR and includes a list of all of the documents referenced in the various sections of the DEIR, as well as preparers, lists names and titles of all individuals from public agencies and consulting firms involved in the preparation of the DEIR.
- **Appendices** include the Notice of Preparation, Mitigated Negative Declaration and responses to the notice, along with the technical reports prepared for the EIR. See the table of contents for a complete list of appendices. The appendices are included as a CD in a page insert to this EIR.