

**1. INTRODUCTION..... 1-1**

1.1 Authorization and Purpose..... 1-1

1.2 EIR Process ..... 1-1

1.3 Public Comment Instructions..... 1-3

1.4 Organization of the Recirculated Draft EIR ..... 1-4

**List of Figures**

No table of figures entries found.

**List of Tables**

No table of figures entries found.

## 1. INTRODUCTION

### 1.1 AUTHORIZATION AND PURPOSE

This document is a Recirculated Draft Environmental Impact Report (Recirculated 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 Recirculated Draft EIR (or RDEIR) has been prepared by EMC Planning Group and County of Monterey staff in consultation with the appropriate local, regional, and state agencies. Some of the analysis was conducted by RBF Consulting. The County of Monterey is the lead agency. 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 15382, 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.”

### 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 Victorian cottages was a significant impact under CEQA and that the whole of the action needed to include the removal of the Victorian cottages and development of the proposed resort. County staff determined that the removal of the nine Victorian cottages was a significant adverse environmental effect, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064.5. 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 construction of a resort that is being evaluated in this EIR. Therefore the “project” includes both the “after-the-fact” demolition permit and construction of the proposed resort.

A Draft EIR (DEIR) 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 the 2013 DEIR. The NOP and comments received in response to the NOP are presented in [Appendix A](#).

The DEIR was circulated for public comment between July 15, 2013 and October 4, 2013. Monterey County received 29 comment letters. After the close of the public comment period, Monterey County Planning Department staff determined it was necessary to add significant new information to the Draft EIR, specifically to the aesthetics and visual resources, biological resources, cultural and historic resources, hydrology and water quality, and noise sections of the Draft EIR, as well as to evaluate additional alternatives to the proposed project.

This RDEIR will be circulated for agency and public review during a public review period (see public comment instructions below). Comments received by the County on the RDEIR 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 RDEIR at least 10 days prior to the certification hearing, when the County 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 (RDEIR and FEIR). If the County finds that the EIR reflects the County's independent judgment and has been prepared in accordance with CEQA, the County will certify the EIR as adequate. Although the EIR does not control the Lead Agency's ultimate decision on the project, the County must consider the information and 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<sup>1</sup>. 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.

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<sup>1</sup> If significant adverse environmental effects are identified in the EIR, approval of the project must be accompanied by written findings, including at least one of the following findings:

- A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- B. Such changes or alterations are within the responsibility and jurisdiction 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, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

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 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 RDEIR 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 RDEIR in accordance with Public Resources Code 21092(b). The Notice of Completion of the RDEIR has also been distributed as required by CEQA. During the public review period, the RDEIR, including the technical appendices, is available for review at the County of Monterey Resource Management Agency – Planning Department.

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

County of Monterey Resource Management Agency - Planning  
Attn: Mike Novo  
1441 Schilling Place, 2nd Floor  
Salinas, CA 93901  
(831) 755-5176

The County of Monterey welcomes your comments during the 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: [ceqacomment@co.monterey.ca.us](mailto:ceqacomment@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 RECIRCULATED DRAFT EIR

This EIR consists of eight sections: Executive Summary, Introduction, Project Description, Environmental Setting, Impacts and Mitigation Measures, CEQA Considerations, Alternatives, 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 RDEIR. 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 Guidelines 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 RDEIR and includes a list of all the documents referenced in the various sections of the RDEIR, as well as preparers, lists names and titles of all individuals from public agencies and consulting firms involved in the preparation of the RDEIR.
- 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.