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Draft Resolution

Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of the application of:

PARAISO SPRINGS RESORT LLC (PLN040183)

RESOLUTION NO. ----

Resolution by the Monterey County Board of
Supervisors:

- 1) Denying the appeal by Cynthia Pura;
- 2) Certifying an Environmental Impact Report;
- 3) Adopting a Statement of Overriding Considerations;
- 4) Approving a Combined Development Permit consisting of the following components:
 1. "After The Fact" permission to demolish nine historic cottages removed from the Paraiso Hot Springs Resort, November 2003 (to clear Code Violation Case CE030404/PLN040488);
 2. Use Permit and General Development Plan for the reconstruction and expansion of the historic resort with the following amenities: a 103 room hotel consisting of single and two-story clustered visitor-serving hotel units; 60 two-to-three bedroom timeshare units and 13 timeshare villas; lodge; visitor center; restaurants; culinary training center; wine pavilion; shops; tennis courts; swimming pools; golf instruction center; racquetball pavilion; spa centers with massage, beauty, therapeutic services and outdoor/indoor fitness center; a wellness/education center with lecture and conference facilities; cultural center for music, art and literature; outdoor amphitheater; vineyards; laundry and maintenance facilities; water system; wastewater treatment system; and re-landscaping of the grounds including new trees, paths, hiking trails, pedestrian and vehicle bridges, gardens and pergolas. Architectural treatments, materials,

colors, and landscaped grounds are intended to echo the Paraiso Hot Springs' former affiliation with Mission Soledad;

3. Standard Subdivision (Vesting Tentative Map) to create 19 parcels and a condominium map for timeshare units (as amended by the conditions of approval;
4. Use Permit for removal of 185 protected oak trees;
5. Use Permit for development on slopes in excess of thirty percent;
6. Grading of approximately 162,073 cubic yards; and
7. Off-site road improvements to Paraiso Springs Road.

- 5) Adopting a Mitigation Monitoring and Reporting Plan.

[PLN040183, Paraiso Springs Resort LLC, 34358 Paraiso Springs Road, Soledad, Central Salinas Valley Area Plan area (APNs: 418-381-021-000, 418-361-004-000, and 418-381-022-000)]

The Paraiso Springs Resort LLC (Paraiso) application (PLN040183) came on for public hearing, pursuant to an appeal, before the Monterey County Board of Supervisors on January 28, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING: **PROCESS** – The County has processed the subject application for reconstruction and expansion of a resort (RMA-Planning File No. PLN040183—Paraiso Springs Resort LLC) (“Project”) in compliance with all applicable procedural requirements. (See evidence aa through ii, below).

CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development. (See evidence a through z, below).

EVIDENCE: a) The Project approved herein consists of a Combined Development Permit consisting of the following:

1. "After The Fact" permission to demolish nine historic cottages removed from the Paraiso Hot Springs Resort, November 2003 (to clear Code Violation Case CE030404/PLN040488);
2. Use Permit and General Development Plan for the reconstruction and expansion of the historic resort with the following amenities: a 103 room hotel consisting of single and

- two-story clustered visitor-serving hotel units; 60 two-to-three bedroom timeshare units and 13 timeshare villas; lodge; visitor center; restaurants; culinary training center; wine pavilion; shops; tennis courts; swimming pools; golf instruction center; racquetball pavilion; spa centers with massage, beauty, therapeutic services and outdoor/indoor fitness center; a wellness/education center with lecture and conference facilities; cultural center for music, art and literature; outdoor amphitheater; vineyards; laundry and maintenance facilities; water system; wastewater treatment system; and re-landscaping of the grounds including new trees, paths, hiking trails, pedestrian and vehicle bridges, gardens and pergolas. Architectural treatments, materials, colors, and landscaped grounds are intended to echo the Paraiso Hot Springs' former affiliation with Mission Soledad;
3. Standard Subdivision (Vesting Tentative Map) to create 19 parcels and a condominium map for timeshare units (as amended by the conditions of approval);
 4. Use Permit for removal of 185 protected oak trees;
 5. Use Permit for development on slopes in excess of thirty percent;
 6. Grading of approximately 162,073 cubic yards; and
 7. Off-site road improvements to Paraiso Springs Road.

The project described above and approved by this resolution is Alternative #5, Timeshare Relocation Alternative, as described in the 2019 Recirculated Draft Environmental Impact Report (pages 75 and 76), and as further modified by the conditions of approval. This alternative would involve the following modifications to the site plan:

1. Relocate 13 Villa timeshare units to the hillside between Paraiso Valley and Indian Valley (Lots 21 and 22). The Villa timeshare units would be redesigned as single-story structures;
2. Relocate the timeshare condominium units on Lots 21 and 22 from their current location along a hillside in an area that requires encroachment onto thirty percent slopes to Indian Valley in the location of the villa lots;
3. Relocate the timeshare condominium units on Lot 23 to Indian Valley in the location of the villa lots; and
4. Relocate road alignment from hillside timeshares (northwest corner of Lot 22) to more directly connect the cul-de-sac to the rear of the hotel area rather than to the area vacated by the relocated timeshare condominiums on Lot 23 (reduces area of thirty percent slope encroachment and avoids a high geologic hazard area)

The result of these changes would be the retention and relocation of the

60 timeshare condominium units and the relocation of 13 of the 17 timeshare Villa lots. Four Villa timeshare units would be eliminated. This results in a two percent reduction in visitor serving units being constructed on site (from 180 to 176). Elimination of these units results in a drop in the number of rooms from 310 to 298 (4%). The outcome would be a reduction in height of development at higher and more visible locations, a smaller development footprint (elimination of development on proposed Lot 23) and related reduction in environmental effects, a reduction in grading and development activities on steeper slopes, and location of units closer to the project entrance. The property where the Project consists of three parcels totaling approximately 235 acres site owned by Paraiso Springs Resort LLC. The Project is in the unincorporated area of the County and therefore within County's land use permitting jurisdiction.

- b) During review of this application, the project and the project alternatives analyzed in the EIR have been reviewed for consistency with the text, policies, and regulations in:
- The 1982 Monterey County General Plan;
 - Central Salinas Valley Area Plan;
 - Monterey County non-coastal Subdivision Ordinance (Title 19 of the Monterey County Code (MCC)); and
 - Monterey County non-coastal Zoning Ordinance (Title 21 of the MCC);

Pursuant to Government Code section 66474.2, the project is subject to the 1982 Monterey County General Plan because it was the plan in effect when the project application was deemed complete. The Board of Supervisors has reviewed the project, as recommended, for consistency with the text, policies, and regulations in the 1982 Monterey County General Plan and the County Code. No conflicts were found to exist. Communications were received by parties regarding the 2018 and 2019 Recirculated Draft Environmental Impact Reports. Some of the communications stated that the project was inconsistent with the General Plan or County regulations. Responses to those allegations are included in the Final EIR for the project. The County's analysis of these allegations resulted in written responses that the project is consistent with the General Plan, the Central Salinas Valley Area Plan (a component of the General Plan), and County regulations. These written responses are included, where applicable to a comment stating that the project is inconsistent with plans or regulations, in the Final EIR, and in the following Findings.

The Board of Supervisors has received and considered the communications submitted. The Board of Supervisors has determined that the project is consistent with the text, policies, and regulations noted above.

- c) The property is located at 34358 Paraiso Springs Road, outside of Soledad (Assessor's Parcel Numbers 418-381-021-000, 418-361-004-000, and 418-381-022-000), Central Salinas Valley Area Plan. The property has land use designations of Permanent Grazing and Commercial and is zoned Permanent Grazing ("PG") and Visitor

Serving/Professional Office (“VO”), which allows resort uses such as those proposed under this application, provided that a Use Permit is obtained. The proposed project involves an application for a Combined Development Permit as described in evidence a, above.

Monterey County Code section 21.22.060 allows hotels, restaurants, employee housing, water system facilities, serving of alcoholic beverages, commercial place of amusement or recreation, and other uses of a similar character, density and intensity to other uses listed in this section, subject to obtaining a Use Permit and approval of a General Development Plan. Therefore, with the entitlements granted herein, the project is an allowed land use for this site pursuant to the Monterey County General Plan and County Code requirements.

- d) Monterey County RMA-Planning prepared an Environmental Impact Report (EIR) for Paraiso Springs Resort pursuant to the California Environmental Quality Act (CEQA) (State Clearinghouse #2005061016). The EIR consists of a 2018 Recirculated Draft EIR (2018 RDEIR), a 2019 Recirculated Draft EIR which recirculated portions of the 2018 RDEIR (as described in Evidence e, below), and a Final EIR dated October 2019. The EIR is on file in the offices of RMA-Planning and are hereby incorporated by reference (RMA file number PLN040183).
- e) The 2018 RDEIR for Paraiso Springs Resort was circulated for public review from February 28, 2018 through April 26, 2018. A second Recirculated Draft Environmental Impact Report (2019 RDEIR), consisting of amendments to some sections of the 2018 RDEIR, was circulated for public review from June 7, 2019 to July 9, 2019. The 2019 RDEIR consists of revised portions of the 2018 RDEIR, including a revised introduction, miscellaneous edits to specific sections of the 2018 RDEIR, a revised Hazards and Hazardous Materials section, and a revised Aesthetics and Visual Resources chapter. The State Clearinghouse approved a shortened review period for the 2019 RDEIR on May 23, 2019 (email from Christine Asiata, State Clearinghouse, to project planner Mike Novo, May 23, 2019). The Final EIR (FEIR) for Paraiso Springs Resort (SCH#2005061016) dated October 2019 consists of the 2018 RDEIR, as amended by the 2019 RDEIR, together with the Response to Comments document dated October 2019 (hereafter “Final EIR”). Also see Finding 6.
- f) The 2018 RDEIR, as amended by the 2019 RDEIR, contains an analysis of the Project’s consistency with the County General Plan and Central Salinas Valley Area Plan in RDEIR Chapter 3.9, specifically with a detailed policy-by-policy description in **Table 3.9-1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan** (2018 RDEIR pages 3-263 through 3-279). The analysis concluded that the project, with mitigation measures proposed in the EIR, is consistent with the General Plan and Area Plan. In addition, the project would not have a significant effect on the environment related to land use consistency. Each RDEIR chapter also includes a Regulatory Background section related to the environmental topic for that chapter. The 2018 RDEIR and 2019 RDEIR demonstrate

that the project is consistent with applicable General Plan and County Code.

- g) The project is consistent with the regulations found in the County's inland Zoning Ordinance (Title 21 of the Monterey County Code) for biological resources (MCC section 21.66.020; see Finding 1, Evidence j), cultural resources (MCC section 21.66.050 and MCC Chapter 18.25; see Finding 1, Evidence l), development on slopes (MCC section 21.64.230; see Finding 1, evidence h, and Finding 4), subdivision (MCC Title 19; see Findings 11 and 12); timeshare (MCC section 21.64.110; see Findings 15 through 20), hazardous areas (Geology) (MCC section 21.66.040; see Finding 1, Evidences m and n; Finding 2), and for tree removal (MCC section 21.64.260; see Finding 13). Required reports were submitted as required by these County Code sections (see list on website at <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/current-major-projects/paraiso-springs-resort>, listed under 'References'). Also, see Findings, below, related to Use Permit (Finding 3) and Visual Resources (Finding 1, Evidence h).
- h) Aesthetics: The project proposes development visible from common public viewing areas, as defined by the Monterey County Code. The County prepared a viewshed analysis found in 2018 RDEIR Appendix C.

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to aesthetics. The subject property is located on the floors of two valleys and the lower slopes of the Sierra de Salinas mountain range and portions of the project would be visible from locations in the Salinas Valley. An aesthetics analysis, prepared by County staff, identified visibility of the site from Near-Visibility, Mid-Range Visibility, and Long-Range Visibility locations (2018 RDEIR Appendix C). General Plan policies require 1) encouragement of the integrity of existing terrain and natural vegetation in visually sensitive areas, 2) discouragement of premature and scattered development, 3) that development which preserve and enhances the County's scenic qualities be encouraged, 4) preservation of slopes over thirty percent, with an exception process established, 5) that lighting be controlled, 6) that appropriate review be conducted for visually sensitive areas, and 7) the pursuit of obtaining official Scenic Road designations for listed roads. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-263 through 3-265, analyzed the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. General Plan policies and County Code requirements were also presented in 2019 RDEIR section 3.1.3. Regulatory Background (2019 RDEIR pages 25 through 27). In addition, 2019 RDEIR amended the cumulative impact analysis from the 2018 RDEIR, found on 2019 RDEIR page 15. No inconsistencies were identified in the Final EIR.

- i) Air Quality: The development could affect air quality through project

construction and through operational emissions.

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of air quality. The subject property is located in the North Central Coast Air Basin, which includes several interconnected valleys (a portion of the Santa Clara Valley, San Benito Valley, Salinas Valley, and Carmel Valley). 2018 RDEIR section 3.2.2 describes the environmental setting of the air basin. The County's consultant conducted air quality modeling using the California Emissions Estimator Model, the results of which are included in the 2018 RDEIR as Appendix D. General Plan policies require 1) encouraging use of alternatives to automobiles, 2) concentrating commercial development easily served by public transit, 3) that development meet federal and state ambient air quality standards, 4) encouraging energy-efficient business and agricultural practices, and 5) encouraging development and utilization of renewable energy sources. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, page 3-265, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.2.3, Regulatory Background (2018 RDEIR pages 3-32 through 3-41). No inconsistencies were identified in the Final EIR.

- j) Biological Habitat: The proposed development, while occurring on the site of a previous resort area, will involve construction into previously undisturbed portions of the property. In addition, habitat also exists within the previous development footprint.

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of biological habitat. The 2018 Recirculated Draft EIR addresses project specific biological habitat impacts in section 3.3, with a discussion of related General Plan goals and policies on page 3-76. 2018 RDEIR page 3-266 also discusses the project's consistency with General Plan policies and found the project consistent with mitigation measures, for all policies, as identified in the RDEIR. In addition, consistency with related land use policies are discussed on 2018 RDEIR page 3-275 (policy 34.1.1). The project is identified as being consistent with that policy. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.3.3, Regulatory Background (RDEIR pages 3-73 through 3-77). No inconsistencies were identified in the Final EIR. Further, the project is consistent with the regulations found in the Zoning Ordinance for biological resources (MCC section 21.66.020; see Finding 2, Evidence j, Finding 6, Evidences j and k, Finding 7, Evidence d, and Finding 11, Evidence d) and for tree removal (MCC section 21.64.260; see Finding 13). Required reports were submitted as required by these County Code sections (see list on website at <http://www.co.monterey.ca.us/government/departments-i-z/resource->

[management-agency-rma-/planning/current-major-projects/paraiso-springs-resort](#), listed under ‘References’).

- k) Climate Change: The project proposes to fully offset all greenhouse gas emissions for the project (see 2018 RDEIR Chapter 3.4, Climate Change).

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to climate change. The subject project would contribute to climate change, as described in 2018 RDEIR section 3.4, Climate Change. The County’s consultant conducted greenhouse gas modeling using the California Emissions Estimator Model, the results of which are included in the 2018 RDEIR as Appendix D. General Plan policies require 1) encouraging energy-efficient business and agricultural practices and 2) encouraging development and utilization of renewable energy sources. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, page 3-265, evaluated the project’s consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. The project is proposing to fully offset greenhouse gas emissions. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.4.3, Regulatory Background (RDEIR pages 3-110 through 3-125). No inconsistencies were identified in the Final EIR.

- l) Cultural Resources and Historic Resources: The project will include demolition of all structures on the site, including permission for the previous unpermitted removal of nine historic structures. The project site also contains recorded archaeological sites. The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of cultural resources.

Archaeological Resources: The subject property is located within a high archaeological sensitivity zone with recorded sites found on the property and in the vicinity. Portions of the project site appear to have been used by Mission Soledad for vineyard purposes prior to California being added to the United States. In accordance with section 21.66.050 of the Monterey County Code, the project application included archaeological surveys and reports (listed on 2018 RDEIR pages 3-133 and 3-134; Finding 2, Evidence b). The reports found evidence of Native American resources on the site and recommended protection measures. General Plan policies require 1) the County to compile information on the location and significance of archaeological resources, 2) a field inspection in high sensitivity areas, 3) that mitigation be provided where development could affect resources, 4) that all available measures be taken to avoid development on sensitive archaeological sites, and 5) that a sensitivity map be used to identify archaeological resources. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-267 and 3-268, evaluated the project’s consistency with these policies and found

the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.5.3, Regulatory Background (RDEIR pages 3-149 through 3-152). No inconsistencies were identified in the Final EIR.

Historic Resources: The subject property is the site of a resort that has operated since the late 1800s. In accordance with MCC chapter 18.25, Preservation of Historic Resources, and the requirements of the California Environmental Quality Act, studies were conducted to analyze the historic significance of the property (2018 RDEIR pages 3-133 and 3-134; Finding 2, evidence b). The reports' conclusion was that nine historic structures were removed without permits in 2003 (see Finding 5). General Plan policies 1) require that the County compile and maintain an inventory of cultural resources and 2) allow redevelopment of the Paraiso Hot Springs property in accordance with a comprehensive development plan. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-267 and 3-268, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.5.3, Regulatory Background (RDEIR pages 3-149 through 3-152). No inconsistencies were identified in the Final EIR. The removal of the historic structures is was identified as a code violation (see Finding 5) and identified as a Significant and Unavoidable Significant impact, pursuant to the California Environmental Quality Act (see Findings 7, 8 and 10). This entitlement would cure the County Code violation.

Further, the project is consistent with the regulations found in the County Code for cultural resources (MCC section 21.66.050 and Chapter 18.25). Required reports were submitted as required by these County Code sections (see list on website at <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma/-planning/current-major-projects/paraiso-springs-resort>, listed under 'References').

- m) **Geology and Soils:** The project will be constructed primarily on valley floors, with some development on hillsides and some encroachment into slopes greater than thirty percent. Geologic hazards were identified for the property and the project design proposed most of the development in the Low Geologic Hazard Potential category. Habitable development (the timeshare condominium units located west of the hotel) located in the Minor Geologic Hazard Potential category will be relocated to the Low category (see Finding 1, evidence a). Some development is also located in the Moderate Geologic Hazard Potential category, which is identified as having potential liquefaction concerns.

The development, as proposed, conditioned, and mitigated, is consistent

with applicable County policies for geology and soils. The subject property is located below the slopes of the Sierra de Salinas mountain range, primarily within two valleys. The project geotechnical analysis identified landslide and other geologic hazard areas on the project site (2018 RDEIR section 3.6.2). General Plan policies require that 1) faults be treated as potentially active, 2) erosion control techniques be incorporated into project approvals, 3) development on slopes greater than thirty percent use special erosion control and construction techniques, 4) a seismic and geologic report be provided for high hazard areas, 5) soils reports be required for construction, and 6) the project include conditions to follow the recommendations of the geologic and soils reports. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-268 through 3-270, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered.

Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.6.3, Regulatory Background (2018 RDEIR pages 3-186 through 3-191). No inconsistencies were identified in the Final EIR.

The County Subdivision Ordinance also requires that geological and geotechnical reports be prepared for the project (MCC sections 19.03.015.J and M; Finding 2, evidence b). A report that met County Code requirements for both a soil analysis and geology was prepared by Landset Engineers (found in the project file and in 2018 RDEIR Appendix F). Additional discussion related to geological and soil hazards is found in Finding 2, evidence g, Finding 7, evidence g, and Finding 11.

Further, the project is consistent with the regulations found in the County Code for development on slopes (MCC section 21.64.230; see Finding 4), subdivision (MCC Title 19; see Findings 11 and 12), and hazardous areas (Geology) (MCC section 21.66.040; see Finding 2, evidence g, Finding 7, evidence g, and Finding 11). Reports were submitted as required by these County Code sections (see list on website at <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/current-major-projects/paraiso-springs-resort>, listed under 'References'). Mitigation measures require preparation of a final seismic design report and supplemental liquefaction report to ensure construction can withstand seismic and liquefaction hazards (Mitigation Measures 3.6-1a and 3.6-3a).

- n) Hazards and Hazardous Materials: The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to hazards and hazardous materials. The subject property is in a rural area with no land uses that would be considered hazardous to future use of the site, such as nearby industrial uses, found in the area. No General Plan policies relate to hazards and hazardous materials,

except related to fire hazards.

Fire Hazard: General Plan policies provide general guidance on ensuring safety for projects from fire hazards. The project site is located at the end of a dead-end road and is in a high and very high fire hazard area. The project is mostly located on the valley floor but is surrounded by steep slopes with flammable vegetation. The 2018 RDEIR, as amended by the 2019 RDEIR, analyzed potential environmental impacts related to an assumption that vegetation would be managed for fuel reduction along the perimeter of the project.

General Plan policies 1) encourage that projects be located within a 15-minute response time from the responsible fire station or provide on-site fire protection systems if not possible to meet the response time, 2) require that development have an adequate water supply for fire suppression, 3) require that structures in high and very high fire hazard areas incorporate recommendations from the fire district, 4) require that a statement be provided from the fire district that adequate structural fire protection is available, and 5) require that maps be used to identify fire hazard areas. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-270 and 3-271, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. The 2019 RDEIR amendments to chapter 3.7 did not change any of these conclusions. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.7.3, Regulatory Background (2018 RDEIR pages 3-207 through 3-209), as amended by the 2019 RDEIR (pages 55 through 59). In addition, the 2019 RDEIR amended the cumulative impact analysis from the 2018 RDEIR, found on 2019 RDEIR page 15. No inconsistencies were identified in the Final EIR.

General Plan Policy 17.3.3 requires that development be provided with fire services within a 15-minute response time or provide approved on-site fire protection systems. The project site is located partially within the Mission-Soledad Rural Fire Protection District (District). The District estimated response time to the site in 2013 at 15 minutes, with a revised estimate of 20 minutes in more recent correspondence (distance of 8.9 miles). However, the applicant's fire consultant, Dudek, in their 2019 fire analysis, has quantified the response time at between 15 and 16 minutes. If evacuation along Paraiso Springs Road were to occur at the same time as fire response, incoming fire personnel response time could be affected; however, the project entitlement requires that the road be widened to a full twenty foot width, to meet state fire regulations, which will allow for two way traffic along the road. The project also has included on-site fire protection measures (2019 RDEIR, Appendix 2; Final EIR, Appendices 6.1 and 6.2). The 2018 RDEIR found that the project was consistent with Policy 17.3.3 on page 3-270; the 2019 RDEIR did not modify that conclusion (see pages 60 and 61).

The District contracts with CalFire for fire services, as does the City of Soledad. Both the District and the City are provided fire services from the fire station within the City. Recommended conditions of approval require modifications that will enhance fire safety. The conditions of approval require that a final fire protection plan be approved for the project. A Fire Protection Plan has been approved by the Mission-Soledad Rural Fire Protection District. A Construction Fire Protection Plan and Operational Fire Protection Plan have also been prepared for the project (Final EIR Appendix 6). These documents together will provide information for the final review of the Fire Protection Plan and ensure construction and operations provide on-site measures to reduce fire risk and provide public safety. The requirements found in the conditions of approval, which are in addition to compliance with the State Building and Fire Codes, ensures that the project is consistent with General Plan policies.

The provisions of Public Resources Code section 4290 et seq. are applicable in State Responsibility Areas (also see Finding 6, Evidence n and Finding 24, Evidence a). This project will be annexed fully into the Mission-Soledad Rural Fire Protection District, which will remove the portion of the property that is currently served by State agencies but will remain in the State Responsibility Area according to the California Board of Forestry. Annexation will be required prior to construction being allowed on site. The Mission-Soledad Rural Fire Protection District staff has approved the Fire Protection Plan (attached to the 2019 RDEIR as Appendix 2) and confirmed that the provisions of Public Resources Code section 4290 et seq. and its related local implementing ordinance requirements found in the County Code apply only to development of the proposed resort site, not to the existing road leading up to the project site. However, CalFire Chief David Fulcher has stated the project must meet state regulations applicable to dead-end road limitations. The California Attorney General has also submitted correspondence stating that the project is subject to state standards regarding dead end road limitations and road width limitations. State regulation provides for exceptions to these standards where the exception “provides the same practical effect” as the standards towards providing defensible space. (Cal Code of Regs., tit. 14, sec. 1270.06.) The road width, as approved, meets the state regulations. Condition 153 addresses the dead-end road standard, providing that the applicant shall apply for and obtain an exception to the dead-end road standard, and if the exception is not granted, the applicant must provide an emergency access road that provides all-weather secondary access. Site design will need to comply with the California Fire Code (Jim Dias, Mission-Soledad Rural Fire District, personal communication, March 1, 2019). Conditions of approval have been recommended by the Mission-Soledad Rural Fire Protection District to ensure compliance with state and local regulations.

Fire risk exists during every phase of the project, including demolition,

vegetation removal, and grading, as well as construction of new structures and infrastructure. Recommended conditions modify the project to increase fire safety for the site through the adoption of a Final Fire Protection Plan. The components of this plan are provided in Mitigation Measure 3.7-6a (Conditions 138 and 139) and includes requirements for on-site trained staff for fire and medical instances, ongoing training, equipment to be maintained on site, temporary refuge areas, fire safe construction requirements, site-wide emergency notification infrastructure, separate emergency plan documents for staff and contractor use, vegetation management, appropriate landscaping design, and regular fire district inspections of the site. Development of the project is required to meet the California Fire Code. The County also has committed to discussing an increase in the tax sharing component of property tax to the Fire District as part of the annexation process.

A final Fire Protection Plan was included in 2019 RDEIR as Appendix 2; the Fire Protection Plan was approved by Mission-Soledad Rural Fire Protection District in August 2019. A final Fire Protection Plan is required through the conditions of approval, as described above, and will involve discussion between the Monterey County Resource Management Agency and the appropriate fire personnel.

A Construction Fire Prevention Plan and Operational Fire Prevention Plan were prepared as internal resort documents that will implement the final Fire Protection Plan required by the County for resort personnel.

A Construction Fire Prevention Plan has been prepared and is included in Final EIR Appendix 6.1. This document provides guidance for training and implementation of fire safe methods during the construction phases of the project. The construction component of the project includes grading, installation of infrastructure (on-site and off-site), demolition of existing structures, construction of buildings, tree removal, installation of landscaping and hardscapes, and preparation and maintenance of vegetation management around the project perimeter.

An Operational Fire Prevention Plan has been prepared and is included in Final EIR Appendix 6.2. This document provides guidance for training and implementation of fire safe methods during the construction phases of the project. The operational component of the project includes a proposed site-wide fire protection system.

Mitigation Measures and conditions of approval have been derived from discussions between County staff and fire personnel from Mission-Soledad Rural Fire Protection District.

The off-site road improvements (to widen Paraiso Springs Road to a twenty foot width) are proposed to occur prior to issuance of construction permits or recordation of the first phase final map, whichever occurs first. Conditions of approval have been included that

ensure compliance with County Code requirements and the requirements of the California Fire Code.

The project will generate an increase in service calls for the Fire District. The increase in the transient population from the project, which is estimated at a 1.5 percent increase of the total service area population, was analyzed in the EIR, which concluded that the increase would not be substantial enough to warrant construction of new or expanded facilities to maintain service ratios, response times or other objectives for the Mission-Soledad Rural Fire Protection District. A condition of approval has been included that requires the project applicant to enter into an agreement to provide a fair-share contribution toward this increase in population and corresponding service calls.

Based on discussions between the County, CalFire, and Fire District the County CAO's Office is analyzing an increase to the property tax rate shared annually between the County and the Mission-Soledad Rural Fire Protection District to provide an increased contribution from this project to fund continued fire protection for the entire district. The additional funding may be used, along with funding provided by the other properties within the district or other sources and at the Fire District's discretion, to fund additional firefighting personnel, equipment or, if deemed necessary, the construction of a fire station in a location acceptable to the fire district.

The project is required to fund its fair share toward proportional fire infrastructure as established by the Fire District. Condition of approval 14 has been included requiring the applicant to enter into an agreement with the Fire District to provide a fair-share monetary contribution toward improvements planned for the City of Soledad Fire Station through the City's Impact Fee Program. The Mission-Soledad Rural Fire Protection District has contracted with the City for fire services and is served from their fire station. The city's program improvements include expanding the fire station and other capital costs. The applicant would currently provide 1.5 percent of the project costs, as this project's fair share, based on current population within the District and City boundaries. Population is an indicator on the number of service calls generated for a project. In this case, the transient population of the site is used to indicate frequency of calls. The project would contribute 492 guests and employees on the project site. The service population for the fire station is currently 32,026 people. The result is that the service population for the project is 1.5 percent of the entire service population including this project. The funding timing would be established by the agreement between the applicant and the Fire District, but funding would need to be completed prior to issuance of permits and the agreement entered prior to final map recordation.

- o) Hydrology and Water Quality: The project will include grading that could cause erosion, changes to on-site drainage, construction of impervious surfaces, use groundwater for on-site potable and spa water use, and operations that could affect water quality. The project will use

a net potable water use of up to 15.5 acre-feet per year. If supplemental watering is needed as part of identified mitigation measures, an additional up to 2.3 acre-feet per year of water would be required, resulting in a net water use of up to 17.8 acre-feet per year (see 2018 RDEIR discussion located primarily in Impacts 3.8-4 and 3.8-5, pages 3-241 through 3-249 and in section 4.5.2, Cumulative Impacts Assumptions and Analysis, pages 4-11 through 4-14).

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for hydrology and the protection of water quality. The subject property is located primarily within two valleys at the base of the Sierra de Salinas mountain range. Wells proposed to serve potable water for the project draw water from an alluvial aquifer and from a hard rock area. A third well is used to pump water from a hot spring for use in the spas and pools proposed for the project.

Drainage from above the site is channeled through a creek on the property. Culverts have blocked high flows of this creek in the past (related to clogging of the culverts); these culverts are proposed to be removed and replaced with bridges where needed. Water Quality concerns relate to erosion, concentration of runoff, contaminants in runoff, the addition of nitrates, increase in total dissolved solids and calcium carbonate, and an increase in salinity at a spring (see 2018 RDEIR pages 3-236 through 3-254).

Technical reports addressing hydrology and water quality are listed on 2018 RDEIR pages 3-217 and 3-218 (see Finding 2, evidence b). A project-specific comprehensive hydrogeological report was prepared for the project, as required by MCC section 19.03.015.L.3 (also see Finding 2, Evidence i, Finding 3, Evidence e, Finding 7, Evidence i, Finding 11, Evidence f, and Findings 14, 19, and 21). Project specific reports related to groundwater depth, site conditions, erosion control, drainage and runoff, stream setbacks, stream modification, water quality, and well testing were prepared as found in the project file and as listed on 2018 RDEIR pages 3-217 and 3-218.

General Plan policies require 1) managing vegetation and soil, 2) minimizing runoff and maintaining groundwater recharge in certain areas, 3) special procedures adjacent to waterways, 4) managing increases in groundwater use, 5) encouraging water conservation measures, 6) ensuring groundwater is not committed beyond safe yield, 7) development to meet water quality regulations, 8) inclusion of water quality protections in larger parking lots, 9) supporting sewage treatment projects that reduce contamination, 10) the investigation of alternative wastewater disposal methods, 11) proof of ability to construct an adequate waste disposal system, 12) inclusion of certain information on site plans, 13) control of stormwater runoff, 14) protection of groundwater recharge areas from pollution, and 15) that development meet water quality and quantity regulations. 2018 RDEIR

Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan, pages 3-271 through 3-274, evaluated the project’s consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. Federal and State law, General Plan policies, and County Code requirements were also presented in RDEIR section 3.8.3, Regulatory Background (2018 RDEIR pages 3-230 through 3-235). No inconsistencies were identified in the Final EIR.

- p) Land Use and Planning: The project components are described in Finding 1, evidence c, with modifications described in Finding 1, evidence a.

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to land use and planning. The subject property has land use designations of Commercial and Permanent Grazing. Zoning districts found on the property include Visitor Serving/Professional Office (“VO”), Permanent Grazing with a 40-acre minimum parcel size (“PG/40”), and Farmlands with a 40-acre minimum parcel size (“F/40”). Proposed structural development is located within the Visitor Serving/Professional Office zoning district.

General Plan policies 1) require meeting criteria to approve a subdivision map, 2) encourage open space along residential fringes, 3) require that the County designate sufficient land for commercial activities while minimizing conflicts, 4) allow a mix of residential and commercial uses where appropriate, 5) encourage clustering of all types of development to allow dedicated open space, 6) allow recreation and visitor serving uses only if it meets certain criteria, and 7) require use permits and a comprehensive development plan for recreation and visitor-serving land uses on greater than 10 acres. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, pages 3-274 through 3-276, evaluated the project’s consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. Federal and State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.9.3, Regulatory Background (RDEIR page 3-260). No inconsistencies were identified in the Final EIR.

- q) Noise: The project will generate noise during construction and during operational phases of the project. The County adopted a new noise ordinance in 2014, but the project is not subject to that section of the County Code, as the project is subject to local ordinances, policies and standards in place when the project was deemed “complete” on August 28, 2005 (California Government Code section 66474.2(a)). The noise standard in effect when the application was deemed complete was a limit of 85 decibels at 50 feet from the noise source (MCC Chapter 18.60); that standard is still in effect. A mitigation measure required for this project establishes a significantly reduced noise limit during

nighttime hours. Mitigation Measure 3.10-3 requires that the project conform to the same requirements found in the noise control ordinance that the County adopted in 2014, which will reduce effects to noise-sensitive receptors located in the project vicinity. Mitigation Measure 3.10-4 would reduce effects from construction activities for noise sensitive receptors in the project vicinity.

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to noise control. The subject property is in an area with sparse residential uses, open space, and agricultural uses. A project specific noise study was prepared by County consultants as part of the 2018 RDEIR (Appendix I). Traffic also can affect noise levels, so the project's traffic studies were considered as part of the analysis for noise effects from the project on surrounding land use and habitat (2018 RDEIR Appendix K). General Plan policies require 1) that new development conform to noise parameters listed in the General Plan, 2) soundproofing in multi-family residential structures, and 3) that ambient noise levels be reduced at night. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, page 3-277, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.10.3, Regulatory Background (RDEIR pages 3-290 through 3-292). Mitigation Measures 3.10-3 and 3.10-4 will ensure that construction and operations will not exceed acceptable noise levels for off-site sensitive receptors (see Finding 3, Evidence d). No inconsistencies were identified in the Final EIR.

- r) Public Services and Utilities: The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for public services and utilities. The subject property is located several miles from the cities of Soledad and Greenfield. The project will provide its own water and wastewater services. Fire services will be provided by Mission-Soledad Rural Fire Protection District, currently contracting with CalFire for fire protection out of the City of Soledad's fire station. The Fire District also responds to medical calls. The County Sheriff will respond to calls for law enforcement, with mutual aid law enforcement services provided by city police (typically Soledad in this case) and the California Highway Patrol if immediate response is needed.

General Plan policies are grouped into three sections: Water Resources, Fire Hazards, and Fire and Law Enforcement Services. Policies related to water resources require that 1) vegetation and soil be managed to protect critical watershed areas, 2) development minimize runoff and maintain groundwater recharge in vital areas, 3) increased groundwater use be carefully managed, and 4) water conservation is encouraged. The site is not identified as a critical watershed area. The requirements for erosion control and other surface and groundwater protection measures

described in the 2018 RDEIR will ensure that water quality is protected (2018 RDEIR Impact 3.8-1, Short-Term Erosion and Water Quality; Impact 3.8-2, Long Term Surface Water Runoff; Impact 3.8-3, Long-Term Surface Water Quality; and Impact 3.8-8, Groundwater Water Quality). The area is not identified as a groundwater recharge area. The project site is against the Sierra de Salinas mountain range, with rock to the west, with the local aquifer starting under the project site in the valley floor and flowing to the east toward the regional (Forebay) aquifer. The site also has a high groundwater table which results in groundwater leaving the site to the regional aquifer. Stormwater runoff will be minimized through Low Impact Development (LID) control methods, as proposed by the project (technical reports found in the project file; Finding 2, evidence b) and as described in the 2018 RDEIR on pages 3-236 through 3-241. Groundwater use is minimized through the project's design components, with primary savings through collection of storm runoff and the use of treated wastewater for landscape irrigation. The entire system of reusing wastewater on site, collecting drainage runoff for on-site use or infiltration into groundwater, along with County Code requirements for water conserving fixtures and for efficient irrigation systems, provide significant on-site water conservation.

General Plan policies and response time related to fire hazards are discussed above in Finding 1, Evidence n.

Policies related to law enforcement services require consideration of adequate levels of police protection and crime investigation for the protection of life and property. The County Sheriff provides law enforcement services for the unincorporated areas, with mutual aid provided by local cities (Soledad and Greenfield) and the California Highway Patrol. Emergency law enforcement activities would be provided to the site through mutual aid procedures in case a Sheriff Deputy is not near the project site. The County Sheriff would handle routine investigations or non-emergency calls. Also see Final EIR Master Response 5.

2018 RDEIR Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan, pages 3-277 through 3-279, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.11.3, Regulatory Background (2018 RDEIR pages 3-312 through 3-317). No inconsistencies were identified in the Final EIR.

See also Final EIR Master Responses 5 and 8, Responses to Letter 5, Number 9, to Letter 7, Numbers 20, 21, and 75, to Letter 8, Number 5, to Letter 17, Numbers 3, 20 and 21, to Letter 18, to Letter 20, Numbers 21 through 26, to Letter 21, Numbers 1 and 9, and to Letters 22, 23 and

24.

- s) Transportation and Traffic: The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies for transportation and traffic. The subject property is located at the terminus of Paraiso Springs Road, a public road. Roads in the area operate at Level of Service A; under cumulative conditions, Arroyo Seco Road near Highway 101 would operate at Level of Service B, whether the project is approved or not. 2018 RDEIR Appendix K contains the technical reports related to traffic for this project. General Plan policies require 1) that transportation demands not exceed an acceptable level of service and 2) the design and location of development consider and incorporate provisions for appropriate transportation modes. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, page 3-279, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. General Plan policies and County Code requirements were also presented in 2018 RDEIR section 3.12.3, Regulatory Background (2018 RDEIR pages 3-331 and 3-332). No inconsistencies were identified in the Final EIR.
- t) Energy: The project will use approximately 2.2 million kWh of electricity and would generate a demand of approximately 100,000 gallons of vehicle fuel per year (see 2018 RDEIR pages 3-348 and 3-349). The project proposes to reduce these amounts through the installation of on-site solar photovoltaic systems and efficient lighting fixtures (2018 RDEIR page 3-349).

The development, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to energy use. The subject property will use energy during construction and operation of the resort. Project energy consumption is described and analyzed in the 2018 RDEIR on pages 3-348 through 3-350. Calculations derived from the California Emissions Estimator Model (2018 RDEIR Appendix D) were used to determine energy demands for the project. Applicant proposed mitigation measures described in 2018 RDEIR section 3.4, Climate Change, will ensure that energy use is reduced.

General Plan policies require 1) incorporating energy efficiency into project design, 2) orienting lot design to achieve maximum solar gain, 3) clustering development if that will conserve energy, 4) addressing opportunities to reduce transportation energy use, 5) incorporating energy efficiency in building construction, and 6) encouraging the use of renewable energy sources including for the heating of pools. 2018 RDEIR **Table 3-9.1, Consistency Analysis with the Monterey County General Plan and Central Salinas Valley Area Plan**, page 3-265, evaluated the project's consistency with these policies and found the project consistent when mitigation measures and standard conditions of approval, as identified in the Final EIR, were considered. State law, General Plan policies, and County Code requirements were also presented in 2018 RDEIR section 3.13.3, Regulatory Background (2018

RDEIR pages 3-346 through 3-348). No inconsistencies were identified in the Final EIR.

The project proposes energy efficient methods to achieve reductions in greenhouse gas emissions, which are also methods that reduce energy use and provide consistency with these policies. See applicant proposed measures on 2018 RDEIR page 3-128 and the applicant's proposed methods to fully offset the project operations' greenhouse gas emissions (2018 RDEIR Mitigation Measures 3.4-1a and 3.4-1b). The California Energy and Green Building Standards Codes also have substantially changed how projects are constructed to meet energy efficiency goals established for the state (see 2018 RDEIR pages 3-120 and 3-121). In addition, 2018 RDEIR section 3.4.3 (pages 3-110 through 3-125) describes the federal, state, and local requirements currently being used to ensure energy efficiency and conservation are built into project design.

u) Land Use Advisory Committees. The project was not referred to a Land Use Advisory Committee (LUAC) as no LUAC is formed for this area of the County. The project was referred to the Monterey County Historic Resources Review Board (HRRB) as the site contained historic resources. The HRRB recommended approval of the project with additional recommendations:

1. That the mitigation measures from the 2018 RDEIR are included in the project resolution.
2. Mitigation measures be added to the Final EIR as follows:
 - a. A Context Statement for Recreation/Leisure and Tourism Resources shall be prepared pursuant to the Office of Historic Preservation standards prior to issuance of construction permits.
 - b. An interpretive trail plan shall be prepared incorporating a physical presentation of digital historic interpretive brochure.
 - c. The interpretive trail shall be constructed in one of the public areas of the resort and include construction of three representative Jacks Cabins, including interpretation of the history of the site for all four periods of significance. Representative Cabins include: Evergreen, Julia Morgan, Spreckels and Buena Vista cabins.
3. Mitigation Measure 3.5-1a – d from the DEIR and the Context Statement (recommended for inclusion as a mitigation or condition in 2.a, above) shall be completed prior to issuance of construction permits for the first phase.
4. Should the resort project not be approved or constructed, the portions of Mitigation Measures 3.5-1a through 3.5-1d that do not involve actual construction, and preparation of the Context Statement, shall be required

for the demolition permit.

5. The Context Statement, trail plan, and cabin reconstruction plans are subject to review by the HRRB, with approval by the RMA-Director of Planning.

The conditions of approval include the first recommendation. Regarding the second, the applicant would not be required to prepare a Context Statement as such a statement would be applicable to all such sites in the County and is not the responsibility of a single project. The interpretive trail plan and construction is similar to what is required as a contingency if preparation and display of a public digital presentation in a public area of the project site cannot meet the requirement of the mitigation measure (Mitigation Measure 3.5-1d).

This decision does not include the construction of three representative Jacks Cabins, as they will not mitigate the loss of historic resources. Sufficient information and/or materials are not available to allow reconstruction of the cabins pursuant to the Secretary of the Interior Standards for the Preservation of Historic Properties. As such, constructing representations would not provide any mitigation that would not be achieved by the already proposed mitigation measures.

For their third recommendation, the timing of implementing Mitigation Measures 3.5-1a through d has been carefully planned to be pursued at the time guests will be using the site locations where the required mitigation will be located. This decision does not require changing the timing identified in the draft mitigation measures.

For the recommendation regarding what to do if the project is not approved or constructed, the Board is approving the project, so this is not an issue.

For the fifth recommendation, staff is not recommending the context statement, but the other displays that are to be prepared for the project site and available at other off-site locations are to be reviewed by the HRRB.

See Final EIR Master Responses 2, 3, and 4.

- v) 1982 Monterey County General Plan and associated Central Salinas Valley Area Plan.
- w) Monterey County Zoning Ordinance, Title 21, Monterey County Code.
- x) The project planner conducted multiple site inspections to verify that the project on the subject parcel conforms to the plans listed above.
- y) Project Modification, as Approved. This project decision includes modifications to the location, design and overall number of timeshare visitor serving units. The Findings prepared for this resolution are in consideration of the modified project. Modifications include relocation of timeshare condominium units, a relocation and reduction in timeshare villa units, a redesign of the timeshare villa units to single story structures, relocation of a road leading to the rear of the development

area, ensuring the timeshare units on Lot 3 do not encroach on existing thirty percent or greater slopes, and moving the proposed wastewater treatment building to achieve a 100 foot setback from a spring. See Finding 1, Evidence a, for a summary of the required project design modifications.

- z) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040183.
- a) On July 28, 2005, Thompson (“Applicant”) filed an application for a Combined Development Permit for reconstruction and expansion of a resort (PLN040183). The application was deemed complete on August 28, 2005.
- b) See project description approved by this resolution in Evidence a, above.
- c) See Evidence u, above, for a discussion of review conducted on this Project by Monterey County advisory committees.
- d) The project was set for public hearing before the Monterey County Planning Commission on October 30, 2019. Notices of the public hearing were published in the *Monterey County Weekly* on October 17, 2019, posted near the project site on October 16, 2019, and mailed to property owners on October 15, 2019.
- e) On October 30, 2019, the Monterey County Planning Commission held a duly noticed public hearing and approved the Combined Development Permit by a vote of 9-0 (Monterey County Planning Commission Resolution No. 19-031).
- f) Pursuant to Section 21.80.050 of Title 21 (inland zoning ordinance) of the Monterey County Code, on November 27, 2019, Cynthia Pura (“Appellant”), represented by Alex Lorca of Fenton and Keller, timely filed an appeal from the October 30, 2019, decision of the Planning Commission. The appeal challenges the Planning Commission’s approval and contends that the findings or decision or conditions are not supported by the evidence and the decision was contrary to law. See Finding No. 24 (Response to Appeal) for the summary of Cynthia Pura’s specific contentions and the County responses to those contentions.
- g) The appeal was timely brought to hearing. Although Monterey County Code section 21.80.090.E requires that the appeal authority hold a public hearing on an appeal within 60 days of receipt of the appeal, the 60-day period can be extended if both appellant and the applicant agree to a later hearing date, as occurred here. The appellant and the applicant agreed to a public hearing date of January 28, 2020 (Email Alex J. Lorca, Fenton and Keller, to Novo, December 12, 2019; Email Tony Lombardo, Anthony Lombardo and Associates, to Novo, December 16, 2019).
- h) A complete copy of the appeal is on file with the Clerk of the Board of Supervisors and is attached as Attachment B-2a to the staff report for the January 28, 2020 Board of Supervisors hearing.
- i) The Board of Supervisors conducted a duly noticed public hearing on the appeal and the project on January 28, 2020. The hearing is *de novo*. Notice of the hearing on the matter before the Board of Supervisors was

published in the *Monterey County Weekly*, notices were mailed and emailed to all property owners and occupants within 300 feet of the project site, and to all persons who requested notice; and at least three notices were posted at and near the project site.

2. **FINDING:**

SITE SUITABILITY – The site is physically suitable for the use proposed, as modified through the project conditions of approval.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Mission-Soledad Rural Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, CalFire, the Local Agency Formation Commission of Monterey County, the City of Soledad, and Monterey County Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development, except issues raised by CalFire. CalFire’s concerns related to off-site road width and off-site dead-end road limitations are addressed in this resolution and through the conditions of approval. Recommended conditions have been incorporated into this resolution.
 - b) Staff identified potential environmental impacts for development of the site related to aesthetics, air quality, biological resources, climate change, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and public services and utilities. Many technical reports have been prepared for the project. The list can be found in the project’s EIR, in the project file at RMA-Planning, 1441 Schilling Place, Second Floor, and on the County website for the project (<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/current-major-projects/paraiso-springs-resort>).

The above-mentioned technical reports, by outside consultants and by County staff, demonstrate that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff and its consultants have independently reviewed the reports prepared by outside consultants and concur with their conclusions.

All the impact areas described above in this evidence have mitigation measures imposed that will lessen the environmental effects of the project to a less than significant level and ensure that the site is suitable for the proposed development type and intensity.

The only impact area found to be significant and unavoidable, the removal of nine historic structures, does not relate to site suitability.

- c) Paraiso Springs Road, a public roadway, provides access to the site. The applicant, as part of the project description, has proposed road improvements to the road between the project site and Clark Road. These improvements were proposed to provide additional signage and a more consistent road width through this approximately 1.4 mile section. The conditions of approval require that the off-site road be improved to

- a full twenty foot width prior to issuance of construction permits or filing of the first phase final map. RMA-Public Works has reviewed the project and recommended conditions of approval related to filing of maps, traffic impacts, and improvement and maintenance requirements.
- d) The proposed project includes land disturbance and the creation of new impervious surfaces. RMA-Environmental Services has reviewed the project application to determine if the project meets County requirements for grading, erosion control, and stormwater control. Conditions of approval have been recommended requiring the applicant to submit a grading plan incorporating the recommendations contained in the geological and geotechnical report listed above; an erosion control plan conforming to Monterey County Code Chapter 16.12; a stormwater control plan, maintenance agreement, and operation and maintenance plan; and obtain coverage under the California Construction General Permit for discharges of stormwater associated with construction activity. In addition, pre-land disturbance, during active construction, and following construction inspections are required as well as certification that the development has been constructed in accordance with the geological and geotechnical reports for the project. RMA-Environmental Services conditions of approval will control drainage on the property to ensure that the project will be constructed and operate in a manner that protects water quality.
 - e) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6.
 - f) **Fire** conditions of approval required to ensure the site is suitable for the development are described in Finding 3, Evidence c and in Finding 12, Evidence d.
 - g) **Geology and Soils.** The required geologic and soils report identified soil and geology aspects underlying the project site and concluded that the geological hazards are acceptable for the proposed use if recommendations contained in the report are followed. The project was designed to avoid hazardous areas. The Final EIR contains mitigation measures to ensure that the project will be constructed properly on the site to prevent significant environmental impacts (see 2018 RDEIR Chapter 3.6, Geology and Soils, including Figure 3.6-4, Relative Geologic Hazards; Appendix F of the 2018 RDEIR contains the geologic and soils report).
 - h) **Wastewater** will be treated to a tertiary level and used to irrigate landscaping proposed for the project. Treated wastewater will be stored in an underground storage tank until needed for irrigation. The wastewater system will be regulated by permit, operated by qualified personnel, and inspected. Treating the wastewater to a tertiary level ensures that applying the water on the grounds will not cause any health issues.
 - i) The project will use two existing wells for potable water on the site. The water system requires treatment, as described in the EIR. The County Code (Title 15) requires that the system be permitted and operated as a water system, which will require testing and inspection.
 - j) **Biological Resources.** The construction component of the project includes grading and tree removal of areas that will remove biological

habitat, including oak trees, riparian vegetation, a small wetland area, and structures that could provide habitat for bats. The operational component of the project includes continuous vegetation management for fire along the project periphery, noise from operations, and lighting, any of which could affect habitat and individuals.

The EIR analyzed the potential impacts related to biological resources in Chapter 3.3. Conditions of approval are required for the project to include the mitigation measures identified in the EIR.

- k) **Cultural Resources.** The construction component of the project includes demolition of all structures on the property. As pointed out in Findings 1, 5, 7 and 8, the property owner removed nine designated historic structures in 2003. This resolution includes recognition, and authorization, for the prior removal. Remaining structures have been determined to have no historical significance. In addition, the site contains known archaeological resources. Construction activities have the potential to affect archaeological resources on site and for the off-site road improvements. The operational component of the project includes the potential to affect archaeological resources. The EIR analyzed the potential impacts related to cultural resources in Chapter 3.5.

Known archaeological resources, which have been avoided in the project design, are to be included in conservation easements that will be recorded on the property. Archaeological resources may yet be discovered on the site through project construction. Conditions of approval and mitigation measures have been identified that will ensure that on-site monitoring is in place to address any such occurrences.

Conditions of approval are required for the project to include the mitigation measures identified in the EIR and conditions of approval related to historic and archaeological resources.

- l) Staff conducted multiple site inspections to verify that the site is suitable for this use.
- m) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN040183.

- 3. **FINDING:** **HEALTH AND SAFETY/USE PERMIT** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by RMA-Planning, Mission-Soledad Rural Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, CalFire, Local Agency Formation Commission of Monterey County, and the Monterey County Water Resources Agency. The respective agencies have recommended

conditions to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Necessary public facilities will be provided. The application materials included a proposed water system and a proposed wastewater treatment system providing tertiary treated wastewater for on-site reuse. Final approval of the design of these systems will occur prior to recordation of the first phase Final Map. See evidence in Finding 2, above, and following under this Finding for the water and wastewater systems.
- c) Fire. The property is in a high and very high risk area for fire hazards. The Fire District is served by a fire station and personnel located in Soledad, with a response time of between 15 and 16 minutes. The Fire District has requested that a fire station be built within five miles of the project site, or on the project site; however, construction of a fire station is not a requirement of this project, as described in the 2018 RDEIR. The County has committed to increasing the property tax share for this property to ensure additional funding, at a rate higher than other properties in the district, is provided to the Fire District. This will be implemented as part of the annexation of the entire site into the Fire District's boundaries, which will occur through an application process and decision from the Monterey County Local Agency Formation Commission. In addition, the Fire District will collect a one-time fee with each building permit issued (Monterey County Code section 10.80). See Finding 1, Evidence n describing a condition of approval that requires the applicant to fund a fair-share contribution toward fire station and other capital improvements identified in the City of Soledad's Fire Impact Fee Program.

2018 RDEIR Chapter 3.7, Hazards and Hazardous Materials, as amended by the 2019 RDEIR, includes specific discussion found on 2018 RDEIR pages 3-204 through 3-209, as amended by 2019 RDEIR pages 49 through 59, and 2019 RDEIR pages 60 through 72. 2018 RDEIR Chapter 3.11, Public Services and Utilities, also analyzes potential impacts related to fire, with specific discussions found on pages 3-304 through 3-308, and on pages 3-318 and 3-319. The project's contribution to potential cumulative impacts related to fire hazard is discussed on 2018 RDEIR pages 4-15 and 4-16 and on 2019 RDEIR page 15. The EIR identified no significant impacts that would result from the project, either at the project level or from a cumulative standpoint. A mitigation measure (MM 3.7-6a) to review and approve a final Fire Protection Plan (FPP), which was included in 2019 RDEIR Appendix 2 and approved by Mission-Soledad Rural Fire Protection District in August 2019, has been included to ensure that the fire protection system design meets current regulations. In addition, the FPP provides an evacuation plan and proposes sheltering in place components in case of evacuation delays. The Fire District, staffed and represented by CalFire, has provided a letter from CalFire commenting on the Recirculated Draft EIRs. Responses to the letters were provided in the Final EIR and conditions of approval have been incorporated to ensure compliance with requests of the fire district and the California

Fire Code. CalFire Fire Chief David Fulcher has stated that CalFire would need to approve the plan. Condition 153 requires that the applicant either obtain an exception to the dead-end road standard or provide an emergency secondary access road, pursuant to the requirements of state law.

See Finding 1, Evidence n for more information related to fire prevention plans drafted for this project and for the regulatory setting for this project.

- d) Noise. The construction component of the project includes the construction of a 180 unit resort and appurtenant facilities, as described in and modified by Finding 1. The construction would occur over a number of years, as the project is proposed to be constructed in phases. The operational component of the project includes project construction as well as operations that can create noise. A noise analysis was done, under contract to the County, to identify noise issues related to project operations (2018 RDEIR Appendix I). The EIR analyzed the potential impacts related to noise in Chapter 3.10. The technical analysis and conclusions of the EIR found that noise would not exceed standards for off-site land uses, as required by the mitigation measures. See Finding 1, Evidence q.

The County has placed conditions on the project including the mitigation measures identified in the EIR and conditions of approval related to not allowing public events. Noise limits are enforced by the County's Environmental Health Bureau, RMA-Planning and Sheriff's Office.

- e) Water. The construction component of the project includes utilizing existing wells for a water source and construction of infrastructure to connect the wells, a water treatment system, storage reservoir, and pipelines throughout the project to deliver potable water to the project structures as well as water necessary to supply adequate flow and pressure to a fire hydrant system throughout the property. The operational component of the project uses the wells to supply potable water and hydrant flow. A separate system will use a third well and system to provide warm water for spas and pools. The Monterey County Environmental Health Bureau will issue permits and inspect water systems for the project pursuant to Monterey County Code Title 15 and state law. This oversight by the County included the potable water system, irrigation system, and the pools and spas proposed for the site. All systems are required to meet comprehensive code requirements to protect the public health.

The EIR analyzed the potential impacts related to water use in Chapter 3.8, Hydrology and Water Quality, and Chapter 4.5, Cumulative Impacts. These chapters also describe the federal, state and local regulations related to water and drainage. The project could affect water quality, for both surface water and groundwater. Mitigation measures

were identified to avoid significant environmental effects to water resources. Mitigation Measure 3.6-5 requires that a Stormwater Pollution Prevention Plan be prepared that protects water quality from erosion. Mitigation Measure 3.8-2 will ensure that drainage is controlled such that off-site flows during high intensity rainfall events would be controlled. Mitigation Measure 3.8-3 will require drainage facilities to provide water quality methods, which would reduce impacts to surface water quality by filtering contaminants. Mitigation Measure 3.8-8 will protect groundwater quality by limiting the types of water softening equipment that can be used on the site. Mitigation Measure 3.8-9 would require that a biologist monitor project impacts to on-site wetland areas and provide adaptive management techniques if the wetland areas are affected by the project operations.

The Environmental Health Bureau and Water Resources Agency have recommended conditions for the project, including the mitigation measures identified in the EIR and conditions of approval related to code requirements pertaining to project construction and operations.

See evidence for Finding 2. In addition, see Final EIR responses to comments related to drainage, water quality, well and spring interference, and water supply. Also see evidence for Finding 25, below.

- f) Wastewater. The operational component of the project includes construction of a tertiary wastewater treatment facility, which will capture all wastewater on the site and reclaim it for use in landscape irrigation.

The EIR analyzed the potential impacts related to wastewater and its treatment facilities in Chapters 3-8, Hydrology and Water Quality, and 3-11, Public Services and Utilities and Chapter 4.5, Cumulative Impacts. These chapters also include the federal, state and local regulations related to wastewater. No potentially significant environmental impacts related to wastewater facilities were identified.

The Monterey County Environmental Health Bureau and State Agencies will issue permits and inspect the wastewater system for the project pursuant to Monterey County Code Title 15 and state law. The scope of this oversight includes the treatment plant, storage reservoir, and the reuse of the treated wastewater for site irrigation. All systems are required to meet comprehensive code requirements to protect the public health.

See evidence h for Finding 2. In addition, see Final EIR responses to comments related to wastewater facilities. Also see evidence for Finding 25, below.

- g) Public Services. The construction component of the project includes vegetation removal, demolition of structures, grading, and construction of structures and infrastructure. The operational component of the project includes having guests and employees at the site, maintenance and use of the project facilities, use of water, generation and treatment

of wastewater, use of treated wastewater for irrigation, and the potential for issues to occur that would require first responders to travel to the site. The EIR analyzed the potential impacts related to public services in Chapter 3.11 and in section 4.5, Cumulative Impacts. A water treatment system is proposed as part of the project. Mitigation Measure 3.11-2 requires design and construction of a water treatment facility to state and county standards, as enumerated in the mitigation measure, and to ensure proper treatment of the waste, in compliance with state and local regulations, from the water treatment system.

RMA-Planning and the Monterey County Environmental Health Bureau have recommended conditions for the project, including the mitigation measure identified in the EIR and conditions of approval related to public services. In addition, see Final EIR responses to comments related to public services. Also see evidence for Finding 25, below.

- h) Vibration. The construction component of the project includes grading, road construction (on-site and off-site) and excavation. The operational component of the project includes vehicles travelling along roads to, from and within the project. These activities create vibration. The EIR analyzed the potential impacts related to noise and vibration in Chapter 3.10. Less than significant environmental impacts related to vibration were found, so no mitigation measures were required (2018 RDEIR pages 3-285, 3-290 and 3-291, and 3-296 and 3-297; RDEIR Appendix I).

In addition, see Final EIR responses to comments related to vibration. Also see evidence for Finding 25, below.

- i) Traffic. The construction component of the project includes off-site improvements to Paraiso Springs Road. The operational component of the project includes vehicle trips of up to 406 trips per day (annual daily average). The EIR described the off-site road construction in Chapter 2, and analyzed the potential environmental impacts related to the off-site road construction in all the Chapters, with emphasis on potential environmental impacts related to Chapters 3.2 (Air Quality), 3.3 (Biological Resources), 3.5 (Cultural Resources and Historic Resources), 3.10 (Noise), and 3.12 (Transportation and Traffic). Mitigation Measures related to air quality, biological resources, archaeological resources and noise were identified. Therefore, RMA-Public Works has recommended conditions for the project including the mitigation measures identified in the EIR and conditions of approval related to potential off-site construction impacts. No impacts related to traffic were determined for the project, so no mitigation measures are required.
- j) Staff conducted multiple site inspections to verify that the project and its site, with the recommended conditions of approval, would not be detrimental to health, safety, peace, morals, comfort, and general welfare.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN040183.

4. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Central Salinas Valley Area Plan than other development alternatives.
- EVIDENCE:**
- a) In accordance with the applicable policies of the 1982 Monterey County General Plan, Central Salinas Valley Area Plan, and Monterey County Code section 21.64.230.C.1, a Use Permit is required (see Finding 3 and related evidence).
 - b) Landset Engineers. *Geologic and Soil Engineering Feasibility Report for Paraiso Hot Springs Spa Resort, Monterey County, California, Project LSW-0337-01*, December 2004.
 - c) See Finding 1, evidence m and Finding 2, evidence g.
 - d) The project includes application for development on slopes exceeding thirty percent. Figure 3.1-4 in the 2019 RDEIR (page 37) shows the areas of the property that would include development on slopes over thirty percent. These include transition areas between shallow slope areas, four hillside timeshare condominium buildings, a proposed road connecting the hillside timeshare units with the amenities to the rear of the property, a corner of the hamlet parking area, and a corner of the parking lot adjacent to the main hotel entrance.
 - e) The Board of Supervisors has approved the project with modifications that reduce the amount of development proposed on slopes greater than thirty percent (see Finding 1, Evidence a). This modification greatly reduces the amount of development on slopes greater than thirty percent as described in Evidence g through k, below. The Board of Supervisors has required conditions of approval and changes in the development to assure compliance with MCC Section 21.64.230.
 - f) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.
 - g) The project planners conducted multiple site inspection over the years, including recent visits on May 4, 2016, October 2017, and January 2019.
 - h) The subject project minimizes development on slopes exceeding thirty percent in accordance with the applicable goals and policies of the applicable area plan and zoning codes by adopting the modifications to the project plans identified in Finding 1, evidence a, above, which reduces development and grading on steeper hillsides. This design significantly reduces the area that an access road traverses thirty percent slopes, while retaining the site design with most of the structural development along the valley floors of Paraiso Springs Valley and Indian Valley.
 - i) The development on slopes over thirty percent involve a road traversing slopes in the area leading from the hillside timeshare area (Lots 1 and 22 as shown on the Vesting Tentative Map) to the rear of the hotel area. This road provides necessary secondary access for fire safety (Jim Dias, Mission-Soledad Rural Fire District, personal communication, March 1, 2019). Two parking lots also will have a relatively small percentage of their parking lots encroaching into slopes greater than thirty percent: a corner of the hamlet parking lot area and main parking lot.

One villa timeshare lot (Lot 3) could have a corner of the lot encroach on steeper slopes, and four of the hillside condominium timeshare units (Lot 22) also may have some encroachment on steeper slopes. The recommended project design (see Finding 1, Evidence a), Alternative #5, Timeshare Relocation Alternative, relocates the villa timeshare units to the Indian Valley area, which would allow development to avoid that area of steeper slopes. The Villa timeshare units are being relocated to the hillside area and could encroach on some of the steeper slopes identified for development as part of the original project design. A condition of approval for these villa lots requires that the structures be designed to be single story, avoid encroachment of the structures on slopes greater than thirty percent, and with related outside activity areas (e.g., parking areas, patios) stepped with topography to minimize grading required for each villa lot. In addition, no above ground decks would be allowed unless made entirely of fire resistant materials.

- j) The realignment of the road from the hillside timeshare units to the rear of the hotel, to connect the road to the valley floor area more directly, is described in Finding 1, Evidence a. This realignment will eliminate a several hundred foot section of the road crossing a thirty percent slope. The realignment of this section of road will also avoid a small encroachment into a High Geologic Hazard area (category 4S), as shown on 2018 RDEIR Figure 3.6-4. For the reason cited, allowing secondary access for fire safety, and the ability to relocate and shorten the road to significantly reduce the encroachment on thirty percent slope, the realigned access road better meets goals and policies of the general plan.
- k) The hamlet parking area is proposed to be located on an existing terraced area of the site used for parking in the past. This parking area is proposed to be expanded, which requires encroachment into thirty percent slopes as designed. Staff analyzed the potential to move the parking area more to the east to lessen the intrusion into thirty percent slopes; however, this creates a problem with connecting the parking lot to the access road for the site, which could require a short, but steep, connection of 15% gradient or more. The area of the parking lot encroaching on thirty percent slopes consists of a portion of the access road and approximately six parking spaces. The rest of the parking lot overlies an existing parking area. In addition, relocating the parking lot further to the east would encroach on native vegetation, as opposed to removing eucalyptus trees found in the area proposed for thirty percent slope encroachment. As the proposed location would remove non-native vegetation and allow a more logical, and relatively flat connection to the access road, the proposed location better meets General Plan goals and policies.
- l) The main hotel parking area includes a western portion that encroaches on slopes greater than thirty percent. This encroachment affects less than 15% of the total parking lot. Two primary reasons to avoid development on slopes over thirty percent is to reduce visual impacts and to ensure slope stability. The area of these steeper slopes for this parking area is located within the Low Geologic Hazard area (Category 1; see 2018 RDEIR Figure 3.6-4) and is not visible from off site. One option

considered for avoiding the steep slopes was to expand the parking lot to the south; however, this area has a seasonal creek that will remain and would not be affected by the current project design. Reducing encroachments into creek areas preserves habitat and causes less potential for obstructing flows during high rainfall events. The encroachment into the slope preserves habitat, does not create a visual impact, and is in a geologically stable area, consistent with General Plan policies and county regulations; the proposed location better meets General Plan goals and policies.

- m) The original project design included hillside condominium timeshare units clustered on Lots 21 and 22 with four buildings that encroached on slopes greater than thirty percent (see 2019 RDEIR Figure 3.1-4). The recommended project design includes relocating villa timeshare buildings to this area of the property (see Evidence i, above).

While gentler slopes exist in the area above the hotel area where timeshare condominium buildings were included as part of the proposed project, the clustering of the timeshare condominiums in the Indian Valley area will locate many of the guests closer to the site entrance on a two lane road, assisting in site evacuation if required for a wildfire in the area. For the reasons stated in the evidence for this Finding, maintaining the timeshare units in this clustered timeshare area near the project entrance better meets General Plan goals and policies regarding public safety and resource protection.

- n) Vesting Tentative Maps, dated 2012, as found in 2018 RDEIR Appendix B.
- o) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6.
- p) RDEIR Figure 3.1-4, Slope Analysis (2019 RDEIR page 37), and Figure 3.6-4, Relative Geologic Hazards (2018 RDEIR page 3-179).

5. **FINDING:** **VIOLATIONS** – In 2003, the project applicant demolished 18 cottages, nine of which were identified as historic resources, without required permits. With approval of this project, including the required mitigation measures, Statement of Overriding Considerations, and conditions of approval, the subject property will comply with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any other violations existing on subject property.
 - b) Staff conducted multiple site inspections and researched County records to assess if any violation exists on the subject property.
 - c) The County opened a code enforcement case in 2003 (CE case number CE030404) related to the demolition of 18 cottages on the project site. Nine of those structures were considered historic, triggering the need to prepare an Environmental Impact Report prior to issuance of permits for the project, including demolition permits. The EIR determined that the demolition of the cottages is a significant and unavoidable impact.
 - d) The applicant applied to reconstruct the resort. The application includes

a request to memorialize the demolition of the 18 structures identified in evidence c, above. Granting of this permit will cure the violation through an analysis of the environmental impacts related to the demolition and provide opportunity to implement mitigation measures for the demolition of the historic resources. Mitigation measures provide information to the general public and site visitors relating to the historic significance of the Paraiso Springs Resort property.

- e) 2018 Recirculated Draft Environmental Impact Report Chapter 2, Project Description; Chapter 3.5, Cultural Resources and Historic Resources; and Section 4.5, Cumulative Impacts. These sections describe the removal of the structure and the historic importance of nine of the 18 cabins demolished.
- f) Cultural (Archaeological and Historic) Reports listed on 2018 RDEIR pages 3-133 and 3-134.
- g) Staff reports prepared for the Monterey County Historic Resources Review Board meetings.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

6. **FINDING:** **CEQA-CERTIFICATION OF THE FINAL EIR** – The Board of Supervisors hereby certifies that: a) The Final EIR has been completed in compliance with CEQA; b) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; c) The Final EIR reflects the lead agency’s independent judgment and analysis.

- EVIDENCE:**
- a) Public Resources Code section 21080(d) and California Environmental Quality Act (CEQA) Guidelines section 15064(a)(1) require environmental review if there is substantial evidence that the project may have a significant effect on the environment. CEQA requires preparation of an environmental impact report if there is substantial evidence considering the whole record that the project may have a significant effect on the environment.
 - b) Following circulation of an Initial Study, potentially significant effects to historic resources were identified. Therefore, an environmental impact report was prepared. A Draft EIR was circulated for public review in 2013 (see Section 1.2 of the 2018 Recirculated Draft EIR) that demonstrated significant effects to historic resources and to climate change. In response to comments received during the public review period, the County decided to revise and recirculate the entire Draft EIR. A Recirculated Draft EIR (“2018 RDEIR”) was prepared under contract to Monterey County, which is the Lead Agency for the project pursuant to the CEQA Guidelines. In the intervening period between the 2013 Draft EIR and the 2018 RDEIR, the project applicant proposed fully offsetting carbon emissions of the project, which eliminated the potentially significant effect on climate change. The remaining significant and unavoidable effect is to historic resources.
 - c) A Draft EIR was prepared for the Paraiso Springs Resort (project) in 2013 and circulated for public comment. This 2013 DEIR was

superseded and replaced by the February 23, 2018 Paraiso Springs Resort Recirculated Draft EIR (2018 RDEIR) (SCH#2005061016). A Notice of Availability (NOA) was prepared for the 2018 RDEIR and established a public review/comment period from February 28 through April 28, 2018. The NOA specifically clarified for the public and reviewing agencies that the 2018 RDEIR superseded the 2013 DEIR. The NOA further stated that any comments that had been submitted on the 2013 DEIR would not be responded to in the Final EIR unless new comments were submitted on the RDEIR. The Notice of Availability for the 2018 RDEIR, dated February 27, 2018, included the statement:

“One of the purposes of this Notice of Availability is to clarify, consistent with CEQA Guidelines Section 15088.5(f) that although a part of the administrative record, the previous comments submitted on the earlier Paraiso Hot Springs DEIR, dated July 11, 2013, do not require a written response in the final EIR, and the County of Monterey will not respond to these previously submitted comments. New comments must be submitted on the RDEIR to be considered by the County of Monterey.”

- d) Issues that were analyzed in the 2018 RDEIR include aesthetics and visual resources, air quality, biological resources, climate change, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities, transportation and traffic, energy, and cumulative impacts related to these topics.
- e) A second, partial Recirculated Draft Environmental Impact Report (“2019 RDEIR”) was circulated for public review from June 7, 2019 to July 9, 2019. The 2019 RDEIR consists of revised portions of the 2018 RDEIR, including a revised introduction, miscellaneous edits to specific sections of the 2018 RDEIR, a revised Hazards and Hazardous Materials section, and a revised Aesthetics and Visual Resources chapter. The State Clearinghouse approved a shortened review period for the 2019 RDEIR on May 23, 2019 (email from Christine Asiata, State Clearinghouse, to project planner Mike Novo, May 23, 2019).
- f) The County prepared a Final Environmental Impact Report (“Final EIR”) dated October 2019. The Final EIR document responds to comments received during both recirculation periods. The Final EIR was released to the public on or before October 17, 2019 and responds to all significant environmental points raised by persons and organizations that commented on the RDEIRs. The County has considered the comments received during the public review periods for the RDEIRs and, in the Responses to Comments document, provided responses to the comments received pursuant to CEQA Guidelines Section 15088.5(f)(1).

Together, the 2018 RDEIR, as amended by the 2019 RDEIR, and Responses to Comments document dated October 2019 constitute the Final EIR on the project.

- g) A Final EIR (FEIR) was presented to the Planning Commission, Board of Supervisors and to commenting agencies on October 17, 2019. The

document was also made available to the public at the same time, including providing notice to all commenting individuals and agencies. The FEIR was also available at the Soledad and Greenfield libraries, as well as at the front counter of the Monterey County Resource Management Agency on Schilling Place in Salinas. The document was presented to the Board of Supervisors prior to its de novo hearing on the project on January 28, 2020. The Board of Supervisors reviewed and considered the information contained in the FEIR prior to certifying the EIR and approving the project.

- h) The project being adopted is Alternative #5, Timeshare Relocation Alternative, as analyzed in the 2019 RDEIR (pages 75 through 90). The modifications made by this adopted alternative are summarized as follows:
1. Relocate 13 Villa timeshare units from Indian Valley to the hillside between Paraiso Valley and Indian Valley (Lots 21 and 22). The Villa timeshare units would be redesigned as single story structures;
 2. Relocate the timeshare condominium units on Lots 21 and 22 from their current location along a hillside in an area that requires encroachment onto thirty percent slopes to Indian Valley in the former location of the villa lots;
 3. Relocate the timeshare condominium units from Lot 23 to Indian Valley in the former location of the villa lots; and
 4. Relocate road alignment from hillside timeshares (northwest corner of Lot 22) to more directly connect the cul-de-sac to the rear of the hotel area rather than to the area vacated by the relocated timeshare condominiums on Lot 23 (reduces area of thirty percent slope encroachment and avoids High geologic hazard area)

The result of these changes would be the retention and relocation of the 60 timeshare condominium units and the relocation of 13 of the 17 timeshare Villa lots. A total of four Villa timeshare units would be eliminated. This results in a two percent reduction in visitor serving units being constructed on site (from 180 to 176). Elimination of these units results in a drop in the number of rooms from 310 to 298 (4%). The outcome would be reduction in height of development at higher and more visible locations, a smaller development footprint (elimination of development on proposed Lot 23) and related reduction in potential environmental impacts, a reduction in grading and development activities on steeper slopes, and location of units closer to the project entrance.

In addition, the wastewater treatment plant building is required to be located to provide a 100 foot setback to a nearby spring.

The potential environmental impacts associated with the offsite road improvements associated with Paraiso Springs Road were analyzed in the EIR (see Finding 3, Evidence i; Finding 25, County Response No. 3).

With the project being approved consisting of this alternative, less area will be developed and fewer units will be located on the project site. Less grading, less tree removal, reduced conversion of biological habitat, and less construction of structures and impervious surfaces would occur. Slightly less operational impacts would result from slightly fewer guests using the site, with two percent fewer units constructed and operated on the project site (2019 RDEIR page 83; 2019 RDEIR Table 5-1, pages 84-90).

- i) All feasible project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and the California Environmental Quality Act and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of project approval.
- j) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning in the project file (PLN040183) and are hereby incorporated herein by reference.
- k) Staff analysis contained in the EIR and the record indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Wildlife (DFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

The site supports biological species as identified in the 2018 RDEIR (See Chapter 3.3). For purposes of the Fish and Game Code, the project could potentially have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Wildlife had the opportunity to review the EIR to comment and recommend necessary conditions to protect biological resources in this area. No comments were submitted. The project applicant paid the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and filing the Notice of Determination (NOD) pursuant to CEQA Guidelines Section 15094 after Planning Commission approval. The applicant would need to pay the County processing fee for filing an NOD after a Board of Supervisors approval of the project.

- l) Monterey County RMA-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, and the Clerk of the Board of

Supervisors, located at 168 West Alisal Street, First Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the FEIR is based.

- m) Recirculation. No comments submitted related to the 2019 public comment period resulted in substantial information being added to the 2018 RDEIR or the 2019 RDEIR, or a determination that the RDEIRs were fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The County of Monterey, as Lead Agency, determined that recirculation of any of the sections of the 2018 Recirculated Draft EIR as amended by the 2019 RDEIR required recirculation as described herein. Comments did not provide any substantial evidence that significant new information was added to the EIR after public notice of the Recirculated Draft EIR availability was provided. The Final EIR provided clarification and amplification in response to public comments and made insignificant modifications to the Recirculated Draft EIR. Significant new information, as identified in CEQA Guidelines section 15088.5 could include any of the following: 1) a new significant environmental impact was identified, 2) a substantial increase in the severity of an environmental impact would result, 3) a feasible alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the applicant declines to adopt it, or 4) the Draft EIR was fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

See the Final EIR for responses that demonstrate that none of these situations have occurred and that the Recirculated Draft EIR does not require recirculation. See Final EIR Master Response 7.

A letter from M.R. Wolfe and Associates, representing LandWatch Monterey County, submitted months after the close of the 2018 RDEIR public comment period (dated January 15, 2019), stated that recirculation was necessary. The letter stated that the 2018 RDEIR did not adequately assess and mitigate direct and cumulative impacts related to wildland fire risk. The commenter also stated that the project does not meet state and county code requirements for development in State Responsibility Areas. The 2019 RDEIR, recirculating certain portions of the 2018 RDEIR, addressed wildland fire issues on pages 47 through 72. Although the 2019 RDEIR addressed the issues raised in the letter, the following response is provided to summarize responses to the issues raised in the January 15, 2019 letter.

The 2018 RDEIR analysis, as amended by the 2019 RDEIR, includes the project's effects on the environment. Discussion and analysis related to the project's potential impacts on the environment, related to wildfire and site protection, were analyzed in the 2018 RDEIR on pages 2-55 and 2-56, 3-39 and 3-40, 3-75, 3-76 and 3-77, 3-81 through 3-85, 3-204 through 3-208, 3-215 and 3-216, 3-270 and 3-271, 3-278 and 3-279, 3-304 through 3-308, 3-318 and 3-319, 3-339 through 3-342, 4-11, and

pages 4-15 and 4-16. The 2019 RDEIR amended some of those sections through the analysis contained on 2019 RDEIR page 15 and pages 47 through 72. These sections contain analyses of the project's potential effects on wildfire or related environmental effects from vegetation management or other proposed actions associated with, or related to, fire protection. Included in this analysis were impacts related to resource topics based on indirect potential environmental effects of the project, such as potentially constructing a fire station on site and vegetation management for fire control purposes around the perimeter of the project. No evidence has been presented that the project would cause a potentially significant environmental effect, with the mitigation measures identified, related to wildfire.

In contrast to a comment stating that the RDEIR did not include the preliminary fire protection plan, the physical aspects of the proposed fire protection plan (2018 RDEIR Figure 2-13, page 2-57) were also analyzed in the 2018 RDEIR; the majority of the verbiage from the plan was included directly into the 2018 RDEIR, as described in the preceding paragraph. The preliminary fire protection plan was developed in coordination with the California Department of Forestry and Fire Protection. An updated version of the Fire Protection Plan was provided in the 2019 RDEIR as Appendix 2 and was approved by the Mission-Soledad Rural Fire Protection District in August 2019. By including these physical aspects of the preliminary fire protection plan in the 2018 RDEIR and the Fire Protection Plan in the 2019 RDEIR, the potential environmental effects were included in the analysis for the development of the entire project site. The tentative map (2018 RDEIR page 2-25 and Appendix B) also includes site design components related to fire safety, such as the on-site road network, water storage areas, and water supply infrastructure. All the physical impacts related to the physical components of the preliminary fire protection plan were included in the RDEIR analysis. Mitigation Measure 3.7-6a also requires that the final Fire Protection Plan, which has been approved by the Mission-Soledad Rural Fire Protection District, be submitted for approval by the Monterey County RMA Director prior to clearance of vegetation or issuance of permits for construction, whichever occurs first. CalFire Fire Chief David Fulcher has informed the County that the Fire Protection Plan must be approved by CalFire. This approved plan will ensure the project meets the latest requirements of the California Fire Code and local regulations rather than the regulations at the time the preliminary Fire Protection Plan was developed (see Final EIR Master Response 8 and response to Letters as described in Finding 1, Evidence r, above).

The provisions of Public Resources Code section 4290 et seq. are applicable in State Responsibility Areas. This project will be annexed fully into the Mission-Soledad Rural Fire Protection District, which will remove the portion of the property that is currently served by State agencies but will remain in the State Responsibility Area according to the State Board of Forestry. Annexation will be required prior to

construction being allowed on site. The requirements of the Public Resources Code apply only to areas controlled by the property owner (section 4291). The Mission-Soledad Rural Fire Protection District staff have confirmed that the provisions of Public Resources Code section 4290 et seq. and its related local implementing ordinance requirements found in the County Code only apply to development of the proposed resort site. CalFire Chief Fulcher also states that the road requirements of the Public Resources Code also apply to the offsite road improvements associated with the project. These sections of state and local law do not preclude development of the site. Site design will need to comply with the California Fire Code and the state and local code sections cited by the commenter (Jim Dias, Mission-Soledad Rural Fire District, personal communication, March 1, 2019).

The possible construction of an on-site fire station was included in the RDEIR, as it was a request of the Fire District. The commenter is correct that the project description does not include an on-site fire station, as the project developer does not propose such a facility. However, the potential impacts of constructing such a station were analyzed in the 2018 RDEIR (pages 3-304 through 3-308, and page 4-16). As for the site being the site of a fire station, the property is at the very southwestern edge of the 60 square mile rural fire district; a more central location would be more appropriate as construction of a station would be the only station for the District (2018 RDEIR page 3-307). Also, as described in the EIR, the project would not itself require an addition to the existing fire station or a new fire station (2018 RDEIR page 3-307).

Related to the request for recirculation, see Final EIR Master Response 7.

The commenter states that the project will rely on a volunteer fire department. The Mission-Soledad Rural Fire Protection District is not a volunteer organization but is staffed 24 hours per day by CalFire personnel (2018 RDEIR pages 3-304 and 3-307; CalFire Chief Owens - multiple conversations). Response time is addressed above in Finding 1, Evidence n.

The comments related to noise appear to be contrary to how the fire station would operate. If the fire station were to be constructed on the resort site, they would be leaving the site to travel to almost all their calls. Only when an emergency occurs on the project site would fire personnel not need to leave the site. Having a fire station on site would substantially increase the noise to off-site neighbors, as the fire personnel would be travelling to their calls by passing by the neighboring properties constantly, rather than the occasional call to the resort property.

Evacuation of the site does not relate to environmental impacts. The fire protection plan, attached to the 2019 RDEIR as Appendix 2, included evacuation methods, but use of 'sheltering in place' facilities and/or

evacuation via Paraiso Springs Road are primary methods to address public safety and are acceptable to the Fire District (Letter from CalFire, undated, found in Final EIR; Jim Dias, Mission-Soledad Rural Fire Protection District, personal communication, March 1, 2019). The example related to the number of trips when an evacuation occurs ignores factors such as employee shifts, vehicles available on site, coordinated evacuation planning and exercises, shelter in place facilities, and utilizing vehicles associated with management personnel. Also, the conditions of approval require that the road be widened to 20 feet prior to occupancy. The largest day shift is 98 employees with 10% driving to site: ten cars and 88 arriving at the site by shuttles. The project operations will also use vehicles that will be located on the property for any evacuation, including shuttle buses. The fire protection plan includes evacuation plan and shelter in place components. A fire safe location is just over a mile off site near Clark Road, which is surrounded by agricultural uses (2019 RDEIR page 62).

The commenter states that the project would interfere with an adopted evacuation route. The baseline for analysis in the RDEIR is the physical setting on the ground at the time of the issuance of the Notice of Preparation. At this time (and when the Notice of Preparation was issued), the project would not interfere with an adopted emergency response plan or emergency evacuation route; there were, and are, no such adopted plans for this area.

The last section of the letter presents fire code requirements that only apply to the project site, as explained above. The project will be required to meet all applicable state and local code requirements. On-site fire concerns will be addressed by ensuring adherence to the California Fire Code, a part of the California Building Standards Code (Part 9) (https://codes.iccsafe.org/content/document/1004?site_type=public), and through any conditions of approval that may be needed to clarify how that code would apply to the project, such as when alternative methods of compliance may be used as allowed by the code.

Also, see Final EIR, Responses to Letters described in Finding 1, Evidence r.

See following evidence, below, related to each errata section being added to the Final EIR and that they amplify and clarify the analysis in the document, while not triggering the recirculation provisions found in the CEQA Guidelines section 15088.5, as described above.

- p) The 2018 RDEIR has been revised as shown in Final EIR section 4.0 to add text at the end of Impact 3.2-3 to clearly identify a condition of approval:

To ensure that wood-burning stoves/fireplaces/barbecues are prohibited, a condition of approval will be required that prohibits wood-burning stoves/fireplaces/barbecues. A condition of approval

is being used as the enforcement tool, as long-term stationary and vehicular emissions impacts are less than significant and do not require mitigation. The condition of approval is as follows:

Solid fuel heating appliances (i.e., wood-burning fireplaces; wood stoves; barbecues, etc.) shall be prohibited.

This prohibition shall be included as a condition of approval of the Combined Development Permit and reflected on the Use Permit for creation of 77 timeshare units, the Vesting Tentative Subdivision Map, all Final Maps, and on all building permits.

- q) The 2018 RDEIR has been revised to correct a distance for one off-site residence to Paraiso Springs Road and to add more information related to vibration. The additional vibration information demonstrates that this distance correction does not identify a new environmental impact or an increase in the severity of an environmental impact.

Modify the first sentence of the first full paragraph on 2018 RDEIR page 3-297 to read as follows as shown in Final EIR section 4.0:

Homes on Paraiso Springs Road are situated as close as ~~30~~ 26 feet from the edge of the roadway.

Add the following after the second sentence of the first full paragraph on 2018 RDEIR page 3-297 as shown in Final EIR section 4.0:

The groundborne vibration identified for the heaviest vehicles at 25 miles per hour is 0.014 in/sec PPV at five feet from the edge of the travelled roadway (RDEIR Appendix I, Illingworth and Rodkin, 2016, page 17).

- r) The 2019 RDEIR has been revised to add one existing fire station location to a figure:

Replace Figure 3.11-1, Regional Fire Protection Facilities as shown in Final EIR section 4.0.

The replaced figure adds the location of an existing CalFire station located at the Soledad Correctional Facility. This additional station does not change the conclusions of the RDEIR as this station is farther from the project site than the Soledad Fire Station used by Mission-Soledad Rural Fire District personnel and is also farther from the project site than a second fire station located in the City of Greenfield.

- s) *Add Figure 3.11-2, Fire District Boundaries, to follow Figure 3.11-1 on 2018 RDEIR page 3-305. See Final EIR section 4.0 for the new figure. This figure was added in response to a comment on the 2019 RDEIR.*
- t) The 2018 RDEIR has been revised to correct the title name of a reference.

Modify section 3.12.5, Page 3-339, third paragraph, first sentence under Roadways Hazards as shown in Final EIR section 4.0:

“The American Association of State Highway and Transportation Officials *Guidelines for Geometric Design* ~~*Guidelines for Very Low-Volume*~~ *Local Roads* states...”

- u) The RDEIRs have been revised as shown in Final EIR section 4.0 to update the name of the air resources district and to describe additional permits that may be required. These permits do not cause any change to potential environmental impacts of the project.
 - a. Modify all occurrences of the name Monterey Bay Unified Air Pollution Control District to the current name of Monterey Bay Air Resources District. Modify all occurrences of the acronym MBUAPCD to the correct acronym of MBARD.
 - b. *Modify Table 2.4 (page 2-61) to include two additional bullets:*
 - Air District Permits may be required for engine generator sets and boilers
 - Air District Permits or registration may be required for portable construction equipment
- v) The 2018 RDEIR has been revised to clarify the name of the Sheriff’s beat and to update deputy duties for this part of the County.

For page 3-309, third paragraph as shown in Final EIR section 4.0:
Change the reference from “Beat #10” to “Beat 10A”

Add the following text after the third paragraph on page 3-309 as shown in Final EIR section 4.0:

There is a day shift (7 a.m. to 5 p.m.) with deputies that work out of the South County substation. There are 3-5 deputies working daily. One deputy would cover Beat 10A area during the day shift. During swing shift, which is from 3 p.m. to 1 a.m., there are two deputies assigned to work South County. These two deputies come out of the Central Station in Salinas Office. They are known as the 45 unit and cover all the beat areas of 10A/10B/11/12. Their briefing starts at 3 p.m. and they will drive down to South County and be in the area well before the day shift goes off duty at 5 p.m. The midnight shift works 9 p.m. to 7 a.m. The weekend days are always covered with two deputies that also come out of the Central Station in Salinas and work South County as the 45 unit and cover beats 10A/10B/11/12.

During the week, there are normally two deputies who come over from the Salinas office to cover. However, due to vacations and training, etc., staffing coverage may not always allow that. In those instances, where a call comes out and there is no 45 unit, the Salinas Beat 3 or Beat 4 unit would be dispatched. In a life threatening situation (e.g., resident is home, and someone is breaking in) the call would also be dispatched to the closest city department (Soledad or Greenfield) and/or the California Highway Patrol.

- w) *Replace Mitigation Measures 3.7-6a, 3.7-7b, 3.7-7d as shown in Final EIR section 4.0. These modifications reflect the preparation of fire plans that were attached to the 2019 RDEIR, Appendix 2 (2019 Fire Protection Plan), and the Final EIR, Appendices 6.1 and 6.2 (Construction Fire Prevention Plan and Operational Fire Prevention Plan, respectively).*
- x) *Add the following text as the third sentence of Mitigation Measure 3.7-9 as shown in Final EIR section 4.0:*

The engineering geologist shall determine areas that should not be utilized until remediation has been completed. The completion of remediation and ability to reuse these areas shall be determined by the engineering geologist and reported to the County Building Official prior to commencing uses in those areas.

This language clarifies the actions required post fire for the site, should a fire occur in the area.

- y) *Modify the paragraph in Section 1.5 on 2019 RDEIR page 5 to read as follows as shown in Final EIR section 4.0:*

This 2019 RDEIR was prepared in consultation with CAL FIRE and Mission-Soledad Rural Fire Protection District: Chief David Fulcher and John Owens, as well as the California Board of Forestry and Fire Protection: ~~Edith Hannigan, Land Use Program Manager, and Matt Dias, Executive Officer.~~

This modification clarifies the agencies consulted in preparing the RDEIR.

- z) *Delete the first bullet in the third paragraph of section 3.7.1, Introduction, on 2019 RDEIR page 47 to read as follows, with the remaining bullets retained as shown in Final EIR section 4.0:*

Previous reports and information used to prepare this section include the following documents:

~~California Board of Forestry and Fire Protection. Personal Communication between Edith Hannigan, Land Use Program Manager and Mike Novo, Monterey County Planning; May 3, 2019.~~

This modification clarifies the agencies consulted in preparing the RDEIR.

- aa) *Replace the fifth sentence of the Dead End Road Length paragraph in Impact 3.7-6 on 2019 RDEIR page 62 to read as follows as shown in Final EIR section 4.0:*

As identified in Monterey County Code section 18.56.020.B.2.a, Paraiso Springs Road is a county-maintained road built in the 19th century and is not subject to PRC 4290 dead end road requirements (Monterey County Ordinance 3600 as amended). If it is determined that the offsite road is subject to the dead end road requirements, the

applicant would need to apply for an exception pursuant to Monterey County Code section 18.56.050 or state law, as applicable.

This text clarifies the regulatory requirements for the offsite county road.

- b) The information contained, and the conclusions reached, in the FEIR reflects the County of Monterey's independent judgment and analysis. The County hired consulting firms to prepare the DEIR and both RDEIRs, under contract to the County and under the direction of County staff. The consultants and County staff prepared the Draft EIR, Recirculated Draft EIRs, and the Final EIR.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

7. FINDING: EIR- POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES - The project would result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (FEIR). The impacts identified below are described in detail in the FEIR certified for the project, which is hereby incorporated by reference. These mitigation measures are set forth in full in the Conditions of Approval/ Implementation Plan/Mitigation Monitoring and Reporting Program being adopted with this approval (attached).

No findings are required for impacts that are less than significant and require no mitigation.

- EVIDENCE:**
- a) The EIR identified potentially significant impacts that require mitigation to Aesthetics and Visual Resources; Air Quality; Biological Resources; Climate Change; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; and Public Services and Utilities, which could result from components of the project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of project approval. The Board of Supervisors considered project approval subject to conditions of approval that incorporate the proposed mitigation measures.
 - b) Aesthetics and Visual Resources. The proposed project would potentially have an adverse environmental effect on visual resources that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.1-1: Implementation of the proposed project would have an adverse effect on the existing visual character or quality of the site and its surroundings. Mitigation Measure 3.1-1 from the EIR provides

that, prior to construction, the applicant or successor in interest would provide modified landscape plans and structure colors that would break up the mass of the project as observed from mid-range and long-range common public viewing areas. In addition, a conservation and scenic easement (County standard condition of approval PD023) would be required for slopes greater than thirty percent that are not being developed with structures. Also, hillside timeshare units will be limited to one story (see Finding 1, Evidence a).

IMPACT 3.1-2: The proposed project would introduce new sources of lighting that could adversely affect the existing visual resources in the area. However, code requirements along with the County's standard condition of approval (PD014(B)) for lighting would require submittal of a lighting plan that complies with the code and County policies that require controlled lighting, that light sources not be observable from common public viewing areas, and lighting must be proposed in compliance with the California Energy Code, Title 24, Part 6 of the California Code of Regulations, which controls lighting design and operations for Lighting Zone 2 (LZ2).

- c) Air Quality. The proposed project would potentially have an adverse effect on air quality that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.2-1: The proposed project would emit criteria air pollutants from construction activities in excess of air district standards. Mitigation Measure 3.2-1 from the EIR provides that, prior to construction, the applicant or successor in interest would include dust control measures in grading plans. The mitigation measure describes specific actions that must be included in the construction plans if ground disturbance limits established in the mitigation measure would be exceeded.

IMPACT 3.2-2: The proposed project would result in the demolition of structures within the project site that may contain asbestos and/or lead and result in the release of hazardous airborne contaminants. Mitigation Measures MM 3.7-3a and MM 3.7-3b in RDEIR Section 3.7, Hazards and Hazardous Materials would require that each structure is inspected by a qualified environmental specialist for the presence of asbestos containing materials and lead based paints. These mitigation measures also describe required actions if these materials are found on site.

IMPACT 3.2-3: The proposed project would result in long-term stationary and vehicular emissions. However, the emissions would not exceed the thresholds established in the RDEIR. Therefore, this would be a less than significant impact. To ensure that wood-burning stoves/fireplaces/ barbecues are prohibited, a condition of approval will be required that prohibits wood-burning stoves/fireplaces/ barbecues. A condition of approval is being used as the enforcement tool, as long-term stationary and vehicular emissions impacts are less

than significant and do not require mitigation. The condition of approval is as follows:

Solid fuel heating appliances (i.e., wood-burning fireplaces; wood stoves; barbecues, etc.) shall be prohibited.

- d) Biological Resources. The proposed project would potentially have an adverse effect on biological resources that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.3-2: Project activities may result in direct impact (injury or mortality) to special status animals during vegetation removal, grading, building demolition, and equipment movement. Mitigation Measure 3.3-2a from the EIR provides that, prior to construction in each area or phase of project construction, the applicant or successor in interest would hire a biologist to train construction personnel regarding sensitive biological resources and measures being taken to protect them, their role in that protection, and to monitor construction activities.

Mitigation Measure 3.3-2b from the EIR provides that, prior to construction or vegetation removal, the applicant or successor in interest would have experienced biologists conduct pre-construction surveys for bats, provide replacement habitat if bat habitat would be affected, prevent construction until artificial roost structures have been installed, protect colonies during maternity roosting season, and coordinate with the California Department of Fish and Wildlife and the project biologist if handling of protected bats is required.

Mitigation Measure 3.3-2c from the EIR provides that, prior to ground disturbing activities or vegetation removal, the applicant or successor in interest would have the project biologist examine the impact (and buffer) area to locate dusky footed woodrat nests. Any such nests would be flagged for avoidance during construction if feasible. Where it is not feasible to avoid a nest, the biologist would dismantle the nests by hand as described in the mitigation measure.

Mitigation Measure 3.3-2d from the EIR provides that, within 14 days of construction, the applicant or successor in interest would have the project biologist conduct a survey for burrowing owl, as described in the mitigation measure. If burrows are occupied near the construction area, the project biologist would consult with the California Department of Fish and Wildlife to develop specific avoidance and minimization approaches.

Mitigation Measure 3.3-2e from the EIR provides that, within 72 hours prior to disturbance of any suitable habitat, the applicant or successor in interest would have the project biologist conduct a survey for coast horned lizard, as described in the mitigation measure. Any individuals located during the survey would be safely relocated to suitable habitat outside of the proposed impact area, as described in

the mitigation measure. The mitigation measure also requires preparation of a relocation plan prior to recording of any final map or ground disturbance activity, whichever occurs first.

IMPACT 3.3-3: Project implementation may result in temporary direct or indirect disturbance to nesting raptors and migratory birds, should they be present on or adjacent to the site during construction activities. Mitigation Measure 3.3-3 from the EIR provides that, if noise generation, ground disturbance, vegetation removal, or other construction activities commence during the bird nesting season, the applicant or successor in interest would have their biologist conduct a pre-construction survey for nesting birds within two weeks of disturbance activities, as described in the mitigation measure. If nests are discovered, a plan for avoidance would be prepared to establish a temporary protective buffer area around each nest and the buffer would remain in place as described in the mitigation measure.

IMPACT 3.3-4: The project site contains 0.71-acre of wetlands, 0.40-acre (8,771 linear feet) of non-wetland waters, and a small amount of associated riparian habitat that are potentially under the jurisdiction of the US Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife. The proposed project has been designed to avoid impacts to most of these resources. However, project implementation would result in the loss of a 0.04-acre potentially jurisdictional seasonal wetland, and two in-stream culverts totaling approximately 0.02-acre (229 linear feet) of potentially jurisdictional non-wetland waters, which will be removed. The culvert removals would allow the on-site stream to be rerouted and restored in its natural channel, with creation of an in-stream 0.30-acre mitigation pond. Rock slope protection of stream banks to prevent erosion and scour above and below two of the three proposed bridge locations would impact an additional 0.02-acre (160 linear feet) of potentially jurisdictional non-wetland waters. As to riparian habitat, three willow trees would be removed for construction of one of the three proposed bridges. The project proposes development within the County's 50-foot stream channel setback zone.

Mitigation Measure 3.3-4a from the EIR provides that, prior to issuance of construction permits, the applicant or successor in interest would hire a qualified biologist to develop a detailed wetland mitigation plan that will achieve no net loss of habitat values, as described in the mitigation measure. The plan would include success criteria, and an agreement to implement adaptive management techniques to achieve the success criteria. Monitoring would occur until success criteria have been met for a minimum of three successive years. Requirements for any wetland creation efforts are also described in the mitigation measure.

Mitigation Measure 3.3-4b from the EIR provides that, prior to issuance of construction permits that involve impacts to jurisdictional

wetland features, the applicant or successor in interest would ensure that all required agency permits are obtained. The mitigation measure ties any compensatory wetland requirements from these agencies to the plan developed pursuant to Mitigation Measure 3.3-4a. The mitigation measure requires that regulatory permit requirements must be implemented according to each permit and the plan.

In addition to these two mitigation measures for this potential impact, the RDEIR identifies that the implementation of Mitigation Measure 3.8-9 would also help to reduce the potential impact on the loss of potentially jurisdictional wetlands/waters and riparian habitat.

IMPACT 3.3-6: Implementation of the proposed project would result in the permanent alteration of site conditions that would result in the removal of approximately 8.8 acres of coast live oak woodland habitat and up to 191 trees, including 185 protected oak trees.

Mitigation Measure 3.3-6a from the EIR provides that, prior to the issuance of a grading permits, the applicant or successor in interest would have a forester or arborist prepare a final forest management plan, as described in the mitigation measure, that identifies the final number and acreage of oak tree removal, the required replacement planting pursuant to the Monterey County Code and state law, and monitoring and success criteria.

Mitigation Measure 3.3-6b from the EIR provides that, during construction, the applicant or successor in interest will implement best management practices to protect trees as described in the mitigation measure, including temporary protection barriers, tree avoidance where possible, pruning techniques, trenching techniques that protect important tree roots, and colocation of utilities in forested areas, where possible, and ensuring that construction contracts include a requirement to provide the final forest management plan and conditions of approval to all construction workers.

Mitigation Measure 3.3-6c from the EIR provides that the applicant or successor in interest would either dedicate a conservation easement to protect oak woodlands or contribute funds to an oak woodlands conservation fund, as described in the mitigation measure. The timing of this mitigation would occur prior to removal of oak woodlands, with protection occurring to offset the tree loss, prior to removal of the protected oak trees.

- e) Climate Change. The proposed project would potentially have an adverse effect on climate change that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.4-1: The proposed project emissions would not exceed net zero. This is considered no impact as the project is proposed.

Mitigation Measure 3.4-1a from the EIR, which is proposed by the

project applicant, provides that the applicant or successor in interest would use a wide variety of techniques to reduce project emissions. The techniques are listed in the mitigation measure and include on-site facilities, design, and operational features that reduce emissions over what would normally be required through regulation. County regulations include minimum state requirements, but also the adoption of a green building ordinance (MCC Chapter 18.11). The project goes beyond those requirements as proposed through this mitigation measure.

Mitigation Measure 3.4-1b from the EIR, which is proposed by the project applicant, provides that, prior to issuance of a grading permit for each project phase, the applicant or successor in interest would also use off-site GHG reduction programs to achieve net zero GHG emissions.

- f) Cultural Resources. The proposed project would potentially have an adverse effect on cultural resources that is mitigated to less than significant with incorporation of mitigation measures except as explained in Evidence 1, below.

IMPACT 3.5-1: Nine Victorian-era cottages present in 2003 were determined to be historic resources. Demolition of these structures without a permit in 2003 was a significant impact. Even with the mitigation measures described below for this impact, this impact will remain significant and unavoidable (RDEIR page 3-159); however, mitigation measures have been required to reduce the environmental impact to the extent feasible.

Mitigation Measure 3.5-1a from the EIR provides that, prior to filing the first phase Final Map, the applicant or successor in interest would hire a historical consultant to define a consistent design and cohesive themes to represent historical displays. Prior to issuance of building permits for lodge buildings, the consultant would prepare a catalog of historic archives, photographs and reports, and the catalog would be available to the public, as described in the mitigation measure. In addition, digital displays as described in the mitigation measure shall be developed and approved by the County prior to final inspection for Phase 1 lodge units, and operational prior to opening to the public.

Mitigation Measure 3.5-1b from the EIR provides that, prior to recordation of the final map, the applicant or successor in interest would provide funding to the Monterey County Historical Society for the Society's use as described in the mitigation measure.

Mitigation Measure 3.5-1c from the EIR provides that, prior to occupancy of Phase 1 buildings, the applicant or successor in interest would hire a historian to develop a printable digital historic interpretive brochure.

Mitigation Measure 3.5-1d from the EIR provides that, concurrent

with construction of the phase where a second digital on-site display would be located, the applicant or successor in interest would install a digital historical display in a public area, with an alternative as outlined in the mitigation measure, if the alternative is required by the County.

IMPACT 3.5-2: The proposed project has the potential to disturb, destroy, or adversely affect the integrity of recorded sites CA-MNT-302 and CA-MNT-303, both of which are significant archaeological resources.

Mitigation Measure 3.5-2a from the EIR provides that, prior to ground disturbance in areas of known resources, the applicant or successor in interest would be required to submit construction plans that show the locations of the recorded archaeological resources to the County. If ground disturbing activities are in proximity to known resource areas, the applicant would hire an archaeological consultant to conduct a Phase 1 survey in the areas. Identified resource areas would be included in project scenic and conservation easements required for the site. The mitigation measure has several other requirements, including reporting on the findings and avoiding resource impacts or protecting them in place.

Mitigation Measure 3.5-2b from the EIR provides that, either after completion of any Phase 1 study, or prior to issuance of construction permits if no Phase 1 study is required, the applicant or successor in interest would hire an archaeological consultant to craft a monitoring plan consistent with the requirements of the mitigation measure. The applicant would also contract with a tribal monitor to observe ground disturbing activities. Monitoring would be implemented during grading and/or construction related activities within the areas identified in the mitigation measure. A weekly monitoring report would be submitted to the County. The mitigation measure also describes actions that would occur should additional cultural resources be discovered.

Mitigation Measure 3.5-2c from the EIR provides that the applicant or successor in interest would ensure that all construction plans and contracts include specific language about the potential for work being halted if potentially significant cultural features or materials are discovered.

IMPACT 3.5-3: The planned road improvements along Paraiso Springs Road could disturb, destroy, or adversely affect the integrity of a significant archaeological resource.

Mitigation Measure 3.5-3a from the EIR provides that, prior to approval of improvement plans for road improvements, the applicant or successor in interest would contract with a qualified archaeologist to determine value and extent of resources, contract with a tribal

monitor, construct exclusionary fencing as determined by the archaeologist, and record the site with the Northwest Information Center of the California Historical Resources Information System, if it meets criteria as described in the mitigation measure.

Mitigation Measure 3.5-3b from the EIR provides that, prior to issuance of a grading permit, the applicant or successor in interest would hire an archaeological consultant to craft a monitoring plan consistent with the requirements of the mitigation measure. The mitigation measure further requires that the plan be implemented during grading and construction related activities. The mitigation measure also describes actions that will be taken if potentially significant cultural features or materials are discovered and describes specific steps to be taken if resources are determined to be unique.

Mitigation Measure 3.5-3c from the EIR provides that, prior to construction, the applicant or successor in interest would ensure that all construction plans and contracts include specific language about the potential for work being halted if potentially significant cultural features or materials are discovered.

IMPACT 3.5-4: While only two known recorded sites are within the project site, the possibility cannot be precluded that yet undiscovered archaeological resources or human remains are present and could be damaged during land alteration activities.

Mitigation Measure 3.5-4a from the EIR describes actions that would be taken if human remains are discovered during grading or construction activities, including steps to avoid significant resources.

Mitigation Measure 3.5-4b from the EIR provides that, during grading or construction activities, described actions will be taken if potentially significant cultural features or materials are discovered. The mitigation measure describes specific steps to be taken if resources are determined to be unique.

- g) Geology and Soils. The proposed project would potentially have an adverse effect on geological and soil resources that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.6-1: Seismic ground shaking at the site may occur during the next major earthquake on a regional fault system. Such shaking can cause severe damage to or collapse of buildings or other project facilities and may expose people to injury or death.

Mitigation Measure 3.6-1a from the EIR provides that, prior to issuance of building permits, the applicant or successor in interest would hire a structural engineer to provide a seismic design report, including recommendations from earlier studies on the site, as described in the mitigation measure. The mitigation measure also requires that an engineering geologist monitor on site grading

operations and take steps as outlined in the mitigation measure, including a final certification from the structural engineer.

Mitigation Measure 3.6-1b from the EIR provides that, prior to occupancy, the applicant or successor in interest would ensure that hazardous objects during seismic events will be firmly attached to structures, as described in the mitigation measure.

IMPACT 3.6-2: Implementation of the proposed project may result in potential permanent structural damage and associated human safety hazards resulting from dynamic compaction. Mitigation Measure 3.6-1a from the EIR, as described above, would provide sufficient mitigation for this potential impact.

IMPACT 3.6-3: Implementation of the proposed project may result in potential permanent structural damage and associated human safety hazards resulting from direct and indirect slope-failure related to hazards such as liquefaction and/or lateral spreading.

Mitigation Measure 3.6-3a from the EIR provides that, prior to issuance of a grading permit, the applicant or successor in interest would contract with an engineer to prepare a site-specific liquefaction study as described in the mitigation measure. All identified recommendations or improvements would be required to be included in the final improvement plans for the project.

Mitigation Measure 3.6-3b from the EIR provides that, prior to issuance of grading permits, the applicant or successor in interest would contract with an engineer to ensure that final grading plans include a slope stability analysis, as described in the mitigation measure.

Mitigation Measure 3.6-3c from the EIR provides that, prior to construction, the applicant or successor in interest would have a final geologic and soil engineering feasibility report prepared that includes the latest code requirements and site information.

In addition to these two mitigation measures for this potential impact, the RDEIR identifies that the implementation of Mitigation Measure 3.6-1a would also help to reduce the potential impact on liquefaction and/or lateral spreading.

IMPACT 3.6-4: Implementation of the proposed project may result in potential permanent structural damage and associated human safety hazards resulting from slope-failure hazards such as landslides.

Mitigation Measure 3.6-4a from the EIR provides that, prior to issuance of a grading permit, the applicant or successor in interest would hire a geologist to work with the other engineers described in the mitigation measure to prepare a final geologic and soil

engineering feasibility report. Report requirements are described in the mitigation measure.

Mitigation Measure 3.6-4b from the EIR provides that, during construction, the applicant or successor in interest would hire the geologist to observe all excavations and prepare a post-construction geologic map, as described in the mitigation measure.

IMPACT 3.6-5: Implementation of the proposed project would result in temporary and long-term disturbance of soils with high erosion potential, which could increase the risk of accelerated erosion and adversely affect water quality. Mitigation Measure 3.6-5 from the EIR provides that, prior to issuance of a grading permit, the applicant or successor in interest would contract with a consultant to prepare an erosion control plan and a Storm Water Pollution Prevention Plan, as described in the mitigation measure.

IMPACT 3.6-6: The project site has a low shrink swell/ expansion potential. Mitigation Measure 3.6-1a from the EIR, as described above, would provide sufficient mitigation for this potential impact.

- h) Hazards and Hazardous Materials. The proposed project would potentially have an adverse effect on hazards and hazardous materials that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.7-3: The proposed project would result in the demolition and removal of all structures within the project site, which may contain asbestos, lead, and/or PCBs from the fluorescent lighting ballasts within the existing structures.

Mitigation Measure 3.7-3a from the EIR provides that, prior to obtaining demolition permits for demolition of structures on the property, the applicant or successor in interest would have the structures investigated for asbestos and lead based paint. The mitigation measure describes development of a remediation program if either are found on site. Demolition and disposal would be conducted as described in the mitigation measure and remediation program.

Mitigation Measure 3.7-3b from the EIR provides that, prior to demolition of structures, the applicant or successor in interest would have all fluorescent lighting properly removed and disposed.

IMPACT 3.7-4: Implementation of the proposed project may expose people or the property to hazardous materials associated with the abandonment of septic systems at the project site. Mitigation Measure 3.7-4 from the EIR provides that the applicant or successor in interest would identify the locations of all septic tanks and remove and properly dispose of or abandon the tanks, under permit with the

Monterey County Environmental Health Bureau.

IMPACT 3.7-5: The project site contains an existing propane tank, above ground fuel storage tank, boiler, and evidence of a debris pile at the project site. Mitigation Measure 3.7-5 from the EIR provides that, once above ground fuel tanks are removed and prior to the issuance of grading permits, the applicant or successor in interest would cause an inspection of the area beneath and around the removed tanks for stained soil. If present, soil sampling and required remediation would be required as described in the mitigation measure.

IMPACT 3.7-6: The project area does not have an adopted emergency response plan or emergency evacuation plan. However, the proposed project includes a fire protection plan that provides an evacuation plan that accommodates evacuation of the project site and the surrounding neighborhood. The fire protection plan is included in 2019 RDEIR Appendix 2 and has been approved by the Fire District in August 2019.

Mitigation Measure 3.7-6a from the Final EIR provides that, prior to clearance of any vegetation or issuance of permits for construction, the final fire protection plan shall be approved by the RMA Director. The measure further requires that the plan be implemented, as applicable. Mitigation Measure 3.7-6b from the EIR provides that the applicant must implement and maintain fuel (fire protection) treatment areas along the project roads.

IMPACT 3.7-7: The project site is in a high and very high fire severity zone and the project may exacerbate fire risk. However, the proposed project includes a Fire Protection Plan, approved by the Fire District but subject to final review and approval by the County in consultation with fire personnel, that provides adequate protection in the case of fire. In addition, a draft Construction Fire Prevention Plan and a draft Operational Fire Prevention Plan were prepared (Final EIR Appendices 6.1 and 6.2). These plans are required to be reviewed and approved by the Lead Agency through mitigation measures required for the project.

Mitigation Measure 3.7-7a requires that construction and resort personnel implement all construction phase fuel modification components prior to removal of vegetation or the delivery of combustible materials to the site.

Mitigation Measure 3.7-7b from the Final EIR provides that the draft Construction Fire Prevention Plan be approved prior to clearance of vegetation or issuance of permits for construction, whichever occurs first. This plan addresses training of construction personnel and provides details of fire suppression procedures and equipment to be used during construction. The measure further requires that

construction staff be trained in the requirements of the plan.

Mitigation Measure 3.7-7c requires that site maintenance activities be done in a firesafe manner pursuant to state law requirements and ceased during high fire hazard conditions, as outlined in the mitigation measure.

Mitigation Measure 3.7-7d from the Final EIR provides that the draft Operational Fire Prevention Plan must be approved prior to issuance of occupancy permits. This plan addresses training of personnel and provides details of fire suppression procedures and equipment to be used during resort operations. The measure further requires that construction staff be trained in the requirements of the plan.

IMPACT 3.7-8: The project may exacerbate fire risk associated with installation and maintenance of infrastructure.

Mitigation Measures 3.7-6b and 3.7-7c from the EIR would provide mitigation for this impact. See description above regarding each of these mitigation measures.

IMPACT 3.7-9: The project may increase risk associated with post-fire runoff, slope stability, or drainage.

Mitigation Measure 3.7-9, as modified by the Final EIR, provides that an engineering geologist will analyze the setting after a wildfire occurs. Based on that analysis, the engineering geologist will make recommendations to Monterey County RMA for approval, including ceasing of operations in unsafe areas. The project applicant shall ensure that approved measures are implemented.

- i) Hydrology and Water Quality. The proposed project would potentially have an adverse effect on hydrology and water quality that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.8-1: During grading and construction activities, erosion of exposed soils may occur, and pollutants generated by site development activities may result in water quality impacts if erosion control measures are not implemented. Mitigation Measure 3.6-5 from the EIR, as described above, would provide sufficient mitigation for this potential impact.

IMPACT 3.8-2: Implementation of the proposed project would alter the existing drainage pattern and increase the amount of impervious surfaces on the project site due to construction of the hotel, residences, roadways, driveways, and other amenities.

Mitigation Measure 3.8-2 from the EIR provides that, prior to recording of the Final Subdivision Map or issuance of a construction permit that would affect drainage, whichever occurs first, the applicant or successor in interest would contract with an engineer to

prepare a final drainage plan, including provisions and requirements identified in the mitigation measure. Mitigation Measure 3.6-5 from the EIR, as described above, would also provide mitigation for this potential impact.

IMPACT 3.8-3: The proposed project would result in an increase in long-term surface runoff that may contain urban contaminants that would have an adverse impact on surface water quality.

Mitigation Measure 3.8-3 from the EIR provides that the applicant or successor in interest would ensure that the components and techniques outlined in this mitigation measure are included in the drainage plan required by Mitigation Measure 3.8-2. The drainage plan would be subject to approval by the County.

IMPACT 3.8-8(3): The use of certain types of water softening equipment could increase calcium carbonate levels in groundwater to a level that could exceed drinking water standards.

Mitigation Measure 3.8-8 from the EIR describes the type of water softening equipment that may be used on site and describes that, if a cartridge system is used, that the cartridges be regenerated at off-site locations.

IMPACT 3.8-9: Implementation of the proposed project could lower the water table to a level that could adversely impact wetland or riparian vegetation.

Mitigation Measure 3.8-9 from the EIR provides that, prior to filing of the first phase final map, the applicant or successor in interest would hire a biologist specializing in wetland and riparian habitats. Prior to any land disturbance, the biologist shall work with the project hydrologist to establish pre-project conditions for these habitat areas, as described in the mitigation measure. The biologist shall prepare a monitoring program, with basic components of the program and its implementation described in the mitigation measure. The mitigation measure also describes the requirements for an annual report to the County and adaptive management plan requirements.

- j) Noise. The proposed project would potentially have an adverse effect on noise levels in the area that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.10-3: Operation of the proposed project would result in an increase in noise levels at the project site. However, most of the residences are located greater than 1,500 feet from the closest proposed project facility, with the exception of the nearest residence (adjacent to sound level measurement LT-2) located approximately 1,300 feet from the easternmost proposed project facility, identified on the project drawings as the Enhanced On-Site Treatment Center. Adherence to 2014 County noise standards for low density residential

and transient lodging uses would ensure that potential increase in noise levels at the project site would be less than significant; however, those standards are not applicable to the project.

Mitigation Measure 3.10-3 from the EIR provides that, during project operations, the applicant or successor in interest would ensure that the hotel operator adheres to nighttime noise controls as listed in the mitigation measure.

IMPACT 3.10-4: Construction activities associated with the proposed project will result in elevated ambient noise levels in the vicinity of construction activities. Activities involved in construction will typically generate maximum noise levels ranging from 75 to 90 dB at a distance of 50 feet. Construction activities are expected to occur for more than one building season (typically eight to ten months out of the year and is contingent upon local weather conditions) and will likely occur during normal daytime working hours.

Mitigation Measure 3.10-4 from the EIR provides that, during construction activities, the applicant or successor in interest would ensure that noise generating construction activities comply with the requirements outlined in the mitigation measure.

- k) Public Services and Utilities. The proposed project would potentially have an adverse effect on public services and utilities that is mitigated to less than significant with incorporation of mitigation measures.

IMPACT 3.11-2: The proposed project would have sufficient water supplies available to serve the proposed project from existing resources, and new or expanded entitlements are not needed. However, the water supply for the proposed project currently exceeds the public health standard of 2.0 mg/L for fluoride.

Mitigation Measure 3.11-2 from the EIR provides that, prior to recording the first phase final map or prior to issuance of construction permits, the applicant or successor in interest would contract with an engineer to finalize a water treatment system design, include the design in improvement plans, and install the system after approval of the improvement plans by the County Environmental Health Bureau.

IMPACT 3.11-3: The proposed project would be required to detain the difference between the 100-year post-development runoff rate and the 10-year pre-development runoff rate. This may require the construction of new or expanded storm water detention facilities. Mitigation Measure 3.8-2 from the EIR, as described above, would provide sufficient mitigation for this potential impact.

- l) The mitigation measures described above in this Finding will reduce impacts to a less than significant level, except for impacts to Cultural Resources, which will remain a significant and unavoidable environmental impact (see Findings 8 and 10). The level of reduction for

each mitigation measure is identified in the 2018 RDEIR, as modified by the 2019 RDEIR, immediately following the text of each of the mitigation measures.

- m) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6.
- n) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

8. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of all feasible mitigation measures from the EIR into the conditions of project approval, as further described in this finding (also see Finding 10, Overriding Considerations). The project results in the demolition of nine historic cottages, which is a significant and unavoidable impact. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation that would reduce the impact to a less than significant level.

- EVIDENCE:**
- a) The historic structures were demolished in 2003. See Finding 5, above, related to the removal without permits.
 - b) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6.
 - c) The historic structures were removed prior to analysis pursuant to the California Environmental Quality Act. For the purposes of analysis related to environmental effects on historic resources, the historic structures were evaluated as extant on the property (2018 RDEIR pages 2-15, 2-17, 2-56, 2-59, 3-141 through 3-145, and 3-152 through 3-156).
 - d) Mitigation Measures have been identified to provide mitigation, to the extent feasible, related to the demolition of the historic resources (see Finding 7, evidence f). 2018 RDEIR Chapter 3.5 presents the environmental setting, regulatory background, analytical method and significance threshold criteria, and an impact analysis of the potential environmental effects to the site’s historic resources. Impact 3.5-1 analyzes the impacts to the historic resources and identifies mitigation measures to reduce the impact to the extent feasible (2018 RDEIR pages 3-156 through 3-159).
 - e) See Final EIR Master Responses 2, 3, and 4 relating to the impacts and mitigation measures associated with the removal of the nine historic structures. The Final EIR explains the adequacy and feasibility of the proposed mitigation measures and the reason that it is not feasible to rebuild the historic structures to meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
 - f) See evidence for Finding 10, below.
 - g) Project alternatives would not avoid or further reduce the impact to the historic structures (2018 RDEIR Table 5-1, Comparison of Project Alternatives to the Proposed Project, as amended by the 2019 RDEIR). Also, see Finding 9, below.

9. **FINDING:**

EIR-CEQA ALTERNATIVES TO THE PROPOSED

PROJECT - The RDEIRs evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the RDEIRs. The 2018 RDEIR identified that the No Project Alternative was the environmentally superior alternative (RDEIR page 5-38). In accordance with CEQA Guidelines section 15126.6(e)(2), when the No Project Alternative is selected as the environmentally superior alternative, another alternative must be identified as environmentally superior. The Reduced Project Alternative (Alternative 4) is the environmentally superior alternative (2018 RDEIR page 5-38).

Pursuant to CEQA Guidelines section 15126.6(c), alternatives may be eliminated from consideration if they 1) fail to meet most of the basic project objectives, 2) are infeasible, or 3) unable to avoid significant environmental impacts. 2018 RDEIR section 5.1.3, Alternatives Eliminated from Detailed Analysis, as modified by 2019 RDEIR section 5.1.3 (pages 73 and 74), outlines alternatives that were screened out pursuant to this section of the CEQA Guidelines. 2018 RDEIR section 5.1.4, as amended by the 2019 RDEIR (pages 74 and 75), presents the alternatives analyzed, with the analysis presented in 2018 RDEIR section 5.2 as amended by 2019 RDEIR on pages 75 through 91.

CEQA Guidelines section 15126.6(f) requires a range of alternatives that are governed by the “rule of reason.” This section requires “the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.”

The County identified two of its own objectives for this project, in addition to objectives identified by the applicant. The County, as Lead Agency, considers the County’s objectives to be “basic” objectives, as described in the CEQA Guidelines. The County’s basic objectives for this project are as follows: 1) providing visitor-serving amenities to support the Agricultural and Winery Corridor Plan and 2) maximize development of the site to reduce pressure to convert agricultural land to visitor serving uses. The objectives are listed on 2018 RDEIR pages ES-3 and ES-4, with the last two being the County’s objectives (also found on 2018 RDEIR page 5-2).

Compared to the project analyzed in the EIR, the adopted design (see Finding 1, Evidence a) will provide reduced or similar impacts to all categories. The impact comparison to the proposed project is found in 2018 RDEIR Table 5-1 as amended by and shown in the 2019 RDEIR, pages 85 through 91. The adopted design will have reduced impacts in

most categories compared to the proposed project, including but not limited to reduced impacts related to biology (including reduced tree removal) and to aesthetics (reduced visibility from public viewing areas) (see 2018 RDEIR Table 5-1, Comparison of Project Alternatives to the Proposed Project, as modified by the 2019 RDEIR).

The project being approved is Alternative #5, Timeshare Relocation Alternative, as described in the 2019 Recirculated Draft Environmental Impact Report, and as further modified by the attached conditions of approval. Some of the alternatives described below have common features with the alternative being approved by this resolution (Alternative #5, Timeshare Relocation Alternative), including relocating of timeshare units and reduction in the length of the northern access road to reduce encroachment on steeper slopes, reduce grading amounts, reduce the development footprint to lessen impacts on biological and archaeological resources, and avoid potential geologic hazards.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the other project alternatives identified in the EIR for the reasons described below.

EVIDENCE: a) No Project Alternative (2018 RDEIR section 5.2.1). The No Project Alternative would mean the project site remains unchanged, and no new development would occur. In general, the project site would continue to show the evidence of the past, with a few buildings that served the prior resort, including but not limited to the fifteen vernacular cabins, a changing room, a recreation room, indoor and outdoor baths, six mobile homes, a lodge, a workshop, a yurt compound, and several small outbuildings. There would be no impacts to oak woodlands or other habitats. However, the “no project” alternative would not eliminate the potential for the site to be developed, because existing land use and zoning designations allows a visitor-serving use at this location.

The No Project Alternative would result in fewer impacts in comparison to the proposed project impacts, with the exception of Cultural Resources, where the level of impact would be greater due to lack of ability to mitigate for historic structures already removed, and with the exception of Climate Change, which may have greater environmental impact due to operations likely not fully offsetting greenhouse gas emissions. The No Project Alternative would not meet all the basic project objectives because it would not develop a resort that provides visitor-serving support for the Monterey County wine corridor honoring the historic connection to the Soledad Mission’s use of the property as a vineyard and retreat, provide an economically sustainable combination of hotel units and timeshare units of varying sizes, maximize development of this previously disturbed site, reduce pressure on the conversion of other agricultural areas to provide tourist accommodations related to the Winery Corridor, and provide a world class spa-resort in the Central Salinas Valley. It would also not meet the 2010 General Plan policy of reusing this historic site by reconstructing the resort use and

would not be consistent with County's planning vision for this site (Policy CSV 1.1):

CSV-1.1 Special Treatment Area: Paraiso Hot Springs - The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, hiking trails, vineyards, and orchards. The plan shall address cultural resources protection, fire safety, access, sewage treatment and disposal, water quality, water quantity, drainage, and soil stability issues. (APN: 418-361-004, 418-361-009, 418-381-021, 418-381-022)

(Note: APN 418-361-009 is not a part of this application and is likely not suitable for development as a part of this resort. The property contains very steep hillsides and is contiguous to the other assessor's parcels at only a single point)

Adoption of the No Project Alternative may lead to development of other sites to accommodate visitor-serving needs of the Winery Corridor, although the level of development and location of such development is speculative. For example, some of the development could occur in cities and some could occur in the unincorporated area. Some impacts, such as conversion of agricultural land, hydrology, biology, climate change and traffic, could be similar or greater if other development proposals meet visitor-serving needs of the Salinas Valley and the Winery Corridor. The reason that greater impacts could occur are due to the loss of this site's opportunities for the proposed project to retain and percolate drainage water, redevelopment of an old resort area, potentially reducing biological and agricultural land conversion effects, the potential that another development may not fully offset their contribution to climate change, and may not use shuttle buses to the extent proposed for this project. In addition, another project could be located in an area where traffic congestion or vehicle miles travelled could be greater.

2018 RDEIR section 5.1.1 lists the project objectives identified by the project applicant and the County. As described above, this alternative would not meet all the project objectives and would not meet either of the basic project objectives identified by the County for this project. This alternative does not avoid significant environmental impacts to historic resources, the only significant and unavoidable impact. No one advocated adoption of this alternative during the public comment periods (Final EIR, Chapter 2).

- b) Final EIR for Paraiso Hot Springs, SCH#2005061016, Chapter 5, Alternatives to the Proposed Project.

- c) Letter from Thomas Morone, CHMWarnick, dated February 20, 2019, which is applicable to the alternatives described below (Evidences d through f). The letter summarizes the economic infeasibility of constructing a smaller project, as the 103 hotel units alone would not provide the necessary size to support the ancillary uses, which are needed to attract guests to this type of resort. Mr. Morone states that the overall project size, even including the 77 timeshare units, is small and that site development costs would be approximately the same whether the project is larger or smaller. He also states that timeshare units provide a higher, more consistent occupancy than the hotel rooms and would provide year round support for the other site uses.
- d) Valley Floor Alternative One (2018 RDEIR section 5.2.2). This reduced density project alternative would eliminate most proposed development on slopes exceeding thirty percent. The objective of this alternative is to reduce the amount of development on slopes exceeding thirty percent, minimize retaining walls, and reduce the visibility of development on the site from surrounding areas. This alternative would involve the following modifications to the site plan:
 - 1. Redesign and/or relocate the parking area for the hamlet;
 - 2. Relocate the timeshare condominium units on lots 21 and 22 from their current location along a ridge in an area that requires encroachment onto thirty percent slopes to Indian Valley in the location of the villa lots. This alternative would remove the timeshare villa lots and relocate the timeshare condominium units to that area; and
 - 3. Remove the access road to the timeshare condominiums in lot 23. This proposed access road is along a very steep hillside. The timeshare condominiums on Lot 23 could either remain in that location with access along the path of the existing service road, or these units could be relocated to Indian Valley.

The result of these changes would be the retention and relocation of the 60 timeshare condominium units but the elimination of the 17 timeshare villa lots. This results in almost a 10 percent reduction in visitor serving units being constructed on site (from 180 to 163). The outcome would be removal of development at higher and more visible locations, a reduction in grading and development activities on steeper slopes, and the potential removal of high retaining walls.

The Final EIR identifies mitigation measures that would reduce or avoid potentially significant impacts on the environment. These same mitigation measures would be applied to this project alternative. Mitigation measures identified for Aesthetics and Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services and Utilities would result in a less than significant impact for these potential environmental effects, except the removal of

nine historic cottages.

The smaller footprint and fewer timeshare units proposed by Valley Floor Alternative One would result in corresponding fewer impacts to all environmental issue areas with the exception of impacts to Climate Change, which would have similar impacts to the proposed project. Valley Floor Alternative One would result in 17 fewer timeshare units and, therefore, would meet the proposed project objectives to a lesser degree compared to the proposed project. The objectives met to a lesser degree under this alternative include development of 50 acres of the project site, providing an economically sustainable combination of hotel units and timeshare units of varying sizes, maximizing development of this previously disturbed site, reducing pressure on the conversion of other agricultural areas to provide tourist accommodations related to the Winery Corridor, and providing a world class spa-resort in the Central Salinas Valley.

2018 RDEIR section 5.1.1 lists the project objectives identified by the project applicant and the County. As described above, this alternative would not meet all the project objectives and would not meet the basic project objective of maximizing development of the site to reduce pressure to convert agricultural land to visitor serving uses, as identified by the County for this project. This alternative does not avoid significant environmental impacts to historic resources, the only significant and unavoidable impact. No one advocated adoption of this alternative during the public comment periods (Final EIR, Chapter 2). See evidence c included in this Finding related to an economic and real estate discussion on the feasibility of constructing a smaller project on this site. The project being approved by the Board of Supervisors has many of the same components of this alternative (see sixth paragraph of this Finding, above).

- e) Valley Floor Alternative Two (2018 RDEIR section 5.2.3). The second valley floor alternative would also substantially reduce the proposed development on slopes exceeding thirty percent, as was done for Valley Floor Alternative One. The objective of this alternative is to reduce the amount of development on slopes exceeding thirty percent, minimize retaining walls, and minimize the visibility of development on the site from surrounding areas, while preserving five timeshare villas. This alternative would involve the following modifications to the site plan:
1. Redesign and/or relocate the parking area for the hamlet.
 2. Relocate the timeshare condominium units on lots 21 and 22 from their current location along a ridge in an area that requires encroachment onto thirty percent slopes to Indian Valley in the location of the proposed villa timeshare lots. This alternative would remove 12 of the 17 proposed villa timeshare lots and relocate the timeshare condominium units into this area.
 3. Remove the northern access road to the timeshare condominiums

in lot 23. This proposed access road is along a very steep hillside. The timeshare condominiums on Lot 23 could either remain in that location with access along the path of the existing service road or upgrade the service road to an access road.

The result of these changes would be the retention and relocation of 60 timeshare condominium units and retention of five timeshare villa units and the elimination of 12 timeshare villa lots. This results in an almost seven percent reduction in visitor serving units being constructed on site (from 180 to 168). The outcome would be removal of development at higher and more visible locations, a reduction in grading and development on steeper slopes, and reducing the need for retaining walls. This alternative is largely reflected in 2018 RDEIR Figure 5.1, Alternative #3: Valley Floor Alternative Two, also titled “Hillside Duplex Study;” however, this figure does not reflect any redesign of hamlet parking or removal of the northern access road to lot 23.

The Final EIR identifies mitigation measures that would reduce or avoid potentially significant impacts on the environment. These same mitigation measures would be applied to this project alternative. Mitigation measures identified for Aesthetics and Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services and Utilities would result in a less than significant impact for these potential environmental effects, except the removal of nine historic cottages.

The smaller footprint and fewer timeshare units proposed by Valley Floor Alternative Two would result in corresponding fewer impacts to all environmental issue areas except for impacts to Climate Change, which would have similar impacts to the proposed project. Valley Floor Alternative Two would result in 12 fewer timeshare units and, therefore, would meet the proposed project objectives to a slightly lesser degree compared to the proposed project. The objectives met to a lesser degree include development of 50 acres of the project site, providing an economically sustainable combination of hotel units and timeshare units of varying sizes, maximizing development of this previously disturbed site, reducing pressure on the conversion of other agricultural areas to provide tourist accommodations related to the Winery Corridor, and providing a world class spa-resort in the Central Salinas Valley.

2018 RDEIR section 5.1.1 lists the project objectives identified by the project applicant and the County. As described above, this alternative would not meet all the project objectives and would not meet the basic project objective of maximizing development of the site to reduce pressure to convert agricultural land to visitor serving uses, as identified by the County for this project. This alternative does not avoid significant environmental impacts to historic resources, the only significant and unavoidable impact. No one advocated adoption of this alternative during the public comment periods (Final EIR, Chapter 2). See evidence

c included in this Finding related to an economic and real estate discussion on the feasibility of constructing a smaller project on this site. The project being approved by the Board of Supervisors has many of the same components of this alternative (see sixth paragraph of this Finding, above).

- f) Reduced Project Alternative (2018 RDEIR section 5.2.4). The reduced project alternative would eliminate the third and fourth phases of the project. The resulting project would consist of 75 hotel units, nine timeshare villas, 32 timeshare condominiums (for an overall reduction of 64 units or 35.5 percent), while maintaining all the other uses proposed for the resort. The objective of this alternative is to create a reduced intensity and development footprint, which reduces impacts on biological resources, results in a substantial reduction in grading quantities and related short-term air quality impacts, reduces net groundwater use, reduces traffic and its associated noise, and minimizes the visibility of development on the site from the surrounding area. This alternative would involve the following modifications to the site plan:
1. Redesign the parking area adjacent to lots 21 and 22 such that the parking lot does not encroach into thirty percent slope;
 2. Eliminate the timeshare condominium units on lots 21 and 22 from their current location along a ridge in an area that requires encroachment onto thirty percent slopes to Indian Valley in the location of the villa lots. This alternative would relocate all the timeshare units to the area of the timeshare villas and in areas between the villa area and Phases 1 and 2 of the hotel;
 3. Remove the access road to the timeshare condominiums in lot 23. The proposed condominium access road is along a very steep hillside; and
 4. Eliminate Phase 3 and 4 units from the proposal.

The result of these changes would be the reduction of the hotel from 103 to 75 units, reduction of villa timeshares from 17 to nine, and reduction of the condominium timeshares from 60 to 32, and retention of the following: spa amenities, hamlet, day spa, and the appurtenant facilities related to the main hotel operations. The outcome would be removal of development, which allows for a smaller development footprint, reduced slope incursions at higher and more visible locations, substantially less grading, less groundwater use, and less traffic during operations.

The Final EIR identifies mitigation measures that would reduce or avoid potentially significant impacts on the environment. These same mitigation measures would be applied to this project alternative. Mitigation measures identified for Aesthetics and Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise,

and Public Services and Utilities would result in a less than significant impact for these potential environmental effects, except the removal of nine historic cottages.

The smaller footprint and elimination of 64 hotel and timeshare units in the Reduced Project Alternative would result in fewer corresponding impacts to all environmental issue areas apart from impacts to Climate Change and Cultural Resources, which would have similar impacts to the proposed project. The Reduced Project Alternative would result in 28 fewer hotel units and 36 fewer timeshare units and, therefore, would meet the proposed project objectives to a lesser degree compared to the proposed project. This alternative would not meet the project objectives to a greater degree than when comparing the proposed project against the other alternatives identified in this section. These objectives include development of 50 acres of the project site, providing an economically sustainable combination of hotel units and timeshare units of varying sizes, maximizing development of this previously disturbed site, reducing pressure on the conversion of other agricultural areas to provide tourist accommodations related to the Winery Corridor, and providing a world class spa-resort in the Central Salinas Valley.

2018 RDEIR section 5.1.1 lists the project objectives identified by the project applicant and the County. As described above, this alternative would not meet all the project objectives and would not meet the basic project objective of maximizing development of the site to reduce pressure to convert agricultural land to visitor serving uses, as identified by the County for this project. This alternative does not avoid significant environmental impacts to historic resources, the only significant and unavoidable impact. No one advocated adoption of this alternative during the public comment periods (Final EIR, Chapter 2). See evidence c included in this Finding related to an economic and real estate discussion on the feasibility of constructing a smaller project on this site.

The project alternative being approved by the Board of Supervisors has many of the same components of this alternative (see sixth paragraph of this Finding, above).

- g) Alternative Location. Per the CEQA Guidelines, Section 15126.6 (f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. Final EIR Section 5.1.3 describes the reasons why an alternative location was rejected from consideration. An alternative location would not be able to take advantage of the existing hot springs nor would it pay homage to the previous use of the site by the Soledad Mission for vineyard uses. An alternative location may not meet project objectives, including those objectives identified by the County relating to maximizing the use of the site to reduce pressure to convert other agricultural land in the wine corridor as well as meet the needs of the wine corridor economic program outlined in the 2010 *Monterey County General Plan*. See discussion on 2019 RDEIR section 5.1.3, pages 73 and 74. In addition,

the permit issued for another location would not necessarily include clearing the violation on this site related to the demolition of historic resources nor provide mitigation measures related to the loss of these historic structures.

The project is being proposed within the Central Salinas Valley area of the County where land uses are predominantly rural and agricultural. The impact that cannot be reduced to a less than significant level associated with the proposed project involves the loss of historic structures, which have already been removed (see Findings 1 and 5). An alternative location would not avoid this significant and unavoidable impact.

Other potential impacts have mitigation measures included in the Final EIR that would reduce or avoid significant effects on the environment. Impacts to Aesthetics and Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services and Utilities would result in a less than significant impact with mitigation measures identified for the project.

The CEQA Guidelines require that alternatives to the project be analyzed and states that an EIR must include a reasonable range of alternatives to the project or to the location of the project (emphasis added). There is no requirement that off-site alternatives be explored in every case. In the case of this project, the site's resources, such as the hot springs, location in valleys out of the Salinas Valley wind, location on property not in agricultural production, and the views from the site provide an appropriate setting for a world class resort. In addition, the County Board of Supervisors, through adoption of the 2010 General Plan, has designated this property as a Special Treatment Area (Policy CSV 1.1) for redevelopment of the site as a resort. Therefore, the County did not analyze an alternative project location for the proposed project. No one advocated adoption of an alternative location during the public comment periods (Final EIR, Chapter 2).

- h) The 2019 RDEIR provided an additional alternative, the Timeshare Relocation Alternative (Alternative #5), which is being approved as the project for this permit. See Finding 1, evidences d and e, and Finding 6 describing the EIR. The Board finds that this Alternative is feasible and substantially meets the project objectives, including the two basic objectives identified by the County of Monterey. The alternative reduces environmental impacts to almost all impacts (see 2018 RDEIR Table 5-1, as amended by the 2019 RDEIR). This alternative will be subject to the same mitigation measures identified for the proposed project, including providing mitigation for the loss of historic resources, which is the only significant and unavoidable impact of the project. This alternative also has many of the same attributes and reductions in environmental impacts as Alternatives 2 and 3 (see RDEIR Table 5-1, as amended by the 2019 RDEIR).

10. **FINDING:** **EIR-STATEMENT OF OVERRIDING CONSIDERATIONS** - In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the project against its unavoidable significant environmental impacts in determining whether to approve the project, and has determined that the benefits of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable.

- EVIDENCE:**
- a) In accordance with Section 15093 of the CEQA Guidelines, Monterey County has evaluated the economic, legal, social, technological, or other benefits of the proposed project against their unavoidable significant environmental impacts in determining whether to approve the proposed project, and has determined that the benefits of the project outweigh their unavoidable adverse environmental effects so that the adverse environmental effects may be considered “acceptable.” The proposed project will result in development that will provide benefits described herein to the surrounding community and the County as a whole.
 - b) The County is requiring that the applicant enter into an agreement with the Fire District to provide a fair-share contribution toward facility and equipment upgrades planned for the Soledad Fire Station, which serves the Mission-Soledad Rural Fire Protection District. The County is discussing an increase in the share of property tax that is apportioned to the Fire District than the current rate provided by agreement between the parties. According to the County Auditor-Controller, the current share of property taxes that are provided to the Fire District is approximately eight percent. The County is discussing, staff to staff, renegotiating the tax sharing agreement with the Fire District to increase the share of property tax to the Fire District.
 - c) The project will provide additional property taxes and transient occupancy tax to the County and provide additional revenue for the Mission-Soledad Rural Fire Protection District.
 - d) The project will provide substantial employment for the central Salinas Valley, an area of the County where there is higher local unemployment than the rest of the County and the state, with greater population growth rates (2018 RDEIR pages 4-2 and 4-3; Final EIR response to Letter 12, Number 43). Other jobs, including visitor-serving jobs, in the County require commuting to other areas of the County, primarily the Monterey Peninsula and Salinas, or out of the County to provide a substantial number of non-agricultural employment opportunities. See Response to Letter 12, Number 43 in the Final EIR related to this topic of employment opportunities in the central Salinas Valley. Gonzales Mayor Maria Orozco provides a letter from the City supporting revitalization of the resort and naming the site as a significant resource for the entire Salinas Valley. She states that the project will bring much needed job opportunities and revenue to the Salinas Valley and diversify the Salinas Valley economy. Soledad Mayor Fred Ledesma states that the City of Soledad supports the project as it would add to the growing list of destinations in the Salinas Valley, bring needed job opportunities and revenue, and help diversify the economy. Greenfield Mayor Lance Walker states that the City supports the project, as it will help the

Salinas Valley economy, provide jobs for locals, incentivize other development, and contribute to the continued development of the area as a worldwide tourist destination. King City Mayor Mike LeBarre points out that many of the residents in King City commute to work and this project would 1) reduce vehicle miles traveled and help reduce congestion, 2) give parents more time with their families instead of community, and 3) provide needed jobs and economic growth to South County (Letter to Planning Commission, March 25, 2019).

- e) The project will support wine related industries in the Salinas Valley by providing local accommodations in the area identified for an economic program to help keep the wine industry viable (2010 General Plan, Chapter 9.0.J, Agricultural and Winery Corridor Plan). This economic program was included as a section of the 2010 Monterey County General Plan: the Agricultural and Winery Corridor Plan (<https://www.co.monterey.ca.us/home/showdocument?id=45836>).
- f) The project will implement Policy CSV 1-1 of the 2010 Monterey County General Plan, Central Salinas Valley Area Plan, which designates the property for reconstruction of recreation and visitor serving uses on the site (<https://www.co.monterey.ca.us/home/showdocument?id=45822>).
- g) See project objectives found on 2018 RDEIR pages ES-3 and ES-4. The County has included two basic objectives for this project: 1) providing visitor-serving amenities to support the Agricultural and Winery Corridor Plan and 2) maximize development of the site to reduce pressure to convert agricultural land to visitor serving uses.
- h) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6.
- i) Significant impacts to cultural resources (nine historic structures) have been identified and mitigation measures have been incorporated into the project to reduce those potential impacts to the extent feasible. The demolition of the historic structures has already occurred and they cannot be reconstructed to the Secretary of the Interior Standards. Approval of the Project results in mitigation measures that will require a historian to assemble and catalog information about the site's history that information be made available to the public about the historic use of the site, including providing funding to the Monterey County Historical Society to gather and archive materials related to the site, and providing informational displays and downloadable information to the guests and public regarding the historic property. See the Mitigation Measures identified in the 2018 RDEIR, on pages 3-157 through 3-159.
- j) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), the Final EIR, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (file number PLN040183) and are hereby incorporated herein by reference.
- k) Monterey County RMA-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

11. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:
1. That the proposed map is not consistent with the applicable general plan and specific plans.
 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.
 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

None of these findings are made, as set forth below.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, including the Central Salinas Valley Area Plan. See full discussion in Finding 1, above.
 - b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. Improvements to support the project, including the water system, wastewater system, and internal road network meet county code requirements for this infrastructure. See Finding 1, above, which incorporates mitigation measures into the project final decision to ensure that all design is consistent with plans and regulations. A condition of approval to require that lighting be restricted to ensure that lighting is shielded or directed to illuminate only the intended area, including a requirement to ensure that exterior light sources are not visible from common public viewing areas, is imposed pursuant to Government Code section 66474(e) regulating design.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
 - d) Environment. The subdivision design and improvements will not cause significant environmental damage to fish or wildlife habitat (see Findings 1, 6, 7, and 8).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of this application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3).
 - f) Water Supply. MCC Section 19.10.070 requires that provisions shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.05.040.L require Water

Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long-term water supply with the project. In addition, a project specific hydrogeological investigation (Todd Groundwater, 2018) was prepared pursuant to MCC Section 19.05.015.L.3. See Finding 1, Evidences o and r, Finding 2, Evidence i, Finding 3, Evidences b, e and g, and Finding 7, Evidence i and k.

- g) Sewage Disposal MCC Sections 19.03.015.K and 19.0.040.K require that a proposed sewage disposal system analyze the soil and its percolation capacity, the feasibility of the lot design and density in relation to the type of wastewater disposal system proposed, and that nitrate and chemical loading levels in aquifers will not be exceeded. This project proposes the use of a sewer plant to provide wastewater treatment, as well as provide recycled water for on-site landscape irrigation. RDEIR Section 3.11.5, Impact 3.11-1, describes the wastewater treatment system and environmental issues. The treatment system will be designed and permitted by the state Regional Water Quality Control Board (RDEIR Table 2.4, page 2-61). To obtain permits to operate, the system must be designed to meet State of California requirements and the wastewater is proposed to meet State of California Code of California Regulations, Title 22 requirements. This is proposed to be accomplished by use of a membrane bioreactor with ultraviolet light disinfection wastewater treatment plant. See Finding 2, evidence h, and Finding 3, evidences b, f and g.
- h) Easements. The subdivision or the type of improvements will not conflict with easements. No easements are found on the property that would be affected by the development. No easements that provide connections through the property have been found. An easement to provide water flowing out of a spring box through a one-inch pipe to neighboring properties is not affected by the project (see RDEIR Impact 3.8-7, Potential Spring Impact, on pages 3-251 and 3-252).
- i) Traffic. The project would not create traffic congestion in the area that would cause potentially significant environmental impacts. The project will be required to pay applicable traffic fees adopted by the County and by the Transportation Agency of Monterey County. The Transportation Agency of Monterey County fees would assist in funding infrastructure identified for cumulative growth of the unincorporated area and Monterey County cities.
- j) Affordable Housing. The project is not subject to affordable housing requirements of the County Code (MCC Chapter 18.40).
- k) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.
- l) The project planner and County staff have conducted multiple site inspections on the property and along Paraiso Springs Road leading to the site.

12. **FINDING:** **FIRE PROTECTION** – To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

- EVIDENCE:**
- a) Conditions have been placed on the project that the entire project site be annexed into the Mission-Soledad Rural Fire Protection District. Prior to filing of the first phase Final Map, issuance of permits, or clearance of vegetation, whichever occurs first, the applicant must have an application into LAFCO for the annexation.
 - b) See Finding 1, Evidence a, for project modifications that will reduce fire hazard for the site. In addition, see Final EIR responses to comments related to fire hazards.
 - c) See Finding 1, Evidence n, for a discussion on how ingress and egress meets the regulations outlined in this finding.
 - d) In 1992, the Monterey County Board of Supervisors adopted Ordinance No. 3600, enacting Chapter 18.56 of the Monterey County Code, to implement Public Resources Code sections 4117 and 4290. The purpose of the ordinance is to establish wildfire protection standards in conjunction with building, construction, and development in State Responsibility Areas (SRAs) within the unincorporated area of the County and within the “direct fire protection authority of the California Department of Forestry.” (Chapter 18.56, sec. 18.56.010.A.) These standards require that future design and construction of development in SRAs provide for emergency access and perimeter wildfire protection measures. Chapter 18.56 was added to Title 18 of the Monterey County Code where it has remained since 1992. In 1992, the Board of Forestry and Fire Protection (the Board of Forestry) certified the Ordinance.

When the County drafted the RDEIR, it understood that the dead-end road and road-width requirements were not applicable as the road had been in place for many years and predated Code requirements (effective in February 1991 by the State). Ordinance No. 3600 states the following:

- “2. Regulations contained in this chapter do not apply to the following building, construction or development activities requiring ministerial or discretionary permits;
 - a. Existing structures, roads, streets and private lanes or facilities.”

The County read this ordinance language to mean that the dead-end road and road-width standards would not apply to this project.

The California Board of Forestry raised a question whether this section of County Code is in effect. All proposed onsite roads are designed to comply with County Code and State regulations for dead-end road length and road width. The offsite road will meet all regulations for width. Condition 153 provides the process to ensure that the offsite road meets State regulations related to dead-end roads.

Comments were received, primarily from Cal Fire and the Attorney General’s office, stating that the proposed project must demonstrate compliance with the SRA Fire Regulations found in Title 14 of the California Code of Regulations Section 1270.01 et seq. (SRA regulations), including regulations governing road width and dead-end roads, among others. This project is located within a state responsibility

area. “State responsibility areas” are areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the Board of Forestry to be primarily the state’s responsibility (Pub. Resources Code, §§ 4102, 4125). The conditions of approval require that the offsite Paraiso Springs Road be widened to meet the State regulations. In the circumstance of this project, Paraiso Springs Road exceeds the length allowed for dead-end roads by the State regulations. State law provides for an exception process if the regulation cannot be met.

The project will comply with the regulations by either meeting all applicable standards or, if not able to do so, applying for an exception process as provided in the SRA regulations (Condition 153). The applicant believes that Monterey Code Regulations found in MCC Chapter 18.56 apply to this property. The conditions of approval follow the recommendations of the state agencies while allowing the applicant to pursue its understanding of the regulations with the fire agencies. See Final EIR Master Response 8 for a full discussion on this topic.

e) See Finding 24, Evidences a and b.

13. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) General Plan Policy 8.2 states, “Encourage conservation of native trees as a component for attaining broad conservation and open space goals.” General Plan Policy 9.1 states, “Promote the conservation of large, continuous expanses of native vegetation as the most suitable habitat for maintaining abundant and diverse wildlife.” The project includes application for the removal of 185 protected trees. In accordance with the applicable policies of the Central Salinas Valley Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required.
 - b) As stated in the RDEIR, the project site contains over 11,000 oak trees. While 185 trees is a relatively large quantity, it is a small percentage of the trees and forested area in the context of this site, which has some densely forested areas. The scale of the project requires some removal to maintain structures primarily on the valley floor to keep structures away from geologic hazard areas and sensitive biological areas. Location of most of the development on the valley floors also reduces the visibility of the project from common public viewing areas. The proposal also attempts to have much of the resort and public use area located where the previous resort use existed, as well as replanting the vineyard at its general historic location on the property.
 - c) Measures for tree protection during construction have been identified through Mitigation Measure 3.3-6b and incorporated as conditions of approval and include tree protection zones and all feasible measures to protect trees proposed to remain in place.
 - d) Measures for tree avoidance and replacement have been identified through Mitigation Measure 3.3-6a and incorporated as conditions of approval.
 - e) Forest Management Plan (*Forest Management Plan for*

Commercial/Visitor Serving Parcels, APNs 418-381-021, 418-361-004, and 418-381-022, Paraiso Springs, 34358 Paraiso Springs Road) prepared by Forest City Consulting in 2005. Mitigation Measure 3.3-6a requires updating the report and taking all feasible steps to reduce tree removal.

- f) Oak trees will be replaced or relocated on site and used within the landscaping plans. The project planner and fire district personnel will review proposed landscaping plans to ensure fire safety.
- g) Mitigation Measure 3.3-6a requires a final forest management plan that avoids oak tree removal where feasible. The plan also is required to include an oak tree restoration plan, including a strategy for long-term tree replacement.
- h) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The applicant has stated that the project will be constructed in phases so that all efforts to protect oak trees can be used through design of grading activities, and siting of individual structures, in each phase. The project applicant understands the value of oak trees as an aesthetic component of the proposed resort.
- i) The removal will not involve a risk of adverse environmental impacts related to soil erosion, water quality, ecological impacts, noise pollution, air movement, or wildlife habitat. The project has technical studies that control all of these factors and these studies have been analyzed through an Environmental Impact Report process. The technical reports previously prepared and required to be reviewed, or updated and reviewed, prior to construction include soil and geologic studies and monitoring, liquefaction studies, biological studies, surveys and monitoring, drainage and erosion control plans (including a stormwater pollution prevention plan), wetland mitigation plan, forest management and landscaping plans, engineers and geologists monitoring during grading activities, and runoff water cleansing measures.
- j) Staff conducted site inspections on multiple occasions to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal. As detailed plans are prepared for construction, staff will review those plans to determine if alternative grading or structure location or design can be used to further reduce tree removal.
- k) See modifications to project plans (Finding 1, evidence a, above), which will eliminate an area of timeshare condominiums in an oak forested area allowing those trees to remain. RDEIR Figure 3.3-1 shows that the area of these units to be eliminated or relocated is within an oak woodland (2018 RDEIR page 3-55).
- l) See evidence d for Finding 7, above.
- m) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

14. FINDING: **Assured Long Term Water Supply:** The project has an assured long-term water supply, both in quality and quantity, and an adequate water supply system is proposed to serve the development. The project will use groundwater from beneath the site.

The new development will use between 15.5 and 17.8 net acre-feet of water per year. The existing water use is negligible with a caretaker unit, offices for the property owners, and minimal irrigated landscaping. As stated on 2018 RDEIR page 3-241, the environmental analysis conservatively assumed that no baseline use of water occurs on the project site. The baseline condition considered in the project's technical reports and analyzed in the 2018 RDEIR includes use of an on-site spring by neighboring properties and continuous flow of the hot springs water through the project site.

- EVIDENCE:** a) Technical reports were prepared that determined water use for the project (Finding 2, evidence b). The list of technical reports prepared for the project are included on 2018 RDEIR pages 3-217 and 3-218: CH2MHill 2008, CH2MHill 2009, Monterey County Water Resources Agency 2010, CH2MHill 2012a, Balance Hydrologics 2016, Todd Groundwater 2016a, Monterey County Environmental Health Bureau 2016, Todd Groundwater 2016b, Monterey County Water Resources Agency 2016, and Monterey County Environmental Health Bureau 2018. A comprehensive hydrogeological report was prepared by Todd Groundwater in 2018; the report provides a comprehensive look at all the water quantity and quality issues of the proposed development and provides technical information that shows that project water use will not adversely affect neighboring property water use or the regional aquifer (see 2018 RDEIR Chapter 3.8, Hydrology and Water Quality, and Section 4.5, Cumulative Impacts.
- b) The water source for the proposed new development consists of two wells to serve potable water and fire suppression demand. Water for the hot springs, spas, and pools is supplied by a separate well (Soda Springs Well), which draws heated water from a spring. The locations of these wells are found on the Project Site Plan prepared by Hill Glazer Architects (2005) and on the Vesting Tentative Map prepared by CH2MHill in 2012. These documents are found in the project file and in the 2018 RDEIR as Figures 2-6 and 2-8, respectively.
- c) The technical reports (Finding 2, evidence b) that determined project water use, as described above, and reports detailing the project site's geology and groundwater levels (Landset Engineers 2004) and the potential for water use needed for environmental mitigation (RDEIR Mitigation Measure 3.8-9) were analyzed in a comprehensive technical report (Todd Groundwater 2018) that took into consideration underlying geologic conditions, water pumping from all wells, rainfall and runoff collection and percolation, evaporation, evapotranspiration, irrigation demand, potential use of additional water for environmental mitigation measures, water system and treatment loss, potential for infiltration, and off-site water use.

The Todd Groundwater comprehensive hydrogeological report, dated January 16, 2018, was reviewed and accepted by the Environmental Health Bureau and the Monterey County Water Resources Agency. Said report concludes that:

- The project site overlies an aquifer with approximately 1000

acre-feet of capacity.

- The aquifer underlying the site is connected to the Forebay Aquifer Subbasin, which is one of the basins that makes up the Salinas Valley Groundwater Basin.
- The project will use approximately 15.5 net acre-feet per year, 17.8 net acre-feet per year if water is needed to provide supplemental water for environmental mitigation based on monitoring of wetland quality.
- The project's underlying aquifer has sufficient capacity to serve the project, even during dry periods.
- The project's water use will not substantially affect neighbors' wells or springs (also see RDEIR chapter 3.8 discussion).
- The project's contribution to overdraft in the Salinas Valley Groundwater Basin would be approximately nine acre-feet per year.
- Hot springs water used in the pools and tubs of the facility will return to the environment as it has done throughout the resort's history.
- The proposed project would not contribute to seawater intrusion. In addition to the Todd Groundwater 2018 Comprehensive Hydrogeologic Report prepared for the project, see Bierman Hydrogeologic, *Technical Memorandum-Hydrogeologic Evaluation of Recirculated Draft Environmental Impact Report (RDEIR) – Paraiso Springs Resort Project*, April 25, 2018, page 11, presented as attachment to Fenton and Keller RDEIR Comment Letter.
- The project's water use will not have an adverse effect on the environment due to groundwater pumping as described in the Todd Groundwater report and as analyzed in the RDEIR (RDEIR Chapter 3.8, Hydrology and Water Quality, and Section 4.5.2, Cumulative Impact Assumptions and Analysis). The proposed development will extract additional water, but there will be a less than significant effect as demonstrated.

The 2018 RDEIR analyzed the technical information and environmental setting, including the local and regional groundwater basins, to determine the potential environmental impacts related to the use of groundwater for the project.

- d) The water quality for the water source will be required to comply with all requirements of Chapter 15.04 of the Monterey County Code and Chapter 15 of Title 22 of the California Code of Regulations. The project wells need to be treated for fluoride, as explained in 2018 RDEIR Section 3.11.5, Impact 3.11-2, pages 3-322 through 3-325. Salt loading from the use of treated wastewater for on-site landscape irrigation could increase total dissolved solid levels in the groundwater, as described in 2018 RDEIR Section 3.8.4, Impact 3.8-8 (pages 3-253 and 3-254). Mitigation Measure 3.8-8 (2018 RDEIR page 3-254) requires that the property owners/resort managers ensure that water softening equipment use a cartridge-type softener or a type that does not increase salt load to the wastewater to prevent adverse effects to the

environment related to salt loading. See technical reports listed in evidence a, above.

- e) The water source has the tested and calculated production capacity of a facility that will operate pursuant to a permit from regulatory agencies and will not have any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates. See technical reports listed in evidence a, above, especially Todd Groundwater 2018 that summarizes the technical information into a comprehensive document.
- f) The new development will use or require the use of water. The existing water use is negligible, and the baseline condition was conservatively considered to be zero. The gross projected water demand for the new development is 42.9 acre-feet per year, with a net projected water demand of up to 17.8 acre-feet per year if certain mitigation measures are triggered (see 2018 RDEIR section 3.8.4, Impact 3.8-4, pages 3-241 through 3-248).
- g) The water source for the proposed new development consists of two existing on-site wells to provide water for potable uses and fire suppression water supply stored in the main reservoir. The locations of existing wells and the proposed reservoir are found on the Tentative Map filed with the application, as modified in 2012 (and found in 2018 RDEIR Appendix B), on the Project Site Plan, labeled as locations A-E (2018 RDEIR Figure 2-6). The water system will be inspected and operated pursuant to state and local regulations for a water system, as described above. The applicant's right to use this water is based on state law related to using groundwater under a project's site. The proposed project has sufficient water rights to supply the project. For a discussion on water rights, see Final EIR, Chapter 3, response to Letter 7, Number 38.
- h) See Finding 2, evidence b for citation to technical reports and studies prepared for the project.
- i) Sustainable Groundwater Management Act of 2014. The State of California passed legislation in 2014 to provide for the sustainable management of basins at a local level by providing local agencies with the authority, and with technical and financial assistance, to sustainably manage groundwater (Sustainable Groundwater Management Act of 2014 (SGMA).) The legislation uses California Groundwater Bulletin 118 (2016 Update) to determine a category for each groundwater basin. The Forebay Aquifer Subbasin, within which the project is located, is designated as a Medium Priority Basin. The Act requires that aquifers identified as being in critical overdraft have Groundwater Sustainability Plans (GSPs) adopted by 2020 and that improvements/actions required by that plan be operational by 2040. The Act also requires that aquifers identified as a Medium or High Priority Basin, but not in critical overdraft, have Groundwater Sustainability Plans adopted by 2022 and that improvements/actions required by that plan be operational by 2042. The Forebay Aquifer is identified in the legislation as not in critical overdraft; therefore, a plan must be adopted by 2022 and actions to bring the basin into a sustainable state, as defined in the local GSP, must be operational by 2042.

A Groundwater Sustainability Agency, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), was formed in 2017 for the area within which the project is located. The SVBGSA is charged with achieving groundwater sustainability through the development and implementation of Groundwater Sustainability Plans (GSPs) under this Act. The SVBGSA has been preparing GSPs for this area

(<https://svbgsa.org>) to meet its legislative mandate to bring the basin into balance and to have the GSP adopted for the Forebay area by 2022. See discussion in the 2018 Recirculated Draft Environmental Impact Report on pages 3-220 through 3-230; pages 3-231 and 3-232; RDEIR pages 3-245 through 3-249; and pages 4-11 through 4-14 (cumulative impact). See Final EIR, Responses to Letter 10, Numbers 16 and 17; Letter 12, Numbers 20, 22 and 57. Also see Finding 25, County Response No. 19.

- j) The Bulletin 118 document, which shows all groundwater basins in the state, is found at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/Statewide-Reports/Bulletin_118_Interim_Update_2016.pdf. The Forebay Aquifer Subbasin is identified as Basin 3-004.04 and is not included as a Critically Overdrafted Basin.
- k) The Critically Overdrafted Basins map is found at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins/Files/2018CODBasins.pdf?la=en&hash=3014D2F2299AA503C469D41BBC0E8DCFCE0267F8>.
- l) The proposed project is new development within Zone 2C of the Salinas Valley groundwater basin. The property owners have been paying annual assessments to receive benefits associated with water projects that improve water supply and water quality. See 2018 RDEIR pages 3-229 and 3-230 for a discussion related to Zone 2C and benefits associated with paying property assessments.
- m) The proposed project is consistent with all applicable General Plan Policies. See Evidence in Finding 1 (Consistency). The groundwater basin (Forebay) that is the source of the water supply for the proposed project has sufficient fresh water in storage to meet all projected demand in the basin on a continuous basis (Todd Groundwater 2018; 2018 RDEIR Chapter 3.8, Hydrology and Water Quality, and Chapter 4.5, Cumulative Impacts).
- n) See evidence i for Finding 7, above.
- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040183.

15. **FINDING:** **TIMESHARE FINDINGS** – That the project is compatible with adjacent land uses and is adequately buffered by open space and/or landscaping from any less intense use.

EVIDENCE: a) The resort has operated historically on this site from the 1880s. The current proposal is a larger resort but has most of its uses at a distance from property lines where off-site residences are located. The resort will be operated as a quiet retreat use, so noise generation will not be

substantial, and noise will also be controlled through mitigation measures. Adjacent land uses are open space to the north, south, and west, with residential, agricultural and ranching uses to the east.

The only on-site uses within 1000 feet of the eastern property line are some guest units, a nursery/garden area, parking areas, the wastewater treatment facility (within a building), a small visitor's center, and the Paraiso Institute (indoor meeting rooms). The guest units are over 500 feet from the property line, with the other listed uses closer. No significant noise generating uses would be located within this 1000 foot distance and the area will be intensely landscaped with the preservation of existing vegetation along the property line and vineyard planting in this lower part of the property.

Spa areas and an amphitheater are well over 1000 feet from developed neighboring property and outdoor sports activities are approximately a half mile away from the eastern property line. The hamlet, where shops and restaurants are located, is over 750 feet from the eastern property line. Areas to the north, south and west are mountains with no residential development on the mountain slopes above the proposed project site.

- b) Monterey County Geographic Information System showing adjacent land uses
https://maps.co.monterey.ca.us/Html5Viewer/index.html?viewer=PBI_Map.PBI_Map_Viewer.
- c) The project planner conducted multiple site inspections to verify that the project on the subject parcel conforms to the plans and to verify the proximity and types of neighboring land uses.
- d) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6. The EIR shows no significant environmental impacts to neighboring land uses with mitigation.
- e) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

16. **FINDING:** **TIMESHARE FINDINGS** –That the development plan is consistent with all goals and policies of the General Plan.

EVIDENCE: See Finding 1, above.

17. **FINDING:** **TIMESHARE FINDINGS** – That adequate access for high density dwellings is available or attainable through the conditions of the development.

- EVIDENCE:**
- a) The road to the project site, Paraiso Springs Road, is a very lightly travelled road, operating at Level of Service A. The project will add up to 406 (average) trips per day to the roadway, but the Level of Service will remain at level A.
 - b) The project planner and staff from RMA-Public Works conducted multiple site inspections to verify that the road leading to the subject parcel would be acceptable for development and use of the resort.
 - c) The project applicant has proposed a series of off-site road

improvements to ensure that as the resort completes each phase of construction, the road is improved with additional signage and width. The conditions of approval for the project, however, require that the road improvements be completed prior to phase 1, including widening Paraiso Springs Road to a full 20 foot width. See 2018 RDEIR page 2-19 for the list of improvements and corresponding project phase. See 2018 RDEIR Figure 2-10, Paraiso Springs Road Improvement Area.

- d) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6. The EIR shows no significant impacts related to traffic impacts.
- e) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

18. **FINDING:** **TIMESHARE FINDINGS** – That all structures, existing or proposed, meet presently established minimum structural, health, safety and fire standards.

- EVIDENCE:**
- a) All structures proposed for the project will be constructed and must meet current Building Code requirements, including soil and geologic requirements, for the site.
 - b) Jim Dias, Mission-Soledad Rural Fire District, personal communication, March 1, 2019, stated that the project site must conform to the requirements of the Public Resources Code and the California Fire Code. Conditions of approval have been recommended by the Mission-Soledad Rural Fire District to ensure compliance with state and local regulations.
 - c) The proposed development will be constructed and must meet Fire Code requirements. See discussions found in Finding 1, Evidences m, n and r; Evidence for Findings 2, 3, and 12; Finding 4, Evidences b and j; Finding 7, Evidences g, h, j and k; Finding 11, Evidence e; and Finding 24, Evidences a and b.
 - d) See the Final EIR, as described in Finding 1, evidences d and e, and in Finding 6. The EIR shows no significant impacts related to traffic impacts. See FEIR Master Response 8.
 - e) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

19. **FINDING:** **TIMESHARE FINDINGS** – That the project does not significantly adversely impact: water use, sewer use, energy use, traffic, police protection and other County services, fire protection, employment opportunities in the planning area, the visitor serving economy of the planning area, the stock of hotel and other visitor serving accommodations including but not limited to, that which serves low and moderate income persons, and the stock of the hotel and other visitor accommodations for stays of less than one week within the planning area.

- EVIDENCE:**
- a) See all preceding Findings.
 - b) The project is intended to serve as a “world-class destination” spa/resort hotel (see Project Objectives on 2018 RDEIR page 2-16). The Salinas Valley has very few, if any, world-class destination lodging facilities,

none of which have a timeshare component. Most lodging in the area serves the public travelling along Highway 101. This project will not have a significant adverse impact on those lodging uses as they cater to different guest characteristics.

20. **FINDING:** **TIMESHARE FINDINGS** – That the project will not have a significant adverse impact on the health, safety, and welfare of the general public.
EVIDENCE: See preceding findings including, in particular, Finding 3.

21. **FINDING:** **POLICY 28.1.1.2 (CSV)**-Recreation and visitor-serving commercial uses shall only be allowed if it can be proven that:

- 1) areas identified by the Flood Control and Water Conservation District as prime-groundwater recharge areas can be preserved and protected from sources of pollution as determined by the Director of Environmental Health and the Flood Control and Water Conservation District;
- 2) proposed development can be phased to ensure that existing groundwater supplies are not committed beyond their safe-long term yields where such yields can be determined by both the Director of Environmental Health and the Flood Control and Water Conservation District;
- 3) the main channels of either the Arroyo Seco River or the Salinas River will not be encroached on by development because of the necessity to protect and maintain these areas for groundwater recharge, preservation of riparian habitats, and flood flow capacity as determined by the Flood Control and Water Conservation District;
- 4) the proposed development meets both water quality and quantity standards expressed in Title 22 of the California Administrative Code and Title 15.0.4 of the Monterey County Code as determined by the Director of Environmental Health;
- 5) the proposed development meets the minimum standards of the Regional Water Quality Control Basin Plan when septic systems are proposed and also will not adversely affect groundwater quality, as determined by the Director of Environmental Health; and
- 6) the proposed development will not generate levels of runoff which will either cause erosion or adversely affect surface water resources as determined by the Flood Control and Water Conservation District.

EVIDENCE: a) 2018 RDEIR Chapter 3.8 identifies regulations and mitigation measures that will ensure that water quality is protected. The area of the project site does not include prime groundwater recharge areas.
b) The project is located within the Forebay Aquifer Subbasin of the Salinas Valley Groundwater Basin. The Forebay has significant water resources and has not been determined by the County or any other agency as being committed beyond its safe long-term yield. See 2018 RDEIR Chapter 3.8, Hydrology and Water Quality, and Section 4.5, Cumulative Impacts, for detailed discussions related to the Forebay and Salinas Valley aquifers and the project's effects on the aquifers.

- c) The project is located miles away, and much higher in elevation, from either the Arroyo Seco or Salinas Rivers. As such, the development will not encroach on those rivers or on their groundwater recharge areas, their riparian habitat, or within the floodplain. Land intervening between the project site and these rivers, and their associated groundwater recharge areas, consists of miles of agricultural land. The Monterey County Geographic Information System shows the project site, adjacent land uses to the project site, land uses of the areas between the project site and the rivers, locations of the floodplains associated with these rivers, and the locations of the rivers
<https://maps.co.monterey.ca.us/Html5Viewer/index.html?viewer=PBI>
[Map.PBI Map Viewer](#).
- d) The project will be required to be constructed to meet all water quality standards, as required by County Code and state law. See 2018 RDEIR section 3.11.3, Regulatory Background, Public Services and Utilities for a discussion of the applicable federal, state, and local regulations applicable to water systems. Title 22 is described on 2018 RDEIR page 3-313 and Monterey County Code Title 15 is described on 2018 RDEIR pages 3-316 and 3-317. The proposed project is consistent with these requirements and will need to be constructed and operated to meet all local and state regulations.
- e) The project does not propose the use of septic systems. See 2018 RDEIR Chapter 2, which describes construction of a wastewater treatment plant on page 2-18. 2018 RDEIR Chapter 3.8, Hydrology and Water Quality, identifies potential impacts related to water quality and determines that, with mitigation, the project will have a less than significant impact on water quality.
- f) 2018 RDEIR Chapter 3.6, Geology and Soils and Chapter 3.8, Hydrology and Water Quality, identifies potential impacts related to erosion, drainage control, and water quality and determines that, with mitigation, the project will have a less than significant impact on these factors.
- g) See evidence for Findings 1 and 2, above.

22. FINDING: MITIGATION MONITORING AND REPORTING PROGRAM.

Concurrent with approving the project, the Board of Supervisors is adopting a Mitigation Monitoring and Reporting Plan for the Paraiso Hot Springs Resort.

- EVIDENCE:**
- a) Mitigation Monitoring and Reporting Plan for the Paraiso Hot Springs Resort project (attached to the Staff Report for the January 28, 2020 Board of Supervisors public hearing). The project is conditioned to require the applicant to enter into an agreement to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan.
 - b) California Environmental Quality Act, Public Resources Code Section 21081.6.

23. FINDING: RECORD OF PROCEEDINGS. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), Monterey County RMA-Planning and the Clerk of the Board of

Supervisors are together the custodian of the documents and other material that constitute the record of proceedings upon which the Board of Supervisors' action is based.

- EVIDENCE:** a) RMA Planning files CE030404 and PLN040183, staff reports, minutes, and record of the Board of Supervisors' proceedings, and other documents and materials constitute the record of proceedings upon which the Board of Supervisors bases the actions contained herein.
- b) The documents and other material that constitute the record of proceedings are located at Monterey County RMA-Planning, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 and at the Clerk of the Board of Supervisors located at the Monterey County Government Center, 168 West Alisal Street, 1st floor, Salinas, CA 93901.

24. FINDING: **FIRE** – Pursuant to Subdivision Map Act section 66474.02 (a), the Board of Supervisors makes the following findings:

(1) A finding supported by substantial evidence in the record that the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

(2) A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:

(A) A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

(B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

- EVIDENCE:** a) Fire Protection. The project site is located within a State Responsibility Area. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code. The project as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 et seq. of the Public Resources Code, the California Fire Code, and Monterey County Code requirements. The project approval is contingent on compliance with regulations relating to development within a State Responsibility Area, including the granting of an exception or provision of secondary access, per condition of approval number 153.

Staff has met with the Mission-Soledad Rural Fire Protection District representatives to ensure that the project complies with the requirements of state law. The project is required to be designed,

constructed, and operated pursuant to the California Building and Fire Codes, adopted by the County of Monterey. The Fire District's representative has reviewed the project and stated that the project can be constructed under the current state law (Public Resources Code and California Fire Code), if the project is constructed to Code requirements. Compliance with the law will have to occur prior to permits being issued for construction (Jim Dias, Mission-Soledad Rural Fire District, personal communication, March 1, 2019). Redesign of the project, as outlined in Finding 1, Evidence a, will assist in improving fire safety for the site operations.

See Finding 1, Evidences a, n and r; Finding 2, Evidence f; Finding 3, Evidence c; Finding 6, Evidence o; Finding 7, Evidence h; and Finding 12, Evidence d.

Mission-Soledad Rural Fire Protection District will provide fire protection services and is a special district that provides fire services (<http://monterey.lafco.ca.gov/studies-maps/>). A portion of the site is currently within the boundaries of the Fire District. A condition of approval requires that the entire site be annexed into the Mission-Soledad Rural Fire Protection District. Currently, the Fire District contracts with CalFire, which provides 24 hour per day protection for the District.

- b) The Final EIR ("FEIR") for Paraiso Springs Resort (PLN040183) (SCH#2005061016) dated October 2019. Master Response 8 contains a discussion on the status of the County Ordinance relating to regulations for State Responsibility Areas. Responses to Letters 18, 22, 23, and 24 in the Final EIR also provide substantial information relating to fire safety, regulations, and procedures related to fire protection. Also see 2019 RDEIR, Appendix 2, Fire Protection Plan, which has been approved by the Mission-Soledad Rural Fire Protection District. Also see Final EIR Appendices 6.1 and 6.2, the Construction Fire Prevention Plan and the Operational Fire Prevention Plan.
- c) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040183.

25. FINDING: **Response to Appeal** – Pursuant to Section 21.80.050 of Title 21, the Appellant, Cynthia Pura, timely filed an appeal from the October 30, 2019, decision of the Planning Commission certifying the EIR and approving the Combined Development Permit. Upon consideration of the written and documentary evidence, the staff report, oral testimony, other evidence presented, and the administrative record as a whole, the Board responds, as a general response, that the appellant's contentions and objections that the Final EIR is inadequate, and the other issues identified below, are not supported by the evidence, as described in the following responses to each appellant contention.

The Board finds that the appellant fails to provide substantial evidence or explanation to support its contentions as they relate to Final EIR

inadequacy related to the project and that the appellant's other contentions are without merit.

Note: The applicant's hydrogeologist (Todd Groundwater) provided technical responses for many of the public comments submitted on the 2018 RDEIR (*Response to Bierman Hydrogeological (BHgl) Comments and Land Watch Hydro Comment D*, August 7, 2018). County technical staff reviewed those responses and agreed with most of them, but provided revisions for four of the comments. These responses are referenced in the appeal responses, below, with a BHgl-# reference and citation to Todd Groundwater. The original text of these responses is found in the Final EIR following staff's response to Letter #10 (FEIR pages 292 through 303). The County provided four revised responses to ensure the Final EIR reflected the County's judgment as Lead Agency: BHgl numbers -31, -34, -35 and -36 (Final EIR pages 304 and 305).

The Board provides the following responses to the Appellant's contentions, each of which is summarized below:

EVIDENCE: a) **Appellant's Contention No. 1:** *The October 2019 Final Environmental Impact Report ("FEIR") for the Paraiso Springs Resort ("Project") fails to analyze the existing litigation that seeks to quiet title to the Pura Spring (shown on Appendix B to the RDEIR, "Tentative Map" at CT-2 as Figure 8 "Spring Well") currently pending in Monterey County Superior Court (Case No. 17CV000158) ("Lawsuit").*

County Response No. 1: This comment was originally raised in Letter 12, Number 28. Please see the County's response to this comment on Final EIR page 493, which pointed out that the comment did not include any allegations of physical environmental impacts occurring from this litigation. The response also directs the reader to 2018 RDEIR Section 3.8.4, Impact 3.8-7, which analyzed the potential environmental impacts and determined that the impact to the spring would be less than significant.

The project Hydrogeologic report (RDEIR Appendix H) provided technical information and analysis about the spring in sections 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), and 10.4 (Potential Impact: Increased Groundwater Salinity).

Todd Groundwater addressed the litigation in responses BHgl-4, -5, -20, -22, and -23.

b) **Appellant's Contention No. 2:** *The FEIR ignores expert opinion and the County's Historic Resources Review Board that reconstruction - in place - of the nine illegally demolished historic Victorian Cabins in 2003 is not only feasible, but a required mitigation. The FEIR proposes woefully inadequate mitigation measures for the illegal demolition of the historic structures.*

County Response No. 2: This comment was raised specifically in Letter 12, Numbers 4 and 51. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 17; Letter 10, Number 30; Letter 12 Number 57; Letter 14, Number 1; and Letter 19, Number 2. The County responded to comments related to reconstruction in Master Response 3 (pages 12 and 13) and in the Final EIR, including responses to Letter 12, Numbers 4 and 51 on pages 485 and 499. These responses also direct the reader to 2018 RDEIR Section 3.5 and Mitigation Measures 3.5-1a through 3.5-1d, which provide a package of mitigation measures to reduce the significant and unavoidable impact to the extent feasible. The response in the Final EIR to Letter 10, Comment 30 provides a summary of these mitigation measures and a discussion related to cultural landscape by the County Historic Resources Review Board. Reconstruction to the Secretary of the Interior Standards for the Treatment of Historic Properties has been determined to be infeasible for this project (see project resolution, Finding 1, Evidence u).

Final EIR Master Response 3 specifically addresses the infeasibility of reconstruction pursuant to the Secretary of the Interior standards. Technical expert information (*Response to Peer Reviews and Mitigation Measures Proposed in the Paraiso Hot Springs RDEIR*, Painter Preservation, 2018) was provided and cited in Final EIR Master Response 3. The County concurs with the technical information provided in this report that reconstruction would not reduce the environmental impact and that reconstruction “may not be feasible, even if it were to provide additional mitigation for the impact.”

- c) **Appellant’s Contention No. 3:** *The FEIR’s “Master Response 5: Traffic” fails to analyze the impacts of the road widening on the residences along Paraiso Springs Road, as well as on the farming and ranching activities abutting Paraiso Springs Road. Such impacts must be analyzed before the FEIR can be certified or the Project approved.*

County Response No. 3: This comment, although not related to Master Response 5, was raised in Letter 12, Numbers 46 and 50. Responses to those comments referred the commenter to Master Response 5, which describes the traffic analysis, the method of calculation for project trips, proposed road widening, and adequacy of the roadway after improvements, including relating to safety. The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Numbers 2, 6 and 16b; Letter 7, Numbers 51, 54, 57, 60, and 74; and Letter 8, Number 1. The County responded to these comments in the Final EIR.

Road widening was described in RDEIR Chapter 2 (see response below to Letter 7, Number 74), Chapter 3.12, Transportation and Traffic, and Appendix K—Hatch Mott McDonald, 2017, sections 6 and 7 and Exhibit 13. The responses to the comments noted above also directed

the commenters to discussion and analysis related to the offsite road improvements in Master Response 6, RDEIR Impacts 3.2-2 (Air Quality), 3.2-3 (Air Quality), 3.4-1 (Climate Change), and 3.12-2 (Transportation), and RDEIR Sections 3.9 (Land Use), 3.10 (Noise), 3.12 (Transportation and Traffic), 4.5 (Cumulative Impacts), and Appendix I (noise report).

RDEIR Section 3.5 included analysis of potential impacts from the offsite road improvements (page 3-149, **Archaeological Resources within the Road Improvement Area**; Impact 3.5-3, **Archaeological Resources – Paraiso Springs Road Improvement**. Potential impacts were identified for this topic area and mitigation measures were provided to reduce the potential impact to a less than significant level (RDEIR pages 3-163 through 3-166). The project is also subject to mitigation measures related to the accidental discovery of human remains (Impact 3.5-4, RDEIR pages 3-166 through 3-168). The Final EIR provided errata (page 695) to reflect distance corrections for RDEIR page 3-297, but the analysis and potential impacts related to vibration did not change as a result (see final text as amended, Final EIR page 3-297). Biological resources for the off site widening was also analyzed in a technical report (*Biological Assessment for the Paraiso Springs Road Widening*, RDEIR page 3-51).

The response to Letter 7, Number 74 states the following:

“The project includes a proposal to widen and provide signage along Paraiso Springs Road, as described on RDEIR pages 2-19 and 2-45, Figure 2.10, and Appendix O of the Traffic Analysis Report (RDEIR Appendix K). An analysis of potential environmental effects relating to these off-site improvements are included in a number of locations, and specifically addressed in RDEIR Chapter 3.12 on pages 3-339 through 3-341.”

That response also pointed the reader to Master Response 5, which included information about some of the areas of the RDEIR that addressed this topic (**Roadway Safety and Proposed Offsite Road Improvements** discussion). The Impacts listed above were all identified as less than significant or no impact (3.4-1). The mitigation related to Impact 3.2-2 is related to demolition of structures so its mitigation measure is not related to this comment. Also see the discussion in the Final EIR responding to Letter 10, Number 22.

- d) **Appellant’s Contention No. 4:** *With regard to wetlands, final jurisdictional determinations must be made so that all necessary mitigations may be defined. The Pura Spring is located immediately adjacent to areas mapped as wetlands by the United States Fish and Wildlife Services.*

County Response No. 4: This comment was raised in Letter 12, Number

1. The response describes the delineations that were completed for the project site (RDEIR Figure 3.3-2 and text on pages 3-59 through 3-63). The response points out that the spring referenced in this comment is identified as a wetland (freshwater marsh W8) and analyzed in the RDEIR and that the Corps of Engineers verified the extent of the wetlands during a site verification visit on April 7, 2009. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 2, 3, and 15. The County responded to these comments on Final EIR pages 484, 485 and 489. Todd Groundwater addressed this topic in responses BHgl-4, -10, -22, -23, and in response to Landwatch Hydro Comment D, which is also found in the Todd Groundwater document.

The EIR includes mitigation measures (3.3-4a and 3.3-4b) to monitor wetlands and provides adaptive management if impacts are identified through the monitoring program. The agencies identified in Mitigation Measure 3.3-4b, from which the applicant must obtain required permits, will utilize the County's certified EIR in processing their permits (RDEIR Table 2.4 Agency Actions and Approvals, page 2-61). The County, as Lead Agency, must certify the EIR prior to action by these Trustee and Responsible Agencies. None of these agencies have commented on the environmental document despite multiple public comment periods.

Technical reports were related to the wetlands, including updated specific wetland delineation information by WRA Environmental Consultants in 2016 (*Section 404 Wetland Delineation and Impacts Assessment for the Paraiso Springs Resort, Monterey County, California*; RDEIR page 3-52). The project Hydrogeological report, updated in 2018 (RDEIR Appendix H), also addressed wetlands and potential project impacts throughout the document, including specific information in Sections 2 (Site Description), 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), 10.3 (Potential Impact: Dewatering of Wetland and Riparian Vegetation), 10.4 (Potential Impact: Increased Groundwater Salinity), 11.1 (Monitoring and Mitigation Measure 1 for Potential Impacts to Wetlands), 11.2 (Monitoring and Mitigation Measure 2 for Impacts to Groundwater Quality), and 12 (Conclusions).

- e) **Appellant's Contention No. 5:** *The potential for groundwater use by the Project to result in the drying of the Pura Spring, and in turn impact to this wetland feature must be evaluated in the jurisdictional delineation impacts assessment and within the project FEIR.*

County Response No. 5: This comment was originally raised in Letter 12, Number 2. In addition to the response in the Final EIR to that comment (pages 484 and 485), see response to appeal contention number 4, above, for more detail related to this issue. The RDEIR discussed this potential impact in Impact 3.8-9, Wetland and Riparian

Habitat Impact, and in Impact 3.3-4, Loss of Potentially Jurisdictional Wetlands/Water and Riparian Habitat. Mitigation measures were provided to reduce the impacts to wetlands to a less than significant level, including monitoring wetland quality and using adaptive management techniques to maintain wetlands if stresses are identified (Mitigation Measure 3.8-9). Todd Groundwater addressed this topic in responses BHgl-1, -4, -5 -22, -23, -25, -30 and -38.

The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 15, 26, 29, 30, 31, 32; Letter 7, Numbers 38, 39, 41 and 45; and Letter 8, Number 6. The County's responses to these comments are found in the Final EIR.

- f) **Appellant's Contention No. 6:** *The Regional Water Quality Control Board must be formally consulted regarding avoidance buffers and setbacks in light of the possibility of discharge of wastewater into jurisdictional waters.*

County Response No. 6: This comment was originally raised in Letter 12, Number 3. Wastewater will be treated and reused on site, as described in RDEIR Chapter 2. "Discharge" will be through irrigation of on-site landscaping. The wastewater plant will require permitting from the Regional Water Quality Control Board (see RDEIR page 2-61, Table 2.4, **Agency Actions and Approvals**). They have been provided Notice of the Draft EIR in 2013 and the two Recirculated Draft EIRs and have not provided any comments. The commenter for the 2018 RDEIR was concerned about leaks discharging pollutants. The project conditions of approval require setbacks consistent with the Regional Water Control Board requirements. The applicant's technical consultant provided responses as identified in the County's response to comment Letter 12, Number 3. Technical reports related to the wastewater system were included in RDEIR Appendix J, as well as being included in the analysis in the project Hydrogeologic report, updated in 2018 and included in RDEIR Appendix H. Todd Groundwater addressed this topic in responses BHgl-25 and -26.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 46; Letter 9, Number 2; and Letter 12, Numbers 2, 33, and 35 through 42. The County's responses to these comments are found in the Final EIR.

- g) **Appellant's Contention No. 7:** *The FEIR fails to properly analyze the Maximum Day Demand or Peak Hourly Demand factors for Well 1 and Well 2.*

County Response No. 7: This comment was raised in Letter 12, Number 6. The County's response describes the requirements and that each of the two project wells could meet the requirements for the peaking factor. The project Hydrogeologic report, updated in 2018 and included in RDEIR Appendix H, states that the "two existing on-site wells have a

County-approved long-term capacity rating four times greater than peak project water demand.” Reports from CH2MHill (RDEIR Appendix J) also provided technical expert information related to peak demand analysis for the project, including the August 3, 2010 report: *Paraiso Springs Resort – Estimated Potable Water Demand and Potable Water Source*.

The use of the wells was analyzed in the EIR in Chapter 3.8 and no significant environmental impacts were identified (Impacts 3.8-4 through 3.8-8). Impact 3.8-9 shows a potential effect on wetlands and provides mitigation to reduce the potential impact to less than significant, including supplemental water if wetland monitoring indicates stresses. The comment infers that additional pumping may be needed during peak demand periods, but that is not the case, as explained in the Final EIR response to comments in Letter 12, Numbers 5 and 6. Therefore, the EIR analysis is correct. Todd Groundwater addressed this topic in responses BHgl-10, -14 and -19. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 30 and Letter 12, Number 7. The County responded to these comments on Final EIR pages 119, 120 and 486.

- h) **Appellant’s Contention No. 8:** *The 10-day pumping test on Well 1 was not carried out according to MCEHB standards.*

County Response No. 8: This comment was originally raised in Letter 12, Number 7. The Final EIR response identifies that the required pump test should have been an 8-hour test, not a 10-day test. The test that was conducted exceeded the requirements for testing the well; therefore, the test met the requirements of the Monterey County Environmental Health Bureau. The response also stated that the additional pumping “demonstrates that adequate source capacity exists” (FEIR page 486). Todd Groundwater addressed this topic in responses BHgl-10 through -16. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 8 and 9. The County responded to these comments on Final EIR pages 486 and 487.

The results of the pump tests were included in the RDEIR in Appendix J (*Paraiso Springs Resort 10-day Pumping Test Results*, February 26, 2008) and also used for the project Hydrogeologic report, which was included in RDEIR Appendix H and used in preparing the EIR analysis. The County also requested an update on well capacity and provided a *Memorandum re: Paraiso Springs Wellness Test* in 2018, which was used in the EIR analysis (RDEIR page 3-218).

- i) **Appellant’s Contention No. 9:** *The FEIR fails to properly analyze the hydrogeologic interaction between the alluvial and hardrock aquifer and the associated springs.*

County Response No. 9: This comment was originally raised in Letter 12, Number 9. The response to that comment points to the areas within the EIR and technical reports where substantial evidence was presented on the impacts related to the hydrogeological environment and the project's potential impacts on it (Final EIR page 486; RDEIR Chapter 3.8, Hydrology and Water Quality, and Chapter 4.5, Cumulative Impacts). A comprehensive hydrogeological investigation was completed, as described in RDEIR Chapter 3.8 and attached to the RDEIR as Appendix H. The interaction identified in this contention was addressed in many portions of these technical reports, but specific sections of the hydrogeologic report (RDEIR Appendix H) that addressed this topic are Sections 2 (Site Description), 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), 10.3 (Potential Impact: Dewatering of Wetland and Riparian Vegetation), 10.4 (Potential Impact: Increased Groundwater Salinity), 11.1 (Monitoring and Mitigation Measure 1 for Potential Impacts to Wetlands), 11.2 (Monitoring and Mitigation Measure 2 for Impacts to Groundwater Quality), and 12 (Conclusions).

The project also had a technical report prepared that analyzed the site's geology and geotechnical setting; the report was included in the RDEIR as Appendix F and provided subsurface information for several of the other technical reports. The *Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, 2018 (RDEIR Appendix H) provided a technical analysis of the proposed project's potential impacts on springs, wells, and aquifers. As described in the response to appeal contention 7, above, the project would not result in any significant environmental impacts. Todd Groundwater addressed this topic throughout their responses; however, see in particular responses BHgl-1 and -22. The following other related comments and County Final EIR responses also respond to this contention: Letter 8, Number 6 and Letter 10, Number 19. The County responded to these comments on Final EIR pages 146, 147, 261 and 262.

- j) **Appellant's Contention No. 10:** *The FEIR fails to properly analyze precipitation values.*

County Response No. 10: This comment was originally raised in Letter 12, Number 10. The County responded to this comment on Final EIR page 487. The precipitation information was provided by the applicant's technical consultants, registered engineers, and hydrogeologists. The County experts on water concurred with the information presented, as pointed out in the County response in the Final EIR. Technical reports that analyzed the proper precipitation values for this site used conservative numbers for the analysis, with low precipitation values (17 inches per year for site—*Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, page 8, 2018) used as water flows into the site to calculate the water balance, and high precipitation values (23 inches per year—*Paraiso Springs Resort: Existing Hydrologic and*

Hydraulic Site Conditions, CH2MHill, page 3, 2005) to analyze drainage technical issues. The reports discussed the genesis of the precipitation values known in the area and how the values were calculated for the property. These technical reports were included in RDEIR Appendices H and J: *Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion Control Measures Review Comments* (2008); *Drainage Analysis and Drainage Plan Comments* (2012); *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018); *Paraiso Springs Resort – Drainage Analysis and Drainage Plan Comments* (2012). Todd Groundwater addressed this topic in responses BHgl-2, -3, and -17.

- k) **Appellant’s Contention No. 11:** *The FEIR fails to consider potential environmental impacts from pollutants introduced into the groundwater from filling the new in-stream pond with overflow from the spring water used in the resort facilities.*

County Response No. 11: This comment was originally raised in Letter 12, Number 11. The County responded to this comment on Final EIR page 488. As pointed out in the Final EIR response, the springs on the site continuously overflow into the environment and the project will not change that (see Final EIR, response to Letter 12, Numbers 11 and 12). Potential pollutants from other water sources were analyzed in RDEIR Impact 3.8-3 (2018 RDEIR pages 3-239 through 3-241). Information provided by the applicant’s hydrogeologist (Todd Groundwater—*Response to Bierman Hydrogeological (BHgl) Comments and Land Watch Hydro Comment D*, 2018), and reviewed by and concurred with by County expert staff, was also identified in the Final EIR response; see responses BHgl-8, -38 and -39. A technical report identifies that the pond would likely include an aeration system to maintain water quality (RDEIR Appendix J, *Paraiso Springs Resort – PLN040183, Stream Channel Modification, Response to Comments from Monterey County*, CH2MHill, 2013, page 3). The EIR identified that the impact would be less than significant with mitigation. Mitigation Measure 3.8-3 (Long-Term Surface Water Quality) relates to stormwater drainage system design in coordination with Mitigation Measure 3.8-2 (Impact 3.8-2, Long Term Surface Water Runoff), which requires review of a final drainage plan.

- l) **Appellant’s Contention No. 12:** *The FEIR fails to properly analyze the potential impacts from changes in stream temperature due to removal of culverts and riparian vegetation.*

County Response No. 12: This comment was originally raised in Letter 12, Number 12. As explained in the County response in the Final EIR, hot spring water has flowed into the natural environment as long as the springs have been flowing, including during operation of the resort. Biological resources in the area have adapted to this warmer water environment. As pointed out in response provided by the applicant’s

consultant, and with concurrence from County staff, vegetation will be restored along the creek where the culverts will be removed (FEIR page 488; BHgl-34 response, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 13 and 17. The County responded to these comments on Final EIR pages 488, 489, and 490.

Another important factor is that surface water is not present continuously in the creeks on the site. The stream flows through the site only in response to precipitation events, estimated to be about 20 days per year (*Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, 2018, section 4.3). That surface flow would be responsive to the temperature of the rainfall, in relation to any mixing with warm spring water that may be flowing at the time in the creek stretch below the spring (“Soda Springs Well”). The removal of culverts was analyzed in several technical reports found in RDEIR Appendices J and H: *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan*, CH2MHill, 2012; *Paraiso Springs Resort – PLN040183, Stream Channel Modification, Response to Comments from Monterey County*, CH2MHill, 2013; and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018).

- m) **Appellant’s Contention No. 13:** *The FEIR fails to properly analyze the preparation and implementation of a Storm Water Pollution Prevention Plan as it may not reduce the impact of erosion to a less than significant level.*

County Response No. 13: This comment was originally raised in Letter 12, Number 14. The following related comment and County Final EIR response provided response to this contention: Letter 8, Number 7. The response explains that Low Impact Development (LID) methods will be used to distribute drainage impacts throughout the site and percolate stormwater into the aquifer. The County responded to this comment on Final EIR pages 147. The EIR found that the impact related to stormwater and erosion are less than significant with mitigation in Impact 3.8-1, Short-term Erosion and Water Quality (RDEIR pages 3-236 and 3-237), and Impact 3.6-5, Short-Term and Long-Term Erosion (RDEIR pages 3-200 and 3-201).

Technical reports that analyzed drainage, erosion control, and water quality issues for this site were prepared. The reports discussed the use of LID structures and methods, including providing detailed descriptions of common techniques that will be used in the final drainage plan to be analyzed for construction and operations. These technical reports were included in 2018 RDEIR Appendices H and J and used in preparing the EIR analysis: *Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion*

Control Measures Review Comments (2008); Paraiso Springs Resort - Drainage Analysis and Drainage Plan Comments (2012); and Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort (2018). Todd Groundwater addressed this topic in response BHgl-31.

- n) **Appellant's Contention No. 14:** *The FEIR fails to properly analyze the increased potential for seasonal flooding due to climate change as it relates to erosion control and prevention.*

County Response No. 14: This comment was originally raised in Letter 12, Number 14. The response noted that differences relating to climate change are speculative and not foreseeable for seasonal flooding at this site (<https://www.epa.gov/sites/production/files/2016-09/documents/climate-change-ca.pdf>). The site is not subject to seasonal flooding at this time and with uncertainty as to precipitation changes in this area none of the technical reports assumed changes to rainfall rates and intensity relating to climate change and site potential for flooding. The watershed for the project is small above the project site (2018 RDEIR Appendix H, *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), page 4), so effects from different storm characteristics, along with large capacity for the existing stream channel in relation to the existing storm flows (2018 RDEIR Appendix J, *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan* (2012), pages 1 and 2) provide specific evidence that a potential impact is not expected for this site. These documents demonstrate that high flows in the creek are approximately 400 cubic feet per second while the channel capacity is approximately 4000 cubic feet per second. The response also notes that the commenter provided no evidence as to what seasonal flooding changes would occur. The project site is not located within a federally designated special flood hazard area. See Final EIR response on FEIR page 489. Todd Groundwater addressed this topic in response BHgl-31.

The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Number 10; Letter 7, Number 69; and Letter 12, Number 17. The County responded to these comments in the Final EIR. The 2018 RDEIR addressed flooding in Impact 3.8-3, in particular on RDEIR page 3-241, RDEIR page 3-220, and 2018 RDEIR Appendix G.

- o) **Appellant's Contention No. 15:** *The FEIR fails to properly analyze how the increase in impervious area would reduce the percolation to the source aquifer and therefore impact the quantity and quality of water from the Pura Spring.*

County Response No. 15: This comment was originally raised in Letter 12, Number 15. As pointed out in the FEIR response (page 489), the assumption that percolation to the aquifer would be reduced is not correct. Percolation is calculated to increase as identified by the project hydrogeologist (RDEIR Appendix H, *Comprehensive Hydrogeologic*

Report, Paraiso Hot Springs Resort (2018), pages 24 and 25) and County staff (Water Resources Agency and Resource Management Agency—Environmental Services) concurs. This would be achieved through the collection of impervious surface storm runoff and percolation through LID methods into the local aquifer. The aquifer is shallow in the project area allowing efficient percolation. Todd Groundwater addressed this topic in response BHgl-33. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 41 and Letter 12, Numbers 19, 25 and 32. The County responded to these comments in the Final EIR.

- p) **Appellant’s Contention No. 16:** *The FEIR fails to properly analyze the proposed stream crossings. Stream crossings must be designed to meet expected future flows, not storm water volumes typical in the past.*

County Response No. 16: This comment was originally raised in Letter 12, Numbers 14 and 17. See the response to appellant contention 14, above. The responses describe that the site does not include any FEMA-designated special flood hazard areas, that future flows from climate change cannot be predicted, and that the project will have stream crossing designs that meet current design standards to not obstruct stream flows. The following other related comment and County Final EIR responses also respond to this contention: Letter 7, Number 25. The County responded to this comment on Final EIR page 118.

Stream crossings were also analyzed in several technical reports that were included in RDEIR Appendices J and H: *Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion Control Measures Review Comments* (2008); *Paraiso Springs Resort - Drainage Analysis and Drainage Plan Comments* (2012); *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan* (2012); and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018). Todd Groundwater addressed this topic in response BHgl-34, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304.

- q) **Appellant’s Contention No. 17:** *The FEIR fails to properly analyze the impacts of the Stormwater Detention Basin being located in a soil type considered marginal with a moderate to high liquefaction potential.*

County Response No. 17: This comment was originally raised in Letter 12, Number 18. The FEIR response includes reference to the applicant’s hydrogeologist’s response, with concurrence from County Water Resources Agency and Resource Management Agency—Environmental Services staff (FEIR page 305). As pointed out above in response to Appellant’s Contention No. 9, the project had a technical report

(Landset Engineers) prepared that analyzed the site’s geology and geotechnical setting; the report was included in the RDEIR as Appendix F and provided subsurface information for several other technical reports, including the drainage and erosion control technical documents included in RDEIR Appendix J. The EIR consultant team for the Lead Agency included peer review of the LandSet Engineers geologic and geotechnical work by engineers and geologists, who assisted with preparation of the Geology and Soils chapter (Chapter 3.6) of the RDEIR. The RDEIR analyzed liquefaction potential in Impact 3.6-3, Liquefaction and/or Lateral Spreading, and found that the potential impact was less than significant with mitigation, which was linked to compliance with state requirements (California Department of Mines and Geology Special Publication 117). Todd Groundwater addressed this topic in responses BHgl-35 and -36, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR pages 304 and 305.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 26 and Letter 12, Number 16. The County responded to these comments in the Final EIR.

- r) **Appellant’s Contention No. 18:** *The FEIR fails to evaluate whether development up-gradient or at side gradient of the Pura Spring could adversely affect its water quality and quantity.*

County Response No. 18: This comment was originally raised in Letter 12, Number 19. Please also see the responses, above, to Appellant’s Contention Nos. 1, 4, 5, 9 and 15. The FEIR response identifies that the RDEIR analyzed potential effects on the spring in Chapter 3.8, section 3.8.4, including but not limited to analysis in Impact 3.8-2, Long Term Surface Water Runoff; Impact 3.8-3, Long-Term Surface Water Quality; Impact 3.8-4, Long-Term Water Supply; Impact 3.8-7, Potential Spring Impact; and Impact 3.8-8 Groundwater Water Quality. The conclusion of Impact 3.8-7, which is the specific analysis relating to the project’s potential environmental effect related to springs, is a less than significant impact. Impacts 3.8-2, 3.8-3, and 3.8-8 are less than significant with mitigation measures. Impact 3.8-4 is less than significant.

The project’s hydrogeologic report states the following (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31):

“Simulated drawdown at the Paraiso spring used by the Pura Ranch was approximately 0.8 foot which is very small. Springs are sometimes associated with local hydrogeologic anomalies. It is possible that even if drawdown occurred in the general vicinity of the spring, the spring discharge might not be affected.”

The hydrogeologist analyzed the impacts from the project on the aquifer

but cannot make a definitive statement related to the response of a single spring, as explained in the quote. No impact on the environment would occur, however, even if the spring were dewatered, as explained in response to Appellant’s Contention No. 22, below. Todd Groundwater addressed this topic in most responses; however, see in particular responses BHgl-32, -33, -34, and -36, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR pages 301, 304 and 305.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Numbers 35, 38, and 46; Letter 9, Number 2; Letter 10, Number 20; and Letter 12, Numbers 35, 36, 37, 39, 41 and 53. The County responded to these comment in the Final EIR.

- s) **Appellant’s Contention No. 19:** *The FEIR fails to properly analyze the impacts of the implementation of the Sustainable Groundwater Management Act.*

County Response No. 19: This comment was originally raised in Letter 12, Number 20. The Final EIR, in response to Letter 12, comment Number 22 states that the Sustainable Groundwater Management Act (SGMA) should help the County achieve a sustainable groundwater system, but that “no reasonably foreseeable SGMA implementation measures have been adopted to date.” The Final EIR also notes that the project is not located within a Critically Overdrafted Basin pursuant to SGMA. The RDEIR discusses the impacts to groundwater basins in Chapters 3.8, Hydrology and Water Quality, and 4.5, Cumulative Impacts. Less than significant impacts were identified for the project’s potential impacts on water supply (Impact 3.8-4, Long-Term Water Supply, and Impact 3.8-5, Effect on Salinas Valley Groundwater Levels, RDEIR pages 3-241 through 3-249) and for potential cumulative impacts (RDEIR Section 4.5.2, pages 4-11 through 4-14). Todd Groundwater addressed this topic in response BHgl-37. The appellant does not cite any implementation measures that could cause a potential environmental effect; however, no plan has yet been adopted (see next paragraph). The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 22 and 23. The County responded to these comments on Final EIR page 491.

As of mid December 2019, the Salinas Valley Groundwater Sustainability Agency (Sustainability Agency) had scheduled a hearing for adoption of its Groundwater Sustainability Plan, applicable to the Salinas Valley aquifer (<https://svbgsa.org>). An EIR is not required to be constantly updated to keep up with every changing circumstance. As of the release date of the Final EIR, the Sustainability Agency actions were uncertain and remain so as of the writing of this report. According to the Sustainability Agency’s website (<https://svbgsa.org/groundwater->

[sustainability-plan/180-400-ft-aquifer/](#)), the Groundwater Sustainability Plan must be adopted by January 31, 2020. Plan adoption was scheduled for hearing before the Sustainability Agency on January 9, 2020. Their website does not yet list the Groundwater Sustainability Plan as adopted.

- t) **Appellant's Contention No. 20:** *The best management techniques for controlling runoff are not sufficient mitigation for the potential lowering of the water table due to the Project's drawdown of 17.8 acre-feet per year from the basin.*

County Response No. 20: As stated in response to appellant contention 13, above, the project will be utilizing Low Impact Development best management practices to disperse stormwater drainage throughout the site and percolate that drain water to the aquifer. They are not proposed as mitigation measures, but as project design components.

This comment was originally raised in Letter 12, Number 24. The Final EIR response explains that these best management practices were part of the water balance calculations and do not, alone, determine the impact the project will have on groundwater levels in the aquifer. The proposed drainage methods were proposed to comply with stormwater requirements from the state and County; they were not designed to fully offset all water use of the project. The response points out that the analysis in RDEIR Chapters 3.8 and 4.5 described all the factors and performed the analysis to determine potential environmental effects relating to groundwater levels. A comprehensive hydrogeologic report was prepared and evaluated by County staff in preparing the EIR (RDEIR Appendix H). See the response to appellant contention 19, above, which explains that potential impacts to groundwater levels and water supply were determined to be less than significant. Todd Groundwater addressed this topic in responses BHgl-31, as amended by County Staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304, and BHgl-33 (Final EIR page 301).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 42, and Letter 12, Numbers 15, 19, 25 and 30. The County responded to these comments in the Final EIR.

- u) **Appellant's Contention No. 21:** *The FEIR fails to properly analyze potential impacts from introduction of overflow from spring water used in the resort facilities as it may relate to encouragement of non-native vegetation, such as Mexican fan palm, Peruvian pepper trees, tree tobacco, castor bean, and curly dock.*

County Response No. 21: This comment was originally raised in Letter 12, Number 27. The County responded to this comment on Final EIR page 493. The response pointed out that no new overflow of spring

water would be introduced into the environment (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 2). The water has always flowed as surface water downstream of the springs, whether flowing through the pool system or naturally flowing from the springs. In addition, the project hydrogeological report points out that surface water flows infiltrate into the ground prior to leaving the site, except during precipitation events (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 4.3). That means that any potential non-native vegetation growing from the resort's spring would be limited to on-site areas; the resort's landscaping staff would maintain the landscaping and eliminate unwanted species in the development area. The area subject to the overflow is from the main hotel area to the project entrance, which will be maintained by the landscaping staff. Todd Groundwater addressed this topic in responses BHgl-8, -38, and -39. The following other related comment and County Final EIR response also respond to this contention: Letter 12, Number 12 (Final EIR page 488).

- v) **Appellant's Contention No. 22:** *The FEIR fails to analyze Ms. Pura's superior rights to the Pura Spring.*

County Response No. 22: This comment was originally raised in Letter 12, Number 29. As pointed out in the Final EIR response, no specific evidence to support the claim of a superior right has been provided to the County. As stated in the hydrogeological report (RDEIR Appendix H, *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31):

“Under California water law, spring water is considered surface water after it leaves the ground. However, the diversion to the neighboring parcel is not pursuant to a surface water right but rather to a contract between the two parcel owners that was initiated in 1918. Thus, any change in spring discharge would be governed by the terms of the contract.”

No matter who has rights to the spring, the EIR analyzed potential environmental impacts related to groundwater, springs, surface water, including quantity and quality. The RDEIR analyzed the potential environmental impacts related to the project's effects on springs and found the impact less than significant (RDEIR Impact 3.8-7, Potential Spring Impact, pages 3-251 and 3-252). Rights associated with the spring do not affect either the flow from the spring or the County's conclusion of no potential environmental impacts, as all available spring water is already diverted from the environment at the spring box (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31). In particular, see responses BHgl-22 and BHgl-23 from the applicant's hydrogeologist (Todd Groundwater) related to the spring (Final EIR page 298); the County concurs in these responses. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 28 and

53. The County responded to these comments in the Final EIR.

- w) **Appellant's Contention No. 23:** *The FEIR fails to fully address the impacts of the Project on the Pura Spring.*

County Response No. 23: This comment was originally raised in Letter 12, Number 30. The responses in the Final EIR discuss how water quality would be affected and the project's impacts on groundwater levels. The 2018 RDEIR included a specific analysis related to potential impacts on springs, Impact 3.8-7, Potential Spring Impact, and determined a less than significant impact. Please also see the responses, above, to Appellant's Contention Nos. 1, 4, 5, 9, 15, 18, and 22. The applicant's hydrogeologist (Todd Groundwater) prepared responses to comments related to inadequate analysis for impacts on springs. County staff (Water Resources Agency and Resource Management Agency—Environmental Services) reviewed the hydrogeologist's responses and concurs with them, as amended by County staff (Final EIR pages 292 through 305); see in particular response BHgl-23. The RDEIR addressed impacts to springs in Chapter 3.8, particularly in Impact 3.8-7, Potential Spring Impact (pages 3-251 and 3-252), but also with related analysis applicable to groundwater basins (also see response to appellant contentions 15, 18 and 19, above).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Numbers 30 and 38; Letter 9, Number 2; and Letter 12, Numbers 3, 7 and 53. The County responded to these comments in the Final EIR.

- x) **Appellant's Contention No. 24:** *The FEIR fails to address full development of the Pura Spring.*

County Response No. 24: This comment was originally raised in Letter 12, Number 31. The spring generates whatever flow it generates, which is then collected in a spring box and conveyed by 1 inch pipe for the neighbor's use. The pipe can only collect whatever water surfaces from the spring, to the capacity of the pipe. The baseline (existing setting) for this is that all the water that flows from the spring is currently collected. If the spring could be developed further, it would only collect whatever water surfaces from the spring and convey it to the neighbor's property. No potential environmental impact would occur, as there would be no change to the physical environment from the existing setting. The RDEIR addressed impacts to springs in Chapter 3.8, particularly in Impact 3.8-7, Potential Spring Impact (pages 3-251 and 3-252), but also with related analysis applicable to groundwater basins (also see response to appellant contentions 15, 18, 22 and 23, above). Todd Groundwater addressed this topic in response BHgl-23. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 28, 29, 30 and 53. The County responded to these comments in the Final EIR.

- y) **Appellant's Contention No. 25:** *The FEIR fails to analyze the relationship between precipitation events and the Pura Spring.*

County Response No. 25: This comment was originally raised in Letter 12, Number 32. Please see responses to Appellant's Contentions 10 and 14, above. Precipitation was determined through a number of reports and is best summarized by the project hydrogeological report (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 4.1, page 8). The applicant's hydrogeologist (Todd Groundwater) provided information relating to this topic in BHgl-5 and BHgl-17 (FEIR pages 293 and 297). County staff (Water Resources Agency and Resource Management Agency—Environmental Services) reviewed the hydrogeologist's responses and concurs with them (FEIR page 304). The response found that the response of springs to precipitation events was immaterial to the analysis and conclusions, as explained in the responses. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 10 and 32. The County responded to these comments in the Final EIR.

- z) **Appellant's Contention No. 26:** *The FEIR fails to properly analyze the impacts of the wastewater treatment facility with waste flowing through a membrane bioreactor into a biological treatment tank. The FEIR fails to take into consideration the possibility of failure or leakage from this treatment facility. The potential for major disruption to the system must take into account the many faults and seismic hazards in the area.*

County Response No. 26: This comment was originally raised in Letter 12, Number 33. The response described the wastewater treatment system as being a closed system and noted that leaks of wastewater would be aboveground and found quickly. Wastewater that has been treated would be cleaned to a level that meets water quality standards and would be cleaner than the water found in the aquifer (FEIR page 494). Technical studies analyzing the wastewater system and its potential impacts were included in the RDEIR as Appendices J and H. A technical study analyzed potential geologic hazards for the site (RDEIR Appendix F); RDEIR Chapter 3.6 provided an analysis of geologic hazards and found that potential environmental impacts would be less than significant with mitigation (RDEIR Section 3.6.5). Technical studies that specifically addressed the wastewater system included *Paraiso Springs Resort – Estimated Wastewater Production and Proposed Treatment, Irrigation and Storage* (2010); *Paraiso Springs Resort – Review of Wastewater System* (2012, as modified in February 2013); email from CH2MHill (Dave Von Rueden) to John Thompson, *Paraiso Springs Resort – EIR Questions* (March 19, 2013); and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), sections 1.2 and 7 through 12. Todd Groundwater addressed this topic in responses BHgl-24 through BHgl-29. The following other related comment and County Final EIR responses also respond to this contention: Letter 9, Number 2. The County responded to this comment

on Final EIR page 166.

- aa) **Appellant's Contention No. 27:** *The FEIR fails to consider potential impacts from the wastewater treatment facility's possible failure to meet the goal of nitrate-nitrogen levels of less than 6 mg/L, especially in light of the significantly heightened attention being paid to nitrate contamination of groundwater in the region.*

County Response No. 27: This comment was originally raised in Letter 12, Number 34. Nitrate contamination of groundwater has been a concern for many years in the Salinas Valley; there is no “significantly heightened attention being paid to nitrate contamination...” The treatment facility will be designed to achieve water quality standards (discharge requirements) required by the regulatory agencies that oversee the facility’s operations, as described in the FEIR response (FEIR page 494).

Technical studies analyzing the wastewater system and its potential impacts were included in the RDEIR as Appendices J and H. The studies included the *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), which states in section 9 the following:

“All of the nitrogen in recycled water used for irrigation would be taken up by plants and would not pose a rise of groundwater contamination.”

As stated in the project description in the EIR and in the hydrogeologic report, all wastewater will be treated to a tertiary standard and used for landscape irrigation (RDEIR Appendix J, *Paraiso Springs Resort – Estimated Wastewater Production and Proposed Treatment, Irrigation, and Storage* (2010), page 2). Todd Groundwater addressed this topic in response BHgl-29. As stated earlier, the Regional Water Quality Control Board reviewed multiple draft EIRs and did not provide any comments.

The following other related comment and County Final EIR responses also respond to this contention: Letter 7, Number 37. The County responded to this comment on Final EIR page 123.

- bb) **Appellant's Contention No. 28:** *The FEIR fails to address the impacts of a sewage spill at the wastewater treatment facility on the Pura Spring water source.*

County Response No. 28: This comment was originally raised in Letter 12, Number 37. See response to appellant contention 26, above. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Numbers 28, 29, 37, and 46; Letter 9, Number 2; and Letter 12, Numbers 3, 33, 36, 38, 39 and 53. The County responded to these comments in the Final EIR.

The RDEIR analyzed the potential hazards of a sewer spill in Chapter

3.7, Hazards and Hazardous Material, Impact 3.7-1, Use of Hazardous Materials During Operation, and determined the potential impact would be less than significant (RDEIR pages 3-211 and 3-212). The design and operation of the wastewater plant are regulated in state and local law as explained in this section of the EIR. The RDEIR also studied the potential environmental impact in Chapter 3.11, Public Services and Utilities, Impact 3.11-1, Wastewater Generation and Treatment, and determined the potential impact would be less than significant (RDEIR pages 3-319 through 3-322). Todd Groundwater addressed this topic in responses BHgl-24 and -29.

- cc) **Appellant's Contention No. 29:** *The FEIR fails to analyze whether standard wastewater setbacks should be augmented as it relates to the treatment tank and the Pura Spring.*

County Response No. 29: This comment was originally raised in Letter 12, Number 39. Please also see response to Appellant Contention No. 28, above. As explained in the FEIR response, the treatment tank will contain tertiary treated, disinfected recycled water, and is designed to be watertight. Any accidental leak would not have an adverse effect on the aquifer, any spring or well, due to the treated water's quality. Todd Groundwater addressed this topic in responses BHgl-24 and -25. The following other related comments and County Final EIR responses also respond to this contention: Letter 9, Number 2, and Letter 12, Numbers 3, 33, 35, 36, 37, 38, 40, and 53. The County responded to these comments in the Final EIR. The Conditions of Approval for the project require that the facility be setback a minimum of 100 feet from any spring. The relocation is being required to conform with Table 3 of State Water Resources Control Board Order No. 2014-0153-DWQ, which provides setbacks from impoundments to wells and/or streams, as described in the Final EIR.

- dd) **Appellant's Contention No. 30:** *The underground wastewater storage tank is to be 216 feet from the Pura Spring, but will be at a depth of 20 feet. The FEIR must analyze boring results during seasonal high-groundwater conditions.*

County Response No. 30: This comment was originally raised in Letter 12, Number 40. The County responded to this comment on Final EIR page 496, explaining that the tank will be watertight and noting that the state does not promulgate regulations governing a separation between storage tanks and groundwater. See response to Appellant Contention No. 29, above, explaining that the water stored in this tank is treated to meet all water quality standards. As stated in response to Appellant Contention Nos. 28 and 29 above, the EIR identified impacts as less than significant. None of the County's technical consultants objected to borings being conducted in August and no evidence has been provided that such testing would not be appropriate to analyze potential impacts to the environment. Groundwater is close to the surface in this area, as shown in the borings (RDEIR Appendix F) and as observed by year-

round flows from the site's springs. Todd Groundwater addressed this topic in responses BHgl-27 and -28.

- ee) **Appellant's Contention No. 31:** *The FEIR fails to properly analyze the excavation and development of the wastewater storage tank up-gradient from the Pura Spring.*

County Response No. 31: This comment was originally raised in Letter 12, Number 41. The County responded to this comment on Final EIR page 496, explaining that impacts to springs (RDEIR Impact 3.8-7) and to wastewater generation and treatment (RDEIR Impact 3.11-1) were analyzed and found to be less than significant. The response also explained that potential environmental impacts from changes to spring flows would not be any different than the existing (baseline) conditions where all water flowing from the spring is captured. Technical reports that provided evidence for the CEQA analysis are included in RDEIR Appendices F, H, and J. Todd Groundwater addressed this topic in responses BHgl-30 and -31, as amended by County Staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau) (FEIR pages 300, 301, and 304), and in response BHgl-32.

- ff) **Appellant's Contention No. 32:** *The FEIR fails to properly analyze the new growth that would result from the Project.*

County Response No. 32: This comment was originally raised in Letter 12, Numbers 43 and 44. The FEIR response describes the sections in the RDEIR where this issue was analyzed, with a determination that there were no potential environmental impacts (FEIR page 497, in response to comment 43). The RDEIR analyzed this topic in sections 4.3.1, Growth-Inducing Impacts, Methodology (RDEIR pages 4-2 and 4-3); 4.4, Effects Found to Have No Impact: Population and Housing (RDEIR pages 4-4 and 4-5); and 4.5, Cumulative Impacts. As described in RDEIR section 4.5.2, Cumulative Impacts Assumptions and Analysis, the Association of Monterey Bay Area Governments provided a letter, dated April 8, 2010, that states the project would be consistent with the growth forecasts in the County of Monterey (RDEIR page 4-7). That letter also states that, since 2010, population growth has been less than the forecast for the region. This section of the RDEIR analyzed population growth in relationship to cumulative air quality impacts and found the impact not significant, as the project would be consistent with population forecasts (RDEIR page 4-8).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 76. The County responded to this comments on Final EIR page 137.

- gg) **Appellant's Contention No. 33:** *The FEIR fails to properly analyze day trips created by the Project.*

County Response No. 33: This comment was originally raised in Letter 12, Number 46. The Final EIR provides a comprehensive discussion relating to trip generation calculations for this project in Master Response 5 (Final EIR pages 14 through 18) and in response to Letter 10, Number 22 (Final EIR pages 263 through 265). The response provides detailed information regarding use of the Institute of Transportation Engineers *Trip Generation Manual*, the use of local surveys for daytime trip generation, and the use of shuttles. Technical reports for Transportation were included in 2018 RDEIR Appendix K. Traffic generated by the project was determined to be less than significant (RDEIR Impact 3.12-1, Intersection and Roadway Segments Level of Service Impacts, pages 3-334 through 3-338; RDEIR Section 4.5.2, Cumulative Impacts Assumptions and Analysis, pages 4-16 and 4-17).

The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Number 6, Letter 8, Number 4, and Letter 10, Numbers 9 and 22 a through f. The County responded to these comments in the Final EIR.

- hh) **Appellant's Contention No. 34:** *The FEIR fails to properly analyze potentially significant impacts to mass transit.*

County Response No. 34: This comment was originally raised in Letter 12, Number 48. The County responded to this comment on Final EIR page 498. The response described the threshold of significance related to mass transit and referenced the RDEIR discussion found in Section 3.12.4 (pages 3-332 and 3-333). RDEIR section 3.12.5 determined that the project would have no environmental impact on all forms of "alternative transportation," including mass transit (Final EIR page 498; RDEIR page 3-342).

Ninety-eight employees would constitute the largest shift at project buildout. An analysis of the capacity of one of the local Park and Ride lots (Soledad) was provided in 2013 and shows that the site would have excess capacity (Email from John Thompson to John Ford et al., Monterey County Resource Management Agency, April 22, 2013). The Park and Ride lot is served by a bus stop near the Monterey-Salinas Transit (MST) bus line #23 (<https://mst.org/wp-content/media/23.pdf>), so employees may connect to the only other transit available in this area of the Salinas Valley. Two other MST lines serve Soledad, but the stops are located over a quarter mile from the Park and Ride lot. Depending on employee residence locations, other Park and Ride lots in the Salinas Valley may be used (e.g., Greenfield).

- ii) **Appellant's Contention No. 35:** *The FEIR fails to properly analyze the dominant land use surrounding the Project. The area surrounding the Project is predominately ranching and agriculture. Frequently, the machinery involved in such operations includes tractors with implements that can reach twenty (20) in widths. During the entry and*

exit of fields with these implements, traffic in both directions on Paraiso Springs Road is completely stopped. The FEIR fails to analyze and define mitigations for this.

County Response No. 35: This comment was originally raised in Letter 12, Number 50. The Final EIR response points the commenter to the discussion in RDEIR Section 3.9.5, Land Use and Planning, Impacts and Mitigation Measures (RDEIR pages 3-261 through 3-279). The response also describes that the RDEIR analyzed traffic from agricultural land uses in Section 3.12.2 under *Traffic from Agricultural Land Use near Project Site* (RDEIR page 3-330). A less than significant impact was identified for Impacts 3.12-1, Intersection and Roadway Segments Level of Service Impacts, and 3.12-2, Roadway Hazards (RDEIR pages 3-334 through 3-343). Movement of tractors and implements are temporary and must meet vehicle code requirements for use on public roads.

The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Number 21. The County responded to this comment on Final EIR pages 490.

- jj) **Appellant's Contention No. 36:** *The FEIR fails to propose a project alternative that utilizes an alternative access roadway.*

County Response No. 36: This comment was originally raised in Letter 12, Number 52. The County responded to this comment on Final EIR page 499, concluding that the “project would not result in any potentially significant impacts.” The CEQA Guidelines requires the Lead Agency to analyze a reasonable range of alternatives that avoids or substantially lessens identified significant environmental impacts (CEQA Guidelines section 15126.6). The applicant does not own any logical offsite properties where such a road could be located, although that is not necessarily a limiting factor in analyzing alternatives. As no potentially significant environmental impacts were found, an alternative was not required for roadway impacts. The Final EIR response described the CEQA requirements for analyzing a reasonable range of alternatives and that roadway impacts were found to be less than significant (RDEIR pages 3-334 through 3-343). See response to appellant contention 35, above. The Final EIR also addresses the topic of the rights of the project to utilize the public road in Master Response 6: Road Ownership, Right to Intensify Road Use, and Compensation (Final EIR pages 18 and 19).

- kk) **Appellant's Contention No. 37:** *The FEIR fails to propose a project alternative that relocates the Project further from the Pura Spring so as to avoid interfering with Ms. Pura's superior contractual rights to the Pura Spring and her right to develop all of the water therein and to protect the wetlands.*

County Response No. 37: This comment was originally raised in Letter

12, Number 53. As pointed out in the commenter's technical consultant document, Rincon Consultants did not conduct wetland delineations themselves (Rincon Consultants, Inc., August 15, 2014 (resubmitted March 6, 2018), pages 2 and 3), nor did they review the 2016 updated wetland information (Rincon Consultants, Inc., August 15, 2014 (resubmitted March 6, 2018), page 1) provided by WRA Environmental Consultants (see County Response No. 4, above). The County responded to this comment on Final EIR pages 499 and 500. As described above in response to several appellant contentions, impacts to the spring were determined to be less than significant (RDEIR Impact 3.8-7, Potential Spring Impact, pages 3-251 and 3-252). As described above in response to Appellant Contention No. 36, no alternative is required to be analyzed to avoid or lessen impacts that are not significant. Please also see responses to Appellant Contentions relating to, wetlands, spring impacts and water rights, above.

- ll) **Appellant's Contention No. 38:** *The FEIR fails to propose a project alternative that makes use of the 35-acre parcel designated as APN 418-361-009.*

County Response No. 38: This comment was originally raised in Letter 12, Number 54. The response in the Final EIR points out that the CEQA Guidelines do not require that the alternatives analysis include other property owned by the property owner. An alternative location can be a consideration in the EIR analysis. In this case, the property requested to be analyzed as an alternative is mountainous and does not appear to provide an opportunity to avoid or lessen environmental impacts. On the contrary, the property, if proposed to be part of the development area, would likely increase potential impacts (Final EIR page 500). As described in RDEIR Section 5.1.2, Alternatives Screening Process, site suitability is one of the factors used to determine the reasonable range of alternatives, as well as the ability to avoid or lessen significant environmental impacts (RDEIR page 5-2). The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 48 and Letter 10, Number 28. The County responded to these comments on Final EIR pages 130 and 272.

A technical study demonstrated that the site to the southwest consists of average slopes of approximately 40 percent (Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions, (2005), page 1). The condition of this site as steep slopes is borne out by the project planner's site visits as well as the County's Geographic Information System (https://maps.co.monterey.ca.us/Html5Viewer/index.html?viewer=PBI_Map.PBI_Map_Viewer), which shows practically the entire site in steep slopes. The property is in the mountains without a valley floor area.

- mm) **Appellant's Contention No. 39:** *The FEIR fails to provide adequate detail as to why the hotel only alternative was eliminated.*

County Response No. 39: This comment was originally raised in Letter 12, Number 55. The County responded to this comment on Final EIR page 500, explaining that the project would not meet one of the basic County objectives for the project, as well as many other project objectives identified in the EIR. As pointed out in RDEIR Section 5.1.3, Alternatives Eliminated from Detailed Analysis, a hotel-only alternative was eliminated as economically infeasible and unable to meet a number of project objectives. The Final EIR points out that this alternative would not meet a fundamental objective identified by the County as Lead Agency, as described in the Final EIR response to Letter 12, Number 55. The response also points to applicable sections of the CEQA Guidelines to explain why this potential alternative was eliminated.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- 1) Deny the appeal by Cynthia Pura from the decision of the Monterey County Planning Commission certifying the EIR and approving the Combined Development Permit for the Paraiso Springs Resort Project;
- 2) Certify that: a) the Final Environmental Impact Report for the Paraiso Springs Resort has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and c) The Final EIR reflects the lead agency's independent judgment and analysis;
- 3) Adopt the CEQA findings for project approval and the Statement of Overriding Considerations;
- 4) Approve the Combined Development Permit consisting of the following:
 - a. "After The Fact" permission to demolish nine historic cottages removed from the Paraiso Hot Springs Resort, November 2003 (to clear Code Violation Case CE030404/PLN040488);
 - b. Use Permit and General Development Plan for the reconstruction and expansion of the historic resort with the following amenities: a 103 room hotel consisting of single- and two-story clustered visitor-serving hotel units; 60 two-to-three bedroom timeshare units and 13 timeshare villas (as modified by the conditions of approval, including approval of Final EIR Alternative #5, Timeshare Relocation Alternative); lodge; visitor center; restaurants; culinary training center; wine pavilion; shops; tennis courts; swimming pools; golf instruction center; racquetball pavilion; spa centers with massage, beauty, therapeutic services and outdoor/indoor fitness center; a wellness/education center with lecture and conference facilities; cultural center for music, art and literature; outdoor amphitheater; vineyards; laundry and maintenance facilities; water system; wastewater treatment system; and re-landscaping of the grounds including new trees, paths, hiking trails, pedestrian and vehicle bridges, gardens and pergolas. Architectural treatments, materials, colors, and landscaped grounds are intended to echo the Paraiso Hot Springs' former affiliation with Mission Soledad;
 - c. Standard Subdivision (Vesting Tentative Map) to create 19 parcels and a condominium map for timeshare units (as amended by the conditions of approval);

- d. Use Permit for removal of 185 protected oak trees;
- e. Use Permit for development on slopes in excess of thirty percent;
- f. Grading of approximately 162,073 cubic yards; and
- g. Off-site road improvements to Paraiso Springs Road.

These entitlements are approved in general conformance with the vesting tentative map, General Development Plan, and plans, subject to the conditions of approval, all being attached hereto and incorporated herein by reference; and

- 5) Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 28th day of January 2020 upon motion of _____, seconded by _____, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
 County of Monterey, State of California

By _____
 Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

- 2. This permit expires 5 years after the above date of granting thereof unless construction or use is started within this period, as may be allowed by the Monterey County Subdivision Ordinance.

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Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN040183

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation This Combined Development Permit (PLN040183) allows the following uses:

Monitoring Measure:

1) "After The Fact" permission to demolish nine historic cottages from the Paraiso Hot Springs Resort, November 2003 (to clear Code Violation Case CE030404/PLN040488);

2) Use Permit and General Development Plan for the reconstruction and expansion of the historic resort with the following amenities: a 103 room hotel consisting of single and two-story clustered visitor-serving hotel units; 60 two-to-three bedroom timeshare units and thirteen (13) timeshare villas; lodge; visitor center; restaurants; culinary training center; wine pavilion; shops; tennis courts; swimming pools; golf instruction center; racquetball pavilion; spa centers with massage, beauty, therapeutic services and outdoor/indoor fitness center; a wellness/education center with lecture and conference facilities; cultural center for music, art and literature; outdoor amphitheater; vineyards; laundry and maintenance facilities; water system; wastewater treatment system; and re-landscaping of the grounds including new trees, paths, hiking trails, pedestrian and vehicle bridges, gardens and pergolas. Architectural treatments, materials, colors, and landscaped grounds are intended to echo the Paraiso Hot Springs' former affiliation with Mission Soledad;

3) Standard Subdivision (Vesting Tentative Map) to create 19 parcels and a condominium map for timeshare units;

4) Use Permit for removal of 185 protected oak trees;

5) Use Permit for development on slopes in excess of 30%;

6) Grading of approximately 162,073 cubic yards; and

7) Off site road improvements to Paraiso Springs Road.

Up to five visitor serving units may be allowed to be used for employee housing.

The property is located at 34358 Paraiso Springs Road (Assessor's Parcel Numbers 418-361-004, 418-381-021 and 418-381-022), Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PDSP001 - PROJECT MODIFICATIONS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Project shall be modified, as follows:

1. The wastewater treatment plant building shall be relocated to provide a 100 foot setback to a nearby spring.
2. Reduce the number of parcels to be recorded on maps to reflect four fewer timeshare villa units.

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, submittal of final map, or commencement of use, whichever occurs first and as applicable, the Owner /Applicant shall modify the building plans, the final map and all related documents to reflect these changes.

3. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 418-361-004-000, 418-381-021-000 and 418-381-022-000 on January 28, 2020. The permit was granted subject to 153 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner /Applicant shall provide proof of recordation of this notice to the RMA - Planning.

4. VILLA TIMESHARE REDESIGN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The villa timeshare structures shall be designed to be single story, avoid encroachment of the structures on slopes greater than thirty percent, and with related outside activity areas (e.g., parking areas, patios) stepped with topography to minimize grading required for each villa lot. In addition, no above ground decks are allowed unless made entirely of fire resistant materials.

Compliance or Monitoring Action to be Performed: Submit design plans to RMA-Planning for review prior to submitting applications for building or grading permits for Villa units or lots, or recordation of the final map for those lots, whichever occurs first.

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.

2) Fees shall be submitted at the time the property owner submits the signed Agreement.

3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

7. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

8. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

9. PDSP0016 - TREE AND ROOT PROTECTION NON STANDARD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence to RMA-Planning that tree protection measures are in place throughout grading and construction phases. If damage is possible, submit an interim report prior to activities in the area, to RMA-Planning prepared by a certified arborist or forester.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees along the construction boundaries to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

10. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/Applicant/Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

11. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition inspection activities as required by the Air District.

12. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring (biologists, archaeologist, tribal monitor, and geologist), the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner /Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

13. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

14. MISSION-SOLEDAD FIRE DISTRICT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the Mission-Soledad Rural Fire Protection District to pay a fair share contribution toward construction of improvements to the Soledad fire station used by the District. A draft agreement shall be provided prior to action by LAFCO to annex the entire property into the Fire District. The signed agreement shall be provided prior to issuance of construction permits unless required earlier by LAFCO. Timing of payments shall be as described in the agreement. Fair share is to be calculated by the following formula:

For the fire station improvements contribution percentage, the project daily maximum population will be divided into the entire service population, currently approximately 32,000, served by the fire station. The contribution shall be provided prior to occupancy of each project phase or as otherwise provided in the agreement.

Compliance or Monitoring Action to be Performed: Prior to action by LAFCO to annex the entire property, a draft agreement shall be provided to LAFCO.

Prior to issuance of construction permits, or prior to filing of the first final map, whichever occurs first, the applicant shall provide a signed agreement to the RMA.

On an ongoing basis, the resort operator shall be responsible to provide the payments for fire station improvements to the Fire District as described in the agreement.

15. PD013 - STREET LIGHTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All street lights in the development shall be approved by the Director of RMA - Planning.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

16. PDSP0019 - NOTE ON MAP-STUDIES NON STANDARD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the final map stating the Name of the specified report, Date of the report, report preparer Name, that the report is on file in Monterey County RMA - Planning and that the recommendations contained in said report shall be followed in further development of this property. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. Studies to be included on the note include 1) the soils and geologic report, 2) the hydrogeologic report, and 3) final forest management plan.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with notes to the RMA - Planning and RMA - Public Works for review and approval.

17. PDSP0017 - ANNEX TO FIRE DISTRICT NON STANDARD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of construction permits, vegetation removal or final map recordation, the applicant shall submit an application to LAFCO to annex the entire property into the Mission-Soledad Rural Fire Protection District. The applicant shall submit, as part of the application to LAFCO, any new tax sharing agreement between the County and the Fire District. If transient occupancy tax is part of the agreement, the resort operator shall make up any shortfall in payments, on an ongoing basis, due to any occurrences of low occupancy.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, vegetation removal, or recordation of the final map, whichever occurs first, the Owner/Applicant shall submit an application for annexation to LAFCO to process the proposed annexation.

The County is responsible for negotiating the tax sharing agreement. The applicant shall participate in discussions with the County for drafting of the agreement. If the applicant is prepared to submit an application and a new agreement is not finalized, the applicant may apply for annexation.

On an ongoing basis, if transient occupancy tax sharing is part of the agreement, the resort operator will be required to make up any shortfall, as anticipated in the agreement terms, due to low occupancy levels.

18. PD026 - BANNER, FLAGS, PENNANTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: There shall be no flags, banners, pennants or other attention-getting devices, other than approved signs, on the property. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit evidence which demonstrates that there are no flags, banners, pennants, or other attention -getting devices, other than approved signs, on the property.

On an on-going basis, the Owner/Applicant shall keep the property free of flags, banners, pennants, or other attention-getting devices, and only maintain approved signs on the property.

19. PDSP014 SIGN PROGRAM

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All signage shall be designed and constructed in accordance with the Zoning Ordinance. Signage shall be maintained in conformance with an approved signage program.

Compliance or Monitoring Action to be Performed: Prior to installation of any signage, the applicant shall submit a signage program for the site demonstrating compliance with the Zoning Ordinance. The signage program shall be subject to review and approval by RMA-Planning.

20. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of five (5) years, to expire on January 28, 2025 unless use of the property or actual construction has begun within this period. Compliance with the County Subdivision Ordinance procedures must be met to meet the requirements for this expiration date. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit, record the first phase final map, and/or commence the authorized use, all to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

21. PDSP002 NO PUBLIC EVENTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property shall only provide events for overnight guests of the site.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the resort operator shall ensure that information provided to the public for the site shall clearly state that events are limited to attendance from overnight guests. Staff that book events shall be trained to ensure that they only have events that serve overnight guests.

22. PDSP012 REVISED PHASING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of construction permits, the applicant shall provide a revised project phasing plan incorporating the project revisions as approved. The four timeshare units being eliminated shall be removed from Phase 4.

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the applicant shall provide a revised phasing plan, including construction, filing of final maps, and construction of off-site road improvements. Prior to issuance of construction permits for Phase 3 construction, the applicant shall provide a description of elimination of timeshare units as required by the project modifications, for review and approval by RMA-Planning.

23. PDSP04 EXTERIOR LIGHTING PLAN AND BIOLOGIST INPUT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The proposed exterior lighting plan shall also include review and input by the project biologist to ensure that biologically sensitive areas are protected from light pollution that could adversely affect the habitat or individual species within the habitat area.

Compliance or Monitoring Action to be Performed: Prior to approval of the lighting plans, the applicant shall provide evidence that the project biologist(s) has reviewed and approved the exterior lighting plan design and that the plan will, in the biologist's opinion, protect sensitive habitat areas.

24. PDSP010 LANDSCAPING PLAN ADDITIONAL REQUIREMENTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The proposed landscaping plan shall be reviewed by the project biologist and fire district, in addition to review by RMA-Planning.

Compliance or Monitoring Action to be Performed: The applicant shall submit the proposed landscaping plans as described in the conditions. The project planner shall also discuss the landscape design with the applicant's biologist, to ensure protection of sensitive habitat areas, including wetlands and riparian vegetation. The planner will ensure the draft plan is reviewed by the fire district to ensure the incorporation of fire safe design in the plan.

25. PDSP009 RESIDENTIAL USES PROHIBITED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall not be used for residential uses, except up to five units provided on-site for employees/owners of the resort.

Compliance or Monitoring Action to be Performed: The County shall verify that a notice is recorded that the property cannot be used for residential uses. The notice should describe that up to five units may be used for employee housing.

26. PDSP011 TIMESHARE SALES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No timeshare rights or entitlements shall be sold or offered for sale unless, at such time, there then exists a valid final subdivision public report of the sale of such timeshare rights or entitlements, issued by the Department of Real Estate of the State of California.

Compliance or Monitoring Action to be Performed: The resort operator shall provide evidence of the final public report issued by the state prior to offering any timeshare units for sale. The public report shall be provided to RMA-Planning.

27. PDSP0018 - LANDSCAPE PLAN & MAINTENANCE (OTHER) NON STANDARD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be installed and inspected.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

28. PD035 - UTILITIES UNDERGROUND

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning and RMA- Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

29. PD036 - UTILITIES-SUBDIVISION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded through a Subdivision Improvement Agreement prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of RMA -Public Works. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the final map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to RMA - Planning for review and approval.

The Owner/Applicant shall install or bond through a Subdivision Improvement Agreement for the underground utility facilities.

30. PD038 - WATER TANK APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of RMA - Planning, prior to the issuance of building permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proposed color of water tank and landscaping plans to RMA - Planning for review and approval.

Prior to final inspection or occupancy, the Owner/Applicant shall provide evidence to the Director of RMA - Planning that the water tank has been painted and the landscaping has been installed according to the plans approved by RMA - Planning.

On an on-going basis, the Owner/Applicant shall continuously maintain all landscaped areas and fences; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

31. PDSP003: FINAL FIRE PROTECTION PLAN ADDITIONAL INFORMATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The final fire protection plan required by Mitigation Measure 3.7-6a shall include detailed information about fire response actions, an evacuation plan, shelter in place opportunities, and training the staff on responding to a fire and evacuation procedures.

Compliance or Monitoring Action to be Performed: The applicant shall provide the draft final fire protection plan to RMA-Planning, with approval as described in the mitigation measure. The plan shall be approved prior to issuance of permits for grading or prior to vegetation clearance, whichever occurs first. RMA-Planning shall consult with the fire authority.

32. PDSP005 EXTERIOR LIGHTING MAINTENANCE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be included in a site maintenance manual that states that changes to exterior lighting fixture types shall be subject to review and approval from RMA-Planning.

Compliance or Monitoring Action to be Performed: Provide a copy of the maintenance manual excerpt prior to guests occupying the site for the first phase.

33. PDSP006 PHASING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The project shall be constructed in the phases as outlined in the application materials, as amended by these conditions of approval. This includes the off-site road improvement phasing plan as described in the Environmental Impact Report. Phasing may overlap subject to necessary earlier phased items being completed prior to permit issuance for the subsequent phase, as determined by the RMA-Director.

Compliance or Monitoring Action to be Performed: The applicant shall submit applications and construct infrastructure and structures pursuant to the phasing plan identified in the EIR, as amended by the conditions of approval. County shall ensure that necessary phased improvements are completed prior to issuing permits for subsequent phases, or will be completed to the satisfaction of the RMA-Director at the time of the need.

34. PDSP007 COMPLIANCE WITH GENERAL DEVELOPMENT PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The resort public and private areas shall be operated pursuant to the General Development Plan Master Plan Reference Table. The operator shall ensure that the Table, or the list included in the table, is included in operational documents prepared to provide staff training.

Compliance or Monitoring Action to be Performed: Prior to initial operation of the site, provide an excerpt of the training manual, demonstrating that the Master Plan Reference Table (from the General Development Plan) will be included in training of on-site staff, to RMA-Planning for review and approval.

35. PDSP008 SOLID FUEL PROHIBITED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Solid fuel heating appliances (i.e., wood-burning fireplaces; wood stoves; barbecues, etc.) shall be prohibited. This prohibition shall be included as a note on all Final Maps and on all building permit plans for timeshare units. The information shall also be included in information provided to all guests, including all timeshare owners.

Compliance or Monitoring Action to be Performed: County shall ensure that all final maps and building permit plans include the statement prior to filing the map, or issuing building permits, as applicable. Prior to operations of guest units, the operator shall provide evidence to RMA-Planning demonstrating compliance with this condition.

36. PDSP013 FINAL EIR DELIVERY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall provide a copy of the Final EIR, consisting of the RDEIR and the Response to Comments document, to all CEQA Responsible and Trustee Agencies.

Compliance or Monitoring Action to be Performed: Provide evidence of mailing or delivery to each of the Responsible Agencies prior to issuance of demolition permits, vegetation removal, or filing of the first phase final map, whichever occurs first.

37. DEED RESTRICTION-TIMESHARE USE PERIOD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to filing the final map for timeshare units, a deed restriction shall be recorded that states "the timeshare use period by any party no matter how many timeshare periods have been purchased shall be for minimum interval periods of up to one week and not more than twenty-nine consecutive days or eighty-nine total days per calendar year."

Compliance or Monitoring Action to be Performed: Provide deed restriction for review and approval to RMA Director. Record the deed restriction prior to filing the first phase map for timeshare units.

38. PDSP0014-CONSERVATION AND SCENIC EASEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and areas of known archaeological resources. The easement shall be developed in consultation with a certified professional. A conservation and scenic easement deed shall be submitted to, and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to or concurrent with recording the final map or prior to the issuance of grading or building permits, whichever occurs first. The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement."

Compliance or Monitoring Action to be Performed: Prior to or concurrent with recording the final map or prior to issuance of construction permits, whichever occurs first, the applicant shall provide a draft easement deed to RMA-Planning for review and approval. Any final map shall include the easement.

39. Property Taxes

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The collection and payment of all property taxes annually due on the locally assessed roll for all leaseheld timeshare units at the resort shall be the responsibility of the resort owner and their successors in interest. The Tax Collector shall annually mail a single tax bill to the Paraiso Springs Resort with an accompanying breakdown of individual timeshare assessments.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the hotel owner shall collect and pay to the County Tax Collector the property taxes on the timeshare units.

40. TIMESHARE SALES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the filing of the condominium map, no timeshare rights or entitlements shall be sold or offered for sale unless a final subdivision public report has been issued by the Department of Real Estate of the State of California and has been submitted to the RMA Director.

Compliance or Monitoring Action to be Performed: Submit final subdivision public report to RMA Director prior to selling or offering for sale the timeshare rights.

41. TRANSIENT OCCUPANCY TAX

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to filing of the final map for any timeshare unit, the applicant shall submit a detailed Management Plan, subject to the approval of the Treasurer/Tax Collector and RMA Director to include provisions for the hotel operator as defined in the Monterey County Code Transient Occupancy Tax Ordinance, Chapter 5.40 Monterey County Code, including compliance with all permit conditions. The hotel operator must administer tax collection reporting and record maintenance pertaining to all timeshare units that become available as hotel units to the general public. The plan shall also provide for quarterly accounting and reporting to the County of transient occupancy tax collection for units which are used, rented, leased or otherwise occupied by person or parties other than timeshare estate owners or the guest of the owners.

Compliance or Monitoring Action to be Performed: Prior to filing final map for first timeshare units, applicant shall submit Management Plan for review and approval.

42. PW0007 - PARKING STANDARD

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The parking stalls and circulation shall meet County Standards and shall be subject to the approval of the RMA.

Compliance or Monitoring Action to be Performed: Owner/Applicant/ Subdivider's engineer/architect shall prepare a parking plan for each phase of the project, as applicable, and submit plans to the RMA for review and approval. The parking plan shall be included as part of the Improvement Plans, and this requirement may be incorporated into the Subdivision Improvement Agreement, as applicable.

43. PW0015 – UTILITY COMPANY COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to the RMA.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Owner/Applicant/Subdivider shall provide a copy of the approved tentative map to all applicable public utility companies for review. Subdivider shall submit utility comments to the RMA.

44. PW0020 - PRIVATE ROADS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: On the Final Map, designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Subdivider's surveyor shall designate private roads on the Final Map.

45. PW0021 - ROAD NAMES

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the RMA for approval by County Communications and the RMA.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to RMA. RMA will submit to County Communications for approval.

46. PW0032 – AS-BUILT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: As-built improvement plans shall be prepared by the California licensed professional engineer in responsible charge, and the engineer shall deliver the plans in electronic format (PDF) suitable for filing in the records of the Office of the County Surveyor. The engineer shall also deliver a letter to the County certifying all improvements have been made in conformance to the approved improvement plans and local ordinance.

Compliance or Monitoring Action to be Performed: Prior to release of security, Owner/Subdivider shall submit as-built plans in PDF format to the RMA along with a letter to the County certifying all improvements have been made in conformance to the approved improvement plans and local ordinance.

47. PWSP001 – PROJECT IMPROVEMENTS - ONSITE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Applicant/Owner/Operator/Subdivider shall submit detailed improvement plans for the review and approval of the RMA which shall include, but not be limited to, utilities, roads, storm water, waste water, earthwork and grading. The plans shall address the phasing of the project, as applicable. Roads shall be constructed in accordance with the typical section shown on the approved tentative map and as required by all applicable State and local codes and ordinances, including accessibility requirements. Owner/Subdivider shall enter into an Improvement Agreement for all improvements that are not constructed prior to the acceptance of the Final Map, if applicable.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map for any phase of the subdivision, Applicant/Owner/Operator/Subdivider shall submit detailed improvement plans showing all required onsite improvements for the respective phase to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. Owner/Subdivider shall enter into an Improvement Agreement for each respective phase to install improvements not constructed prior to the acceptance of the Final Map, if applicable, and said agreement shall be recorded. Improvements for each respective phase shall be bonded prior to recordation of the Final Map, if applicable.

48. PW0036 - EASEMENTS AND RIGHTS-OF-WAY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and rights of way. The required minimum road right-of-way shall be 60 feet in width.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Subdivider's surveyor shall include all existing and required easements or rights of way on the Final Map.

49. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the RMA for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

The CMP shall include at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction grading phase of the project.

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of a building or grading permit, the Applicant/Owner/Operator/Subdivider/Contractor shall prepare a CMP and shall submit the CMP to the RMA for review and approval.
2. Throughout the construction phases, Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

Place the following note on the Final Map for all phases of the subdivision:
"Prior to issuance of a Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a Construction Management Plan (CMP) and shall submit the CMP to the Monterey County Resource Management Agency for review and approval.

Throughout the construction phases, Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project."

50. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or an ad hoc fee pursuant to Monterey County General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County RMA Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to Development Services.

Place the following note on the Final Map for all phases of the subdivision: "Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or an ad hoc fee pursuant to Monterey County General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule."

51. PWSP002 – PARAISS SPRINGS ROAD IMPROVEMENTS - OFFSITE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Applicant/Owner/Operator/Subdivider shall construct improvements to Paraiso Springs Road from Clark Road to the project's entrance. The project is subject to the review and approval of the RMA. These improvements shall include widening the existing roadway pavement to result in a pavement width of 20 feet minimum. If the pavement widening requires additional right-of-way acquisition, developer is responsible for all costs associated with acquisition. For all areas of pavement widening, widening strips shall be a minimum width of 3 feet of new pavement. Improvements shall also include centerline striping, edge line striping, mounted delineators, advance curve warning signs, and "Road Narrows" signs, as identified in the conceptual plans shown in Appendix "O" of the Hatch Mott MacDonald traffic report dated March 17, 2017.

Compliance or Monitoring Action to be Performed: Prior to issuance of any onsite building or grading permit, or recordation of the first Final Map, whichever comes first, the Applicant/Owner/Operator/Subdivider shall submit detailed improvement plans showing all the required offsite improvements to the RMA for review and approval. The plans shall be prepared by a California licensed professional engineer. The improvement plans must include the proposed location, width and construction method for the required pavement widening. The plans must also include provisions to address any potential unusual damage or deterioration caused by the ingress and egress of construction equipment and materials for the duration of the construction of the development project. All offsite improvements shall be constructed to meet the minimum Fire agency requirements as to width and load for an all-weather road surface prior to issuance of any onsite building or grading permit, or recordation of the first Final Map, whichever comes first. Final road pavement improvements shall be completed prior to issuance of the first certificate of occupancy. All work within the County Road right-of-way will require an encroachment permit, and the Applicant/Owner/Operator/Subdivider is responsible to obtain all applicable permits and environmental clearances.

52. PWSP003 – CUL-DE-SAC IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Construct or enter into an agreement to construct a cul-de-sac (CDS) at the end of the County maintained portion of Paraiso Springs Road. The CDS design shall be included as part of the Improvement Plans (Onsite or Offsite), which shall be subject to the approval of the RMA. The CDS shall be designed with a minimum pavement radius of 50 feet.
Dedicate a permanent road easement to the County of Monterey for road right-of-way purposes to accommodate the CDS improvements. The dedicated right-of-way for the CDS shall have a minimum radius of 60 feet.

Compliance or Monitoring Action to be Performed: Owner shall offer to dedicate permanent road right-of-way to the County of Monterey to accommodate the CDS improvements. The offer of road right-of-way dedication shall be made prior to issuance of a building or grading permit, or recordation of the first Final Map, Applicant/Owner/Subdivider's professional engineer shall include the CDS design in the improvement plans (Onsite or Offsite, as appropriate) and submit the plans for County review and approval. The CDS improvements shall be constructed prior to issuance of any onsite building or grading permit, or recordation of the first Final Map. All work within the County Road right-of-way will require an encroachment permit, and the Applicant/Owner/Subdivider is responsible to obtain all applicable permits and environmental clearances.

53. PWSP004 - ROAD MAINTENANCE AGREEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Applicant/Owner/Operator/Subdivider shall enter into a Road Maintenance Agreement with the County of Monterey for Paraiso Springs Road from the project site to its intersection with Clark Road. This agreement is intended to address any potential unusual damage or deterioration caused by the ingress and egress of construction equipment and materials for the duration of the development project. The agreement will contain provisions to restore the Paraiso Springs Road to pre-project conditions. The agreement shall include an annual maintenance schedule and specific maintenance measures. The necessary improvements for the entire hauling route shall be determined by a "Pavement Evaluation Study" prepared by a licensed civil engineer or other qualified professional approved by the RMA.

Compliance or Monitoring Action to be Performed: Applicant/Owner/Operator/Subdivider shall enter into a Road Maintenance Agreement with the County of Monterey for Paraiso Springs Road from the project site to its intersection with Clark Road. Prior to execution of Agreement, Applicant/Owner/Operator/Subdivider shall coordinate with the RMA to establish pre-project conditions of said road segment. Applicant/Owner/Operator/Subdivider shall implement all measures contained in the Agreement. Applicant/Owner/Operator/Subdivider shall be responsible for the maintenance of said road segment for the entire duration of the development project until final build out. The fully executed Agreement shall be recorded.

54. PWSP005 – ROAD & DRAINAGE MAINTENANCE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Applicant/Owner/Operator/Subdivider is responsible for all onsite road and drainage maintenance until such responsibilities are transferred to a homeowners' association or other entity. Prepare an operation and maintenance plan for all roads, streetlights, storm water, waste water, parks, open space, and other miscellaneous improvements.

Compliance or Monitoring Action to be Performed: Prior to issuance of a building or grading permit, or recordation of the first Final Map, whichever comes first, the Applicant/Owner/Operator/Subdivider shall submit the operation and maintenance plan to the RMA that includes a provision for ongoing maintenance responsibilities.

55. PWSP006 – VEHICLE TRIP MANAGEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The project operations shall be limited to a total annual average traffic volume of 406 daily vehicle trips.

Compliance or Monitoring Action to be Performed: The Applicant/Owner/Operator/Subdivider shall install a permanent vehicle counting system to count vehicles entering the project site. On an ongoing basis, the Applicant/Owner/Operator/Subdivider shall not exceed a total annual average traffic volume of 406 daily vehicle trips. The Applicant/Owner/Operator/Subdivider shall install a permanent vehicle counting system, with the capability of automatic data reporting that is acceptable to the RMA. Applicant/Owner/Operator/Subdivider shall submit an annual traffic volume report to the RMA to demonstrate condition compliance.

56. AS-BUILT CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: Prior to final inspection, the applicant shall provide a letter from a licensed engineer certifying that all development has been constructed in accordance with the recommendations in the approved geotechnical report and the approved grading plan and stormwater control plan. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

57. DRAINAGE AND FLOOD CONTROL SYSTEMS AGREEMENT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The developer shall enter into a Drainage and Flood Control Systems Agreement (Agreement). The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to RMA-Environmental Services (RMA) for review and approval no later than August 15th of each year. Certification shall be provided that all recommended improvements have been completed by October 15th of the same year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair, or operate the drainage and flood control facilities in the project, the RMA shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements. The RMA shall have the right to collect the cost for said repairs, maintenance, or improvements from the property owner(s) upon the property tax bills. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to recordation, submit the signed and notarized original Agreement to the RMA-Environmental Services for review and approval.
The approved Agreement shall be recorded concurrently with the final map.

58. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval.

59. GEOTECHNICAL PLAN REVIEW

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the approved grading plan and stormwater control plan. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall provide certification from the licensed practitioner(s).

60. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations in the approved geotechnical report. The grading plan shall include contour lines and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

61. STREAM SETBACK

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The proposed development shall be set back at least 50 feet from the "top of bank", as defined in Chapter 16.16 of Monterey County Code. The top of bank shall be defined by a professional engineer or licensed land surveyor and shown on the site plan.

If the setback requirement cannot be met, the applicant shall prove to the satisfaction of RMA-Environmental Services that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The applicant shall submit a report, prepared by a registered civil engineer or licensed geologist, certifying the proposed development is compliant with Monterey County Code Chapter 16.16. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit cross-sections, a site plan, and applicable reports, to RMA-Environmental Services for review and approval.

62. EHSP01 – AMEND PUBLIC WATER SYSTEM PERMIT (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain an amended water system permit from the Environmental Health Bureau pursuant to Monterey County Code, Chapter 15.04, Domestic Water Systems, and the California Health & Safety Code, California Safe Drinking Water Act, and Title 22 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the applicant shall submit application with applicable fees and all necessary schematics and reports to the Environmental Health Bureau for review and acceptance. Obtain an amended water system permit.

63. EHSP02 - DESIGN WATER SYSTEM IMPROVEMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The proposed project includes expansion of an existing public water system, referred to as Paraiso Hot Springs Water System (EHB Record ID NO. WA0000524) and incorporation of an activated alumina water treatment and disinfection systems to meet drinking water standards. Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, and pertinent sections from Title 17 (cross-connection) and Title 22 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to issuance grading or construction permits related to water or wastewater utilities, submit engineered plans for the proposed water system improvements to the Environmental Health Bureau (EHB) for review and acceptance, including payment of all associated application or plan check review fees.

64. EHSP03 – BACKFLOW PREVENTION (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The water supply for makeup landscaping or irrigation water required above and beyond the available quantity of disinfected, tertiary recycled water shall incorporate back-flow prevention device(s) as required by California Code of Regulations, Title 17, or as otherwise required by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, the applicant shall submit a plan for backflow prevention that conforms to the California Code of Regulations, Title 17, to EHB for review and acceptance.

Prior to commencement of operation, the applicant shall have the backflow prevention device(s) installed and provide documentation that the device(s) have been tested by a certified professional.

65. EHSP04 – FIRE FLOW STANDARDS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The water system improvements shall be designed to meet fire flow standards as required and approved by the local fire protection agency.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading or construction permits related to water or wastewater utilities, submit documentation to the Environmental Health Bureau (EHB) indicating that water system improvement plans acceptable to the EHB have also been accepted/approved by the local fire protection agency.

Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to the EHB.

66. EHSP05 – WELL AND WATER SYSTEM EASEMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Easements shall be established around all wells, water tanks, distribution system piping and appurtenances associated with the water system. Water system access easement(s) shall also be indicated as necessary for access, maintenance and repair in perpetuity. The well easements shall meet the minimum standards for a well site control zone as specified by Chapter 16 of Title 22 of the California Code of Regulations (California Waterworks Standards).

Compliance or Monitoring Action to be Performed: Prior to recording the final map, the applicant shall submit the proposed final map to the Environmental Health Bureau for review and acceptance.

Once accepted, the easements shall be recorded concurrent with the final map.

67. EHSP06 – WELLS NOT IN SERVICE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Destroy the existing well(s) which are not in service according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.

OR

If the Owner/Applicant intends to maintain the well(s), provide proof to Environmental Health Bureau (EHB) that the well is functional, can be used on a regular basis, and does not act as a conduit for contamination of groundwater.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction, a California- licensed well drilling contractor shall obtain a well destruction permit from the EHB and destroy the well in accordance with permit requirements.

Prior to final inspection of construction permit, the applicant shall submit the Well Drillers Report to the EHB.

OR

The applicant shall provide documentation to the satisfaction of the EHB that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater.

68. EHSP08 – RECYCLED WATER: PRODUCTION (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The proposed disinfected, tertiary recycled water reclamation plant shall be designed and operated in accordance with the Policy for Water Quality Control for Recycled Water (also referred to as the Recycled Water Policy), pertinent sections of Title 17 (cross-connections) and Title 22 (Water Recycling Criteria) of the California Code of Regulations, and any other regulations as determined appropriate by the State Water Resource Control Board – Division of Drinking Water.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, the applicant shall submit plans and an engineering report to the State Water Resource Control Board – Division of Drinking Water (DDW) with applicable fees, for review and acceptance. Provide documentation to the Environmental Health Bureau that the DDW has accepted the plans and engineering report.

69. EHSP09 – RECYCLED WATER: STORAGE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Adequate storage capacity shall be provided to accommodate up to 120 days of treated wastewater. The proposed underground reinforced concrete reservoir shall be designed to be impervious. The quality of stored treated wastewater (disinfected, tertiary recycled water) shall be in accordance with the standards established by the State Water Resources Control Board – Division of Drinking Water (DDW).

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, submit two sets of engineered plans for treated wastewater storage to the Environmental Health Bureau (EHB) for review and acceptance.

70. EHSP10 – SLUDGE REMOVAL (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Sludge generated during the wastewater treatment process shall be removed off-site to a suitable location approved by the Environmental Health Bureau.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit related to the wastewater treatment facility, submit a plan for sludge management, including a site plan to indicate the location and methods for sludge storage in between each removal.

71. EHSP11 – RECYCLED WATER: USE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: All recycled water use throughout the property for irrigation and other purposes shall be in conformance with State Water Resources Control Board Order WQ 2016-0068-DDW, Water Reclamation Requirements for Recycled Water Use, or other Order or Waste Discharge Requirements as determined appropriate by the Regional Water Quality Control Board (RWQCB).

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, the applicant shall provide documentation to the Environmental Health Bureau that the RWQCB has enrolled the facility under the appropriate Order or that individual Waste Discharge Requirements have been issued for the facility.

72. EHSP12 – RECYCLED WATER: POSTING SIGNS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: All use areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public as specified by Section 60310 of Title 22 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, the applicant shall submit a plan for posting signs to the Environmental Health Bureau (EHB) for review and acceptance.

73. EHSP13 – WASTEWATER TREATMENT AND RECLAMATION FACILITY OPERATING PERMIT (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The wastewater treatment and reclamation facility shall meet the standards found in Monterey County Code Chapter 15.23 Sewage Treatment and Reclamation Facilities Ordinance. Specifically, the tertiary, disinfected recycled water shall not contain greater than 6 mg/L nitrate-nitrogen when it percolates into the groundwater.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, provide documentation to the satisfaction of the EHB that the effluent produced by the proposed wastewater treatment facility will conform to the standards prescribed by MCC, Chapter 15.23.

Prior to commencement of operation, the applicant shall apply for and obtain an annual operating permit for the wastewater treatment facility from the EHB, including a nitrate monitoring program.

74. EHSP14 – HAZARDOUS MATERIALS BUSINESS RESPONSE PLAN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, submit the signed Business Response Plan – Memorandum of Understanding (form available from the Environmental Health Bureau that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operation.

Once approved, the applicant shall maintain an up-to-date Business Response Plan.

75. EHSP15 – HAZARDOUS WASTE CONTROL (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The facility shall comply with the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Chapter 6.50 for the proper handling, storage and disposal of Hazardous Waste as approved by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: Within 30 days of commencing activities that generate hazardous waste, the applicant shall register the facility with Hazardous Materials Management Services of EHB.

Comply with all conditions of the Hazardous Materials permit.

76. EHSP16 – CALIFORNIA RETAIL FOOD CODE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: All construction and improvements of food facilities shall comply with the California Health and Safety Code, Division 104, Part 7, California Retail Food Code.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits for a food facility, the applicant shall submit 2 sets of plans and necessary review fees to Consumer Health Protection Services of the Environmental Health Bureau for review and approval.

77. EHSP17 – POOLS AND SPAS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Public pools and/or spas shall be designed and installed per applicable standards found in California Health and Safety Code, California Code of Regulations (Title 22), California Building Code (Title 24).

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits for a pool or spa, the applicant shall submit plans and necessary review fees to Consumer Health Protection Services of the Environmental Health Bureau for review and approval.

78. EHSP18 - SEPARATE RECYCLABLES AND ORGANIC WASTE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Recyclables and organic waste shall be separated from other solid waste generated throughout the premises and placed into a different approved container to facilitate segregation at a solid waste facility, pursuant to California Assembly Bills AB 341 (Chesbro) and AB 1826 (Chesbro), and to Monterey County Code, Chapter 10.41.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables and organic waste will be collected and stored throughout the site. Solid waste and recycling container enclosures shall be sized appropriately and located on the site plan.

79. FIRE STANDARDS CHAPTER 61

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Chapter 61 – Liquefied Petroleum Gases. Provide information about the use of and installation of LPG for the entire project, including size of tanks, number to be installed, and the proposed locations of the tanks. Regulations must be met for proposed tank sizes.

Compliance or Monitoring Action to be Performed: Prior to construction, the applicant shall submit requested information to the fire district for input on applicable regulations.

The applicant shall include the information on all applicable building permit plans.

The applicant shall install the tanks pursuant to approved plans.

The County shall ensure proper installation or use if included on building permit plans.

80. FIRE STANDARDS DIVISION 4

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The project applicant shall design and construct the project to meet the following standards:

California Public Resources Code – Division 4, (Forests, Forestry and Range and Forage Lands)

Part 2. Protection of Forests, Forestry and Range and Forage Lands

Chapter 2. Hazardous Fire Areas

§4290 – Minimum fire safety standards for defensible space

Chapter 3. Mountainous, Forest-, Brush- and Grass-covered Lands

§4291 – Additional defensible space requirements

§4292 – Minimum clearance requirements for overhead utilities containing equipment other than only wire (although the project owner may not own any electrical distribution transmission or distribution lines, they shall be responsible to insure that the appropriate responsible party or parties maintain a minimum of 10' mineral earth clearance around all such infrastructure)

§4293 – Minimum clearance requirements for overhead utilities based on the current carrying capacity of the conductor (although the project owner may not own any electrical distribution transmission or distribution lines, they shall be responsible to insure that the appropriate responsible party or parties maintain a minimum of 10' mineral earth clearance around all such infrastructure)

Compliance or Monitoring Action to be Performed: The applicant shall design, construction and operate on an ongoing basis as required by these regulations.

81. FIRE STANDARDS MCC APPENDIX P - ROOFS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Monterey County Appendix P – Roofs.

All NEW ROOFS shall comply with §P102.2 and ALL EXISTING ROOFS shall comply with §P103.2.

Compliance or Monitoring Action to be Performed: The applicant shall show proper roof materials on all plans submitted for review and approval.

The applicant shall install all roof materials pursuant to the approved plans.

The County shall ensure proper installation of roofs concurrent with a final inspection.

82. FIRE STANDARDS SECTION 304.1.2

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: §304.1.2 Vegetation, and CCR T-19 Division 1, §307(b) Clearances.

All structures shall be protected by a minimum 100' defensible space.

Compliance or Monitoring Action to be Performed: The applicant shall operate the resort on an ongoing basis as required by these regulations.

83. FIRE STANDARDS SECTION 403

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: §403 Emergency Preparedness Requirements.

An all inclusive emergency preparedness plan shall be developed and presented for approval prior to issuance of any building permits for the entire project to address fire safety, emergency evacuations, staff training, evacuation plans, evacuation drills, etc..

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the applicant shall submit a plan for review and approval.

84. FIRE STANDARDS SECTION 501.4

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: §501.4 Timing of Installation. All required fire apparatus access roadways, and water supplies shall be installed and made serviceable prior to and during the time of construction and maintained.

Compliance or Monitoring Action to be Performed: The applicant shall provide required roadways and water supplies prior to construction and maintain on an ongoing basis during construction.

85. FIRE STANDARDS SECTION 506

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:** §506 Key Boxes.

Access to the project is through a gate and because it is not guaranteed that the gate will be staffed 24/7 year-round, even if intended, an approved means of emergency access shall be provided. The exact device or devices to accomplish this will need to be studied further before a determination of the most appropriate device can be stated.

All structures shall be provided with an approved means to gain access in the event of an emergency. Again, the most appropriate will need to be determined.

**Compliance or
Monitoring
Action to be Performed:** The applicant shall install a device to allow emergency access prior to construction.
Access shall be provided to all structures on an ongoing basis.

86. FIRE STANDARDS SECTION 507

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:** §507 Water Supply.

Water supply and all appurtenances shall be installed prior to commencement of construction. Exact amount of required stored water will still need to be determined. Determination of fire protection water shall be determined by utilizing NFPA 1142. The number of and placement of fire hydrants shall be in compliance with this section and APPENDIX C.

**Compliance or
Monitoring
Action to be Performed:** The applicant shall install the required water supply and appurtenances prior to commencement of construction.

87. FIRE STANDARDS SECTION 903.2

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:** §903.2 Fire Sprinklers – All structures shall be protected by fire sprinklers installed to the applicable NFPA standard(s).

**Compliance or
Monitoring
Action to be Performed:** The applicant shall show the systems on all building plans.
The applicant shall install sprinklers as approved in the plans.
The County shall inspect to ensure proper installation.

88. FIRE STANDARDS SOLAR PHOTOVOLTAIC POWER SYSTEMS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The applicant shall ensure that all solar photovoltaic systems and designed and installed in compliance with the requirements found in §605.11 – Solar Photovoltaic Power Systems and shall also meet the requirements of Monterey County Appendix Q et al..

Compliance or Monitoring Action to be Performed: The applicant shall include the applicable regulations on all construction permit drawings.

The applicant shall install the systems according to the approved plans.

The County shall inspect the installation as part of the final inspection.

89. FIRE STANDARDS TITLE 14 DIVISION 1.5 CHPT 7 ARTICLES 2 AND 3

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The applicant shall comply with these requirements at the applicable time:

California Code of Regulations – Title 14 (Natural Resources)

Division 1.5 (Department of Forestry)

Chapter 7 (Fire Protection)

Subchapter 2 (SRA Fire Safe Regulations)

Article 2. Emergency Access and Egress

§1273.01 – All roads shall be constructed to provide a minimum of two- ten foot (10') traffic lanes. This width shall not include shoulders and striping. The traffic lanes shall provide for 2-way traffic flow to support emergency vehicle and civilian egress, unless other standards are approved, or additional safety requirements are incorporated.

§1273.01 – The roadway shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

§1273.03 – Roadway grades shall not exceed 16 percent.

§1273.04 – No roadway shall have a horizontal inside radius of less than 50'.

§1273.05 – Approved Turnarounds shall be provided for all dead-end roads.

§1273.07 – All roadways shall be designed, constructed and maintained to carry the fire apparatus loads noted in §1273.01. Vertical clearances shall be no less than 14'.

§1273.08 – If one-way roads are to be used, they shall be no less than twelve feet (12') in width not including shoulders. Further requirements will be imposed if one-way roads are to be used.

§1273.09 – Dead-end roads shall not exceed 1 mile (5,280 feet).

§1273.11 – Gate entrances shall be a minimum of two feet (2') wider than the roadway served.

Article 3 – Signing and Building Numbers

§'s 1274.00 through 1274.10 shall be complied with etal..

Compliance or Monitoring Action to be Performed: The applicant shall design, construct and operate on an ongoing basis as required by these regulations.

90. FIRE STANDARDS TITLE 14 DIVISION 1.5 CHPT 7 ARTICLES 4 AND 5

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The applicant shall design, construct and operate the site at the applicable time to meet the following requirements:

Article 4 – Emergency Water Standards

§1275.01 – The water system shall be designed, reviewed, approved and installed and made serviceable PRIOR to and during the time of construction. Exact quantity of water will still need to be determined. The water supply shall be a reliable source and shall be contained in an enclosed tank to avoid contamination or excessive evaporation or other factors that could result in a less than reliable water source. Portable tanks and reservoirs will not be accepted.

For guidance the Mission Soledad Fire Protection District will accept the City of Soledad Standard W-11 or equivalent for the installation of the water mains.

Backflow prevention shall be installed in accordance with City of Soledad Standard W-3 or equivalent.

§1275.15 – Fire Hydrants shall be installed as required by this section. However, the fire hydrants shall incorporate a minimum of one (1) two and one half inch (2½”) National Hose outlet and one (1) four and one half inch (4½”) National Hose Steamer outlet. For guidance the Mission Soledad Fire Protection District will accept the City of Soledad Standard W-8 or equivalent.

§1275.20 – All fire hydrants shall be marked on the roadway with an approved 3” square blue reflective (Bott’s Dot) road marker.

Article 5 – Fuel Modifications

A Vegetation Management Plan shall be developed for review by the Mission Soledad Fire District and the California Department of Forestry and Fire Protection. Plan shall address how the fuels will be modified; how defensible space(s) will be developed and maintained; destruction and disposal of flammable and combustible vegetation on an on-going basis (maintenance); how the greenspace areas will be maintained; incorporate fire-wise, drought-tolerant and water-wise vegetation throughout the property to maintain the minimum 100’ defensible space required by the Public Resources Code (PRC). Although the PRC states 100 feet, this should be treated as a minimum distance

Compliance or Monitoring Action to be Performed: The applicant shall design, construct and operate on an ongoing basis as required by these regulations.

91. FIRE STANDARDS TITLE 24 PART 2

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: California Code of Regulations Title 24 – Part 2 California Building Code

The entire project shall meet the requirements of the applicable chapters of the California Building Code as adopted and amended by the County of Monterey. This project being within the SRA also requires that all structures shall meet the requirements contained in Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.

Compliance or Monitoring Action to be Performed: The applicant shall design, construct and operate on an ongoing basis as required by these regulations.

92. FIRE STANDARDS TITLE 24 PART 9

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: California Code of Regulations Title 24 – Part 9 California Fire Code

The entire project shall meet the requirements of the applicable chapters of the California Fire Code as adopted and amended by the County of Monterey.

Compliance or Monitoring Action to be Performed: The applicant shall design, construct and operate on an ongoing basis as required by these regulations.

93. MITIGATION MEASURE 3.1-1: AESTHETICS & VISUAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.1-1: Prior to issuance of any construction permits, the project applicant shall modify the project landscape design and colors for the exterior roof and plaster walls as follows:

- The roof color shall include a blend of darker shades, which colors would serve to blend the building's rooftops into the natural environment and reduce the appearance of large masses from greater distances. Final design shall be subject to review and approval of the RMA Director.
- The color of the plaster shall utilize a variety of earth tone colors, such as the color supplied in the palette on page 2 in Exhibit 1 of the RMA Analysis, and as otherwise approved by the RMA Director.
- The Landscape Plan shall include the use of five-gallon size or transplanted native oak trees, or other tree or tall shrub species as approved by RMA-Planning, planted, when mature, to break up the building rooflines and the front of the resort when viewed from common public viewing areas in the Salinas Valley, while allowing well-designed openings in the canopy to allow views from the resort of the valley. Oak trees shall be provided in appropriate areas, such as where oak trees were originally present prior to grading in that area, or on the north side of buildings where no oak woodland was present prior to grading. Where oak trees were not part of the original landscape for that area of the site, other tree species shall be used.
- Where buildings are placed in areas that previously consisted of dense oak woodlands, the design of the landscaping shall integrate the buildings into the oak woodland setting such that the buildings, if visible, are viewed in the context of the oak woodland. Native oak trees shall be strategically placed at building corners and extending between buildings and natural landforms or remaining native oak trees to integrate the buildings into the natural landscape. Landscape Plans shall be submitted for review and approval by the RMA Director of Planning for each phase of development and shall be approved prior to issuance of construction permits for buildings within the area covered by the Landscape Plan. Review by the County of the landscape plans will be conducted in consultation with the fire district to ensure that landscaping is installed in a fire-safe manner.

The intent of this mitigation measure is to occasionally break up the mass, not screen the site from the valley or from public views, and to use color and vegetation to break up the visual massing from common public viewing areas. This can be achieved by using existing topography, landscape plantings, and a variety of colors to create variety in the mass. The landscape plantings, while further reducing visibility, will not be fully grown at the time of planting. The mitigation measure's other techniques, as well as existing topography and vegetation that will not be disturbed, will reduce the impact to a less than significant level even while the newly planted vegetation grows to maturity, due to the distance to common public viewing areas. Oak trees can be a planted a distance away from structures and each other, to comply with safe fire-planting principles, and still provide screening from public viewing areas.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall prepare a revised landscaping plans and structure colors, and submit them for review and approval to the RMA-Director of Planning.

94. MITIGATION MEASURE 3.1-2 - AESTHETICS & VISUAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.1-2: Standard Condition. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in Monterey County Code Section 21.06.195, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to a final inspection and on an ongoing basis, the lighting shall be installed and maintained in accordance with the approved plan.

95. MITIGATION MEASURE 3.2-1: AIR QUALITY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.2-1: The applicant shall include dust control measures in grading plans, subject to review and approval by the County of Monterey Resource Management Agency – Planning Department. Grading plans shall require that active disturbed areas be watered at least twice daily and shall limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth moving (e.g. finish grading) during all phases of construction activities, absent dust control measures. In the event ground disturbance exceeds these limits, grading plans shall require the project applicant to implement the following fugitive dust measures:

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install appropriate best management practices or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Limit the area subject to excavation, grading and other construction activity at any one time;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints (the person shall respond to complaints and take corrective action within 48 hours);
- Ensure that the phone number of MBUAPCD is visible to the public for compliance with Rule 402 (Nuisance); and
- For any diesel equipment used that is greater than 120 horsepower, utilize equipment that is 1996 or newer.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits, the applicant's engineer shall show all requirements on the grading plans. The applicant shall ensure that all measures are included in, or attach plans, to all construction contracts. The project planner shall ensure that all requirements are included as described.

During grading operations, the County Inspector shall ensure that all measures are being implemented.

Prior to final inspection on grading, the County shall ensure that replanting has been installed pursuant to approved plans.

96. MITIGATION MEASURE 3.3-2a: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-2a: For each construction area, including for each project phase, prior to initiation of construction activities at the site, the project applicant shall have a Monterey County-approved consulting biologist conduct an environmental awareness training session for all construction personnel. At a minimum, the training will include a description of special status animals with potential to occur and their habitats, general measures that are being implemented to protect wildlife as they relate to the project, and the boundaries within which the project occurs. Informational handouts with photographs clearly illustrating the species appearances will be used in the training session for species expected to occur on the site. If new construction personnel start work at the site after the initial training session, the training session shall be repeated as often as necessary so that all new personnel receive this mandatory training when they start work at the project site.

The biologist shall be present on the site to conduct biological construction monitoring during initial site clearing and grading activities, ensuring construction monitoring for every new disturbance area. The biologist will assist the workers in observing and avoiding direct impacts to wildlife that are observed within each work area.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall hire a qualified biologist and provide the contract to the Project Planner for verification. Prior to construction activities, the biologist shall train construction staff.

On an ongoing basis, including for each project phase, the biologist shall train construction staff prior to them starting work on the property. Provide documentation to the Project Planner that all construction staff have been trained.

Construction activities also includes vegetation removal, grading operations, or demolition of structures; construction staff include those that carry out those activities as well as construction.

The biologist shall monitor Construction Activities and avoid species as identified in the permits.

97. MITIGATION MEASURE 3.3-2b: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-2b: For each construction area, including for each project phase, prior to initiation of project activities including, but not limited to, vegetation, snag, or tree removal and demolition of structures within the project site, or loud construction-related noise within the work area, the project applicant shall implement the following measures:

- Conduct pre-construction surveys for bats over a minimum of four visits at least 15 days prior to the beginning of tree/vegetation removal, building demolition, and other project activities, to determine if the area is being actively utilized by special-status bats or for spring/summer maternity colonies (bats usually have young from April to September, but roost year-round). All structures within the project site shall be surveyed with the exception of the house trailers, fire equipment room, and the main pump house. These surveys shall also include determining if any trees or buildings marked for removal have characteristics that make them suitable bat roosting habitat (e.g., hollows, broken limbs, crevices, etc.). For any trees/snags that could provide roosting space for bats, the biologist shall thoroughly evaluate the trees/snags to determine if a colony is present prior to trimming or cutting. Visual inspection and acoustic surveys may be utilized as initial techniques. Removal of any native riparian tree shall be preceded by a thorough visual inspection of foliage to reduce the risk of displacing or harming roosting bats. If no roosting bats are observed, no further mitigation would be required.
- If a tree or structure is determined not to be an active roost site, it may be immediately trimmed or removed. If the tree or structure is not trimmed or removed within four days of the survey, the biologist shall repeat night survey efforts.
- Removal of occupied trees/snags or structures shall be mitigated for by the installation of a snag or other artificial roost structure (bat house) within suitable habitat located outside of, but near the impact area within the project site. Construction activities that may cause roost abandonment may not commence until artificial roost structures have been installed. With the input from a qualified biologist who is a bat specialist and coordination with the CDFW, alternative roost structure(s) shall be designed and installed to provide suitable habitat for evicted or displaced bats. Placement and height will be determined by the qualified wildlife biologist, but the height of the bat house will be at least 15 feet. Bat houses will be multi-chambered, and be purchased or constructed in accordance with CDFW standards. The number of bat houses/snags required will be dependent upon the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient number to accommodate each colony of bats to be relocated. If necessary, coordinate with the CDFW for acceptable mitigation alternatives.
- Protect maternity colonies that have pre-volant young (not yet able to fly). If active bat roosts are observed during the maternity roosting season, the roost shall not be disturbed until after all juvenile bats are able to fly from the roost. The project biologist must confirm there are no pre-volant young present before a colony is displaced. It is assumed that after September 1, colonies have no pre-volant young.

**** NOTE: THIS CONDITION WAS CONTINUED ****

**Compliance or
Monitoring
Action to be Performed:**

98. MITIGATION MEASURE 3.3-2b (CONTINUED): BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-2b (CONTINUED CONDITION): The project proponent shall coordinate with the CDFW and a biologist that is permitted to handle special status bats to develop appropriate exclusion methods if necessary. The California Fish and Game Code stipulates that bats may be excluded from occupied roosts during two time periods; between September 1 and October 15, and between February 15 and April 15. If bats are found roosting within these time frames, it may be necessary to passively exclude them from trees or structures scheduled for removal. If necessary, prior to initiating project activities, passive exclusion methods shall be installed for a minimum of two weeks and monitored by a qualified biologist within the appropriate time frames above. At a minimum, monitoring efforts shall include conducting acoustic and evening emergence surveys during this two week period.

Compliance or Monitoring Action to be Performed: Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to vegetation removal, demolition of structures, or construction noise, the biologist shall conduct pre-construction surveys and identify suitable habitat areas within the time frames identified in the mitigation measure.

On an ongoing basis, and as needed, but prior to activities that may cause roost abandonment, the biologist shall identify replacement habitat, install replacement habitat, and coordinate with CDFW as described in the mitigation measure.

On an ongoing basis, and as needed, but prior to activities that may cause roost abandonment, the biologist shall protect maternity colonies as described in the mitigation measure. Prior to handling or excluding bats, the project proponent shall coordinate with the CDFW and a biologist that is permitted to handle special status bats to develop appropriate exclusion methods if necessary.

Prior to initiating activities described in the mitigation measure, the project biologist shall install passive exclusion methods and monitor for a two week minimum.

99. MITIGATION MEASURE 3.3-2c: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-2c: For each construction area, including for each project phase, the project applicant shall have a Monterey County approved qualified biologist examine the impact area, including a 30 foot buffer around the impact area, for Monterey dusky-footed woodrat nests before and during any initial vegetation, woody debris, and/or tree removal, or other initial ground disturbing activities. All woodrat nests will be flagged by the biologist for avoidance of direct construction impacts where feasible. If impacts cannot be avoided, woodrat nests shall be dismantled by the biologist no more than three days prior to construction. All vegetation and duff materials shall be removed within three feet around the nest prior to dismantling so that the occupants do not attempt to rebuild. Nests are to be slowly dismantled by hand in order to allow the occupants to disperse. Nests shall not be dismantled during inclement weather at the discretion of the biologist (e.g., during or within 48 hours of predicted precipitation event, low nighttime temperatures, etc.). In addition, should dependent young be found during the nest dismantling process, the nest will be reassembled in place, and the occupied nest and any nests within 30 feet of the occupied nest shall be left undisturbed for at least three weeks to allow the young to wean.

Compliance or Monitoring Action to be Performed: Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to vegetation removal, demolition of structures, or construction noise, the biologist shall examine impact and buffer area, and identify exclusion areas within the time frames identified in the mitigation measure.

At least 3 days prior to construction. the biologist shall relocate nests if no dependent young are found.

100. MITIGATION MEASURE 3.3-2d: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM3.3-2d: For each construction area, including for each project phase, the project applicant shall have a qualified biologist conduct a two-visit (i.e. morning and evening) burrowing owl presence/absence pre-construction survey at areas of suitable habitat on and within 500 feet of the proposed impact area no less than 14 days prior to the start of construction. Surveys shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If pre-construction "take avoidance" surveys performed during the breeding season (February through August) or the non-breeding season (September through January) for the species locate occupied burrows near the construction area, then consultation with the CDFW would be required to interpret survey results and develop project -specific avoidance and minimization approaches as found in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Compliance or Monitoring Action to be Performed: Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to vegetation removal, demolition of structures, or construction noise, the biologist shall conduct pre-construction surveys within the time framed identified in the mitigation measure.

If occupied burrows are located, the project biologist shall consult with CDFW to develop avoidance and minimization approaches.

101. MITIGATION MEASURE 3.3-2e: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-2e: For each construction area, including for each project phase, the project proponent shall retain a Monterey County-approved consulting biologist to conduct a preconstruction survey for coast horned lizard unless the project biologist demonstrates that no suitable habitat is present in that construction area. Preconstruction surveys will be conducted within approximately 72 hours prior to disturbance of any suitable habitat for this species. Surveys will utilize hand search methods in proposed impact areas where this species is expected to be found (i.e., under shrubs, within other vegetation types, or debris on sandy soils). Any individuals located during the survey shall be safely relocated by the biologist to suitable habitat outside of the proposed impact areas or project activities shall avoid disturbing the habitat and the individuals until the individual has left the area, as determined by the biologist.

Prior to recording of the final map or before any ground disturbance activities, whichever occurs first, a relocation program shall be prepared by a qualified biologist and reviewed and approved by the County. The relocation program shall include a detailed methodology for locating, capturing, and translocating individuals prior to construction. The project shall identify a suitable location for relocation of the lizard prior to capture. A qualified biologist with a current scientific collection permit shall be required for handling coast horned lizards.

During initial ground disturbance and vegetation removal activities for each project impact area, a project biologist will be on the site to recover any coast horned lizards that may be excavated/unearthed. If the animals are in good health, they will be immediately relocated to a designated release site outside of the work area. If they are injured, the animals will be released to a CDFW-approved rehabilitation specialist until they are in a condition to be released into the designated release site.

Compliance or Monitoring Action to be Performed: Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to vegetation removal, demolition of structures, or construction noise, the biologist shall conduct pre-construction surveys within the time framed identified in the mitigation measure.

Prior to construction activities and on an ongoing basis, the project biologist shall relocate individuals or ensure they have left the area.

Prior to recording of the final map or before any ground disturbance activities, whichever occurs first, a relocation program shall be prepared by a qualified biologist and reviewed and approved by the County.

On an ongoing basis during ground disturbance and vegetation removal, the project biologist shall relocate found individuals, ensure they have left the area, or release to a rehabilitation specialist, as applicable

102. MITIGATION MEASURE 3.3-3: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-3: For each construction area, including for each project phase, if noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project proponent shall retain a Monterey County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on, and adjacent areas visible from, the site to ensure that no active nests for protected species would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance/construction activities for each construction area. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the project biologist and submitted to the Monterey County – Resource Management Agency for review and approval prior to disturbance and/or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for bird nest avoidance shall be prepared to determine and clearly delineate an appropriately-sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active protected bird nest shall be determined at the discretion of the project biologist and in compliance with applicable project permits.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the project biologist. No action will be necessary if the construction activity occurs outside the nesting season as detailed in this mitigation measure.

Construction area, for the purposes of these mitigation measures (MM 3.3-2 through MM 3.3-3), is defined as follows:

- Each project phase
- Structure removal activities
- Tree removal activities
- Paving activities

If construction, demolition, or tree removal activities cease for a period of time exceeding the pre-construction survey period itemized in the mitigation measure, the pre-construction survey shall be redone, if potential habitat remains in that area.

**Compliance or
Monitoring
Action to be Performed:**

Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to vegetation removal, demolition of structures, or construction noise, the biologist shall conduct pre-construction surveys within the time framed identified in the mitigation measure. During this same time frame, the biologist shall submit the described report to RMA for review and approval and prepare a plan for species avoidance if species are found.

The biologist shall ensure that no construction activities occur within the buffer area until the species is clear of the area, as described in the mitigation measure.

103. MITIGATION MEASURE 3.3-4a: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-4a: Prior to issuance of any County project permits, a Monterey County-approved consulting biologist shall be retained by the project proponent to develop a detailed wetland mitigation plan, which will guide compensatory mitigation efforts for all anticipated project impacts to potentially jurisdictional wetland features. The plan shall be submitted to the Monterey County – Resource Management Agency for review and approval prior to issuance of any County project permits that could affect wetlands, jurisdictional waters or riparian areas. The wetland mitigation plan shall achieve no net loss of habitat values, including a minimum replacement of 1:1, but must meet the ratio required by the permitting agencies. The wetland shall function at the same habitat value as wetlands proposed for removal; these values shall be analyzed by, and established in, the mitigation plan. The plan shall include an agreement to continue to monitor and refine the mitigation effort (adaptive management) until the success criteria as stated within the plan, and as agreed to by the permitting agencies, are achieved. Success criteria shall include a prohibition on non-native vegetation, fish or amphibian species and shall include monitoring to ensure that non-native species have not been introduced into the habitat. Vegetation species variety and density, similar or greater than the value of the existing wetland to be lost, shall be included in the plan and monitoring to ensure a minimum of the former variety and density shall be conducted by the property owner's Monterey County-approved biologist. Monitoring shall continue until the vegetation and aquatic species levels have reached the success criteria for a minimum of three consecutive years.

Per the required wetland mitigation plan, a new in-stream pond, or a portion of the pond, and day lighted stream segments, or an alternative location and design acceptable to the permitting agencies, will serve as wetland feature mitigation sites, planted and maintained to support native and locally appropriate wetland/riparian vegetation. The plan will stipulate that a native plant specialist will install the native vegetation, and perform regular site maintenance for a minimum of five years, during which time a Monterey County-approved consulting biologist will monitor the site at least annually to ensure that the wetland creation is successful. The wetland mitigation plan shall establish specific success criteria, and shall include provisions for long-term site monitoring and maintenance to prevent the establishment of non-native plant species and aquatic nuisance animals (such as non-native fish, crayfish species, and bullfrog) that may preclude native wildlife species from utilizing the created and restored wetland/riparian habitats.

** PLEASE NOTE: CONDITION CONTINUED **

**Compliance or
Monitoring
Action to be Performed:**

Prior to initiation of construction activities, for each project phase, the applicant shall hire qualified biologists and provide the contract to the Project Planner.

Prior to issuance of any county permits, the biologist shall develop a wetland plan as described in the mitigation measure.

On an ongoing basis, until success criteria are met for a minimum of three consecutive years, the biologist shall monitor the success of wetland preservation.

Per the required wetland mitigation plan, a new wetland feature shall be planted and maintained to support native and locally appropriate wetland/riparian vegetation. A native plant specialist will install the vegetation. On an ongoing basis as described in the mitigation measure, the biologist will monitor success and recommend adaptive management to achieve success.

104. MITIGATION MEASURE 3.3-4b: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

MM 3.3-4b: All necessary permits and agreements shall be obtained from the USACE, CDFW, and RWQCB prior to issuance of any County project permits that involve project impacts to jurisdictional wetland features, including streams and wetland areas. This also includes obtaining these prior to mass site grading operations. For all project impacts to wetland features potentially under the jurisdiction of the USACE, CDFW, and RWQCB, regulatory agency permitting will be required along with compensatory habitat replacement identified through the wetland mitigation plan required by mitigation measure 3.3-4a, above. The project proponent shall prepare and submit a USACE Clean Water Act Section 404 Nationwide Permit application, a RWQCB Section 401 Water Quality Certification application, and a CDFW Section 1602 Streambed Alteration Agreement application. After all regulatory agency permits are obtained, the proposed mitigation efforts shall be implemented according to stipulated permit conditions and the wetland mitigation plan. The project proponent shall comply with all wetland/waters/riparian habitat replacement requirements and/or impact minimization measures stipulated in the approved regulatory agency permits.

**Compliance or
Monitoring
Action to be Performed:**

All necessary permits and agreements shall be obtained from the USACE, CDFW, and RWQCB prior to issuance of any County project permits that involve project impacts to jurisdictional wetlands.

On an ongoing basis, the applicant shall ensure permit requirements are met. The applicable permitting agency shall monitor permit compliance.

105. MITIGATION MEASURE 3.3-6a: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-6a: Prior to the issuance of grading permits, the project applicant shall submit a Final Forest Management Plan for review and approval by the County that minimizes the removal of coast live oak (*Quercus agrifolia*) trees in accordance with the recommendations in the Forest Management Plan that was prepared for the proposed project by Forest City Consulting in July 2005. The Final Forest Management Plan shall be prepared by a County-approved arborist or forester, and shall include an oak tree restoration (mitigation and monitoring) plan that identifies the final number and acreage of protected oak trees to be removed during construction, and the replacement of these oak trees as a means of promoting long-term tree replacement in compliance with Section 21.64.260 of the Monterey County Zoning Ordinance and the Oak Woodlands Conservation Act/PRC Section 21083.4.

The Final Forest Management Plan shall include specific recommendations on the following topics, as necessary. Tree replacement within the project site shall occur as appropriate in open space areas, and may be included in appropriate landscaping areas, and shall not exceed more than 1 tree per 10 foot by 10 foot block of available space. If a specific area does not allow for replanting of trees, then the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. All trees shall be replaced with coast live oak trees obtained from on-site sources or shall be grown or obtained from local ("local" to be defined by Final Forest Management Plan) native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project site conditions (except for individuals planted to provide viewshed mitigation as addressed in Mitigation Measure 3.1-1). Replacement trees shall be monitored and maintained for a minimum of seven years after planting. The oak tree restoration plan shall be subject to review and approval by the County. The restoration shall be implemented with the following success criteria: 100% survival of the number identified in the approved Final Forest Management Plan, so overplanting could be conducted to allow that to occur in a shorter time frame. Monitoring by an arborist shall take place to measure survival rates for three years past the period where the oak trees will be irrigated. Irrigation should cease after four years, or a different period as recommended by the project arborist. If after this monitoring period, 100% survival is not achieved, replacement plantings will be required until a 100% survival rate is achieved for three consecutive years without irrigation.

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading permits, the project applicant shall hire a forester or arborist. The forester or arborist shall submit a Final Forest Management Plan for review and approval by the County.

The applicant shall ensure that trees are replaced in accordance with the approved plan and provide verification to the County.

The forester or arborist shall monitor success of the replacement planting as described in the mitigation measure and provide verification to the County.

106. MITIGATION MEASURE 3.3-6b: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-6b The project applicant shall implement the following tree protection best management practices during construction activities within the project site and include these measures on construction contracts for the proposed project, subject to review and approval by the County of Monterey Resource Management Agency-Planning:

- Prior to issuance of any permits, the Resource Management Agency – Planning shall review the project plans for impacts to protected oak trees that were not anticipated as part of the analysis included in this environmental impact report. The review of these plans shall focus on adjusting the plans to minimize tree removal and to minimize impacts to trees proposed for retention.
- A temporary physical barrier (temporary fencing) shall be used to protect the forested area outside of the development area. All areas protected by the tree protection fence shall be considered off-limits during all stages of construction and shall not be used to park cars, store materials, pile debris, or place equipment.
- Specific trees to be retained located within the development area shall be surrounded by a fence at the outermost edge of the dripline, or at the limit of improvements where development is approved within the dripline.
- A qualified arborist or forester shall inspect the placement of the temporary protection fencing to ensure maximum protection of the retained trees before any heavy equipment is moved onto the site or any construction activities begin.
- Any construction activities or trenching within the areas protected by the tree protection fencing shall be done either by hand using hand equipment or under the on-site supervision of a qualified arborist or forester. In such cases, roots over one inch in diameter shall not be cut or severed unless approved by the on-site forester or arborist, including their determination that it would not harm the long-term viability of the tree.
- When possible, utilities shall be placed in the same trench to minimize rootzone disturbance. Not more than one trench is permitted within the dripline of any tree unless approved by the on-site forester or arborist, including their determination that it would not harm the long-term viability of the tree.
- Roots encountered during trenching, grading, and excavation that are not to be retained will be cleanly cut to promote re-growth and to prevent increased damage from breaking the root closer to the tree than is necessary.
- When pruning trees for construction, branches subject to breakage shall be pruned when such pruning will not cause significant damage to the health and vitality of the tree. All recommended pruning shall be supervised by a certified arborist or registered forester and occur prior to commencement of grading.
- All construction contracts for the proposed project shall include a provision for requiring that all contractors and subcontractors performing work on the proposed project be given a copy of the approved Final Forest Management Plan and conditions of approval, and that they agree to implement the provisions of the Plan.

Compliance or Monitoring Action to be Performed: Prior to construction activities, the applicant shall include tree protection measures in contracts, which shall be submitted for review and approval to the County. Prior to issuance of permits, the project planner shall review and approve the plans.

During construction and on an ongoing basis, contractors shall implement tree protection measures. Prior to construction, the arborist or forester shall approve the location and installation of protective fencing.

107. MITIGATION MEASURE 3.3-6c: BIOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.3-6c: To comply with the Oak Woodlands Conservation Act and PRC Section 21083.4, the tree replacement mitigation described above shall apply to 50 percent of the proposed impact to oak woodlands. For the remaining requirement to mitigate the impact, the project applicant shall either dedicate a conservation easement over a suitable oak woodland area on site or contribute funds to a local fund, or to the Oak Woodlands Conservation Fund if no local fund is established, as established under subdivision (a) of Section 1363 of the Fish and Wildlife Code. The primary purpose of such funds is to purchase oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of Section 1363 and the guidelines and criteria of the Wildlife Conservation Board for the California Oak Woodlands Conservation Program. If contributions are made to a local fund, that fund must have the same purposes as the state program. This measure shall mitigate the remaining 50 percent of oak woodland impacts, equivalent to approximately half the acreage of oak woodland removal. Dedication of an on-site conservation easement, in lieu of paying a fee, would require that the easement area contain at least as many trees and an equal or greater area as that impacted by the tree removal.

Compliance or Monitoring Action to be Performed: Prior to tree removal, the project applicant shall dedicate a conservation easement or contribute funding as outlined in the mitigation measure. If the proposal includes a conservation easement, the County must record the easement.

108. MITIGATION MEASURE 3.4-1: CLIMATE CHANGE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant Proposed Mitigation Measures - MM 3.4-1a The applicant shall implement the following applicant-proposed mitigation measures:

- Utilize energy star appliances (Title 24 plug-in appliances) in 77 timeshare units;
- Use solar photovoltaic system to generate 20 percent of on-site energy needs;
- Use light-emitting diode (LED) lighting will be used outdoors (Note: assume 20 percent LED use);
- Employ Neighborhood Electric Vehicle (NEV) network on-site;
- Provide employee shuttle;
- Use reclaimed water for 100 percent of outdoor uses;
- Install low-flow indoor water fixtures in all buildings;
- Use electric landscaping equipment;
- Install water efficient landscapes; and
- Implement on-site recycling program and divert 50 percent (assumed) wastes from landfill disposal.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the applicant shall implement the actions described in the mitigation measure. The County shall review individual permits and ensure compliance prior to issuance. The resort operator shall implement ongoing measures

Reclaimed water use at 100 percent is for the project buildout condition. Earlier phases of the project will provide some supplemental water to the reclaimed water.

The employee shuttle program will commence upon occupancy permit issuance of the ___ resort unit.

109. MITIGATION MEASURE 3.4-1-b: CLIMATE CHANGE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant Proposed Mitigation Measures - MM 3.4-1b: To achieve a total of 2,239.63 MT of CO₂e of additional GHG emissions reductions needed to reduce project emissions to net zero, the applicant shall secure additional emissions reductions through off-site GHG reduction programs and/or through purchase of carbon off-sets. Options for off-site emissions reductions programs could include but are not limited to the following:

- Paying for energy-efficiency upgrades of existing homes and business;
- Installing off-site renewable energy;
- Paying for off-site water efficiency; and
- Paying for off-site waste reduction.

Off-site mitigation must be maintained in perpetuity to match the length of project operations to provide ongoing annual emission reductions.

The applicant may purchase offsets from a validated source to offset annual GHG emissions. Validated sources are carbon-offset sources that follow approved protocols and use third-party verification such as those of the Climate Action Registry or Climate Action Reserve. The applicant shall present proof of offsite mitigation and/or validated carbon offset purchase that offset project GHG emissions to net zero to Monterey County for review and approval prior to issuance of a grading permit for each project phase.

Compliance or Monitoring Action to be Performed: For each project phase, the applicant shall hire a consultant to calculate emission reductions to be purchased. Prior to issuance of permits for that phase, the applicant shall purchase, and the County verify, that credits have been purchased.

110. MITIGATION MEASURE 3.5-1a: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-1a Project applicant (“Applicant”) shall hire a qualified historical consultant (“Consultant”) prior to filing the Final Map’s first phase. The Consultant shall define a consistent design and cohesive themes (Native American, Spanish, Mexican, and American) for the site.

Before lodge unit building permits are issued, the Consultant shall identify and create a digital catalog of historic archives and photographs focusing on Paraiso Springs’ historic character and setting during the late nineteenth century when the hotel/resort was first commissioned. The catalog is intended to consist of a consolidated list of the archives and photographs found, a brief description of the archive or photograph, and the location of the resource. Potential available resource repositories include, but are not limited to, those located in the California State Library, California State Archives, Monterey County Free Libraries, Bancroft Library, National Archives, Monterey Public Library (i.e., the “California Room”), Oakland Museum, National Steinbeck Center, Pat Hathaway Collection, California Historical Society and all other similar organizations deemed appropriate by the Consultant, as agreed to by the RMA-Director of Planning. All previous reports submitted with the project application on the property’s history will also be included. This catalog shall be compiled in a final format as a digital catalog of the archives and include information as to where to find resources that provide pertinent information on the four periods of significance and shall be available for printing by others. The digital catalog shall be included at all locations the digital presentation, described below, resides, including on the Paraiso Resort website, the Monterey County Historical Society website and offered (in a digital format) to the Soledad Mission and to regional visitor centers that provide information in Monterey County.

A digital interpretive display that would serve to educate people about the history of the site including all four periods of significance shall be developed and implemented. This display shall use a combination of historical photos, graphics, timelines and narratives to help the public understand the significance of the site with particular emphasis on the Victorian Resort period.

Prior to preparation of the on-site interpretive display, Applicant and Consultant shall present, for review, a list of the available materials and the Consultant’s proposed suggestions, layout and scope of the digitally created history to the HRRB and the Monterey County Historical Society in an effort to quantify and finalize the digital presentation scope. This submittal for review by the HRRB and historical society shall occur prior to issuance of construction permits for visitor serving units. Such review by the HRRB, and approval by the RMA-Director of Planning, shall be completed prior to issuance of occupancy permits for visitor serving units. If there are any disagreements as to the final scope of the historical digital representation of Paraiso Springs to be created, or the HRRB is unable to complete its review, the RMA-Director of Planning will have final decision-making authority.

The final historical digital presentation, detailing Paraiso Springs’ history, shall be placed in the lobby or in a setting at the resort visible to the majority of guests as approved by the RMA-Director of Planning. The presentation shall also be on the facility’s website, linked to the Monterey County Historical Society website at their discretion, and offered (in a digital format or through a website link) to the Soledad Mission and to regional visitor centers and museums that provide information in Monterey County, such as the museum in Soledad and the Monterey County

** PLEASE NOTE: CONDITION CONTINUED **

**Compliance or
Monitoring
Action to be Performed:**

111. MITIGATION MEASURE 3.5-1a (CONDITION CONTINUED): CULTURAL RESOURCES

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** MM 3.5-1a (CONTINUED CONDITION): The digital presentation shall be on a dedicated monitor and approved by the County prior to the Phase 1 lodge units' final inspection and shall be installed and operational prior to opening the facility to customers. The presentation shall be played on a constant loop, show the history of Paraiso, and posted on the resort website.

**Compliance or
Monitoring
Action to be Performed:** Prior to filing a final map, the applicant shall hire a historian who will prepare design theme.

Prior to lodge unit building permits issuance, the historian shall identify and create a digital catalog and present list of materials and scope of digital displays to County and the Monterey County Historical Society for review and approval prior to issuance of occupancy permits. Prior to phase 1 lodge units final inspection, the applicant shall install the displays and the County shall approve the installation

112. MITIGATION MEASURE 3.5-1b: CULTURAL RESOURCES

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** MM 3.5-1b: Prior to recordation of the final map, the project applicant shall provide a grant of up to \$10,000 to the Monterey County Historical Society to pay for the time and effort of their personnel in assisting the Applicant and their Consultant with the review of the digital archives and consultation on, and technical costs for, linking the digital presentation to their website. The Historical Society may also use this fund for purchasing rights, accessioning, cataloging, displaying, creating archival-quality reproductions, and archiving any identified materials from the catalog specified in MM3.5-1a. All previous reports submitted with the project application on the property's history will also be included.

**Compliance or
Monitoring
Action to be Performed:** Prior to filing the first phase final map, provide the grant to Monterey County Historical Society and provide evidence to the project planner.

113. MITIGATION MEASURE 3.5-1c: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM3.5-1c: Prior to occupancy of first phase buildings, the applicant shall prepare a printable digital historic interpretive brochure, which may consist of the interpretive exhibit described in MM 3.5-1a or a summary of that exhibit. The printable document shall describe the historic periods (including the Native American, Spanish Mission, Mexican influences, and Victorian-era spa resort), features, locations, and former names of Paraiso Springs.

Compliance or Monitoring Action to be Performed: Prior to occupancy of first phase buildings, the historian shall create the brochure and submit for review and approval to the project planner.

114. MITIGATION MEASURE 3.5-1d: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM3.5-1d The project applicant shall provide a second digital display in a prominent public location, such as the hamlet, as recommended by the HRRB, with final approval by the RMA-Director of Planning. The display shall be constructed concurrent with the phase within which it will be located. The digital display shall include a shelter or be in a location that is determined sufficiently weather resistant by the HRRB, with final approval by the RMA-Director of Planning.

If such a weather resistant design cannot be demonstrated, the following shall occur:

1. The applicant shall hire a qualified exhibit planning firm to design and prepare an interpretive exhibit that would maintain a consistent design and cohesive themes (Native American, Spanish, Mexican, and American).
2. The interpretive exhibit shall consist of a minimum of six panels, which design shall be reviewed by the Monterey County Historic Resources Review Board with final approval by the RMA-Director of Planning. The interpretive exhibit shall be placed in an appropriate prominent location on site that is open to the public. The exhibit shall maintain a consistent design and cohesive themes and document the historic periods (including Native American, Spanish, Mexican and American periods) at Paraiso Hot Springs.
3. Construction of the interpretive exhibit, if deemed necessary by the RMA-Director of Planning, shall be completed at the Applicant's expense, prior to occupancy of any phase of the project site within which the exhibit is located. Outdoor signs shall be in full color and fabricated with material suitable for a 10-20-year life span.

Compliance or Monitoring Action to be Performed: Prior to occupancy of first phase buildings, the applicant shall submit the proposed location of the second digital display to the project planner for review and approval. Prior to occupancy of phase where the display will be located, the applicant shall provide the display or alternative method described in the measure.

115. MITIGATION MEASURE 3.5-2a: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-2a To ensure that no inadvertent damage occurs to CA-MNT-302 and CA-MNT-303 during development of the proposed project, prior to any earthmoving or construction activities in the area of these sites where resources from these locations may be disturbed, if determined necessary by the RMA-Director of Planning in consultation with the project archaeologist, the two sites shall be subjected to an extended Phase I (subsurface) survey to determine whether subsurface cultural materials are present. The RMA-Director of Planning shall be provided a confidential plan showing the location of grading, infrastructure, and structural improvements in relation to the archaeological sites. If the RMA-Director of Planning determines that a Phase I survey is necessary, the dimensions of the resource shall be determined, and the areas identified as containing cultural resources shall be evaluated for historic significance. Whether a Phase I survey is required or not, the area shall be placed within an open space easement. The resources shall be either excavated and removed or left untouched and buried, as recommended by the project archaeologist, in consultation with a tribal representative, and as determined by the RMA-Director of Planning. Exclusionary fencing shall be placed around these easement areas prior to the beginning of the project construction so that the potential for accidental impacts will be minimized. The location of the fencing shall be shown on the improvement plans but shall not be identified as to the type of resources protected.

A report with the findings of any extended Phase I subsurface survey shall be submitted to, and reviewed and approved by, the Director of RMA-Planning prior to issuance of a grading permit or other ground disturbing activities. If the subsurface survey reveals that implementation of the project or project features would adversely affect one or both of the resources, the project design shall be modified to avoid the resources and the resources shall be protected in place. All design changes are subject to approval by the Director of RMA-Planning.

Compliance or Monitoring Action to be Performed: Prior to activities in the area, the applicant shall hire an archaeologist, and have the project engineer submit the confidential grading plan to the County for review and approval. The County shall decide if a Phase 1 survey will be required.

Concurrent with recording map or prior to construction, whichever occurs first, the applicant shall place the areas within an easement. The archaeologist shall protect the resources as described.

Prior to issuance of grading permit or ground disturbance in the area, the archaeologist shall submit a report to the County for Phase 1 investigation

116. MITIGATION MEASURE 3.5-2b: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-2b After completion of the Phase I subsurface survey and report in compliance with MM 3.5-2a above, or prior to issuance of construction permits if no Phase I survey is deemed necessary, and to ensure that no inadvertent damage occurs to CA-MNT-302 and CA-MNT-303 or other yet undiscovered cultural resources, the project developer shall contract with a qualified archaeologist, acceptable to the Monterey County Director of RMA-Planning, to prepare a mitigation monitoring plan consistent with the provisions of this mitigation measure and with the professional ethics of the archaeology profession. The plan shall be approved by the Director of RMA-Planning prior to issuance of a grading permit or other ground disturbing activities.

The project developer shall also contract with a tribal monitor to observe ground disturbing activities at an hourly rate and scope deemed acceptable by the Director of RMA-Planning.

The qualified archeologist shall implement the monitoring plan during grading and/or construction-related activities within the following four areas: the Prehistoric Sensitivity Area, the Mission Vineyard Sensitivity Area, the Victorian Historic Complex Sensitivity Area, and the Historic Dump Area.

The archaeological monitoring plan shall include the following provisions:

- The timing and frequency of this monitoring shall be at the discretion of the qualified archaeologist with the intent that they be present during ground disturbing activities that could affect known or undiscovered resources. Monitoring in any area may be discontinued by the project archaeologist when it becomes evident that no additional monitoring is necessary.
- Monitoring by a tribal monitor shall be included for ground disturbing activities (i.e., infrastructure trenching, grading, foundation excavation) at an hourly rate and scope deemed acceptable by the Director of RMA-Planning and may be discontinued by the tribal monitor when it becomes evident that no additional monitoring is necessary.
- Any artifacts or other cultural materials noted by the monitor will be collected and stored for subsequent analysis or provided to the tribe for appropriate relocation pursuant to an agreement between the property owner and the tribe. It may be necessary to temporarily halt earth moving activities while such materials are collected.
- If a significant cultural feature or deposit is discovered, earth moving activities may be halted for the purpose of identifying the deposit. If deemed necessary, the feature or deposit shall be sampled or salvaged according to a mitigation and data recovery plan developed with the concurrence of RMA-Planning. A mitigation and data recovery plan shall be developed as part of this archaeological monitoring plan.
- Any collected materials will be subjected to appropriate analyses, and either be relocated pursuant to an agreement with the OCEN tribe or be curated on the property or in the public domain at an appropriate archaeological curation facility.
- The Director of RMA-Planning shall resolve any disagreements between the project archaeologist and the tribal monitor.
- At the end of the project a final report shall be produced documenting and synthesizing all data collected. This report will include recording and analysis of materials recovered, conclusions and interpretations, identification of the curation facility where the materials are stored, and additional recommendations as necessary.

The archaeological monitor shall submit a weekly report of the monitoring activities to the Director of RMA-Planning.

**** PLEASE NOTE: CONDITION CONTINUED ****

**Compliance or
Monitoring
Action to be Performed:**

117. MITIGATION MEASURE 3.5-2b (CONDITION COMPLIANCE): CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-2b (CONTINUED CONDITION): The archaeological monitor shall have the authority to stop all work if potentially significant cultural features or materials are uncovered. The RMA-Director of Planning shall be notified immediately of any discovery. There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent resources until the find can be evaluated by a qualified archaeologist and, if determined significant or unique (as defined in CEQA section 21083.2), until appropriate mitigation measures are formulated, with the approval of the lead agency, and implemented. If the archaeological site is determined to contain nonunique archaeological resources, the resource shall be documented, as appropriate and as approved by the RMA-Director of Planning in consultation with the monitoring archaeologist.

If any discovered archaeological site is determined unique, project construction shall be modified in at least one of the following manners as determined through consultation with the applicant, archaeologist, tribal monitor, and RMA-Director of Planning, as approved by the RMA-Director of Planning:

1. Move the construction to avoid the site.
2. Deed the archaeological site into a permanent conservation easement.
3. Cap or cover the archaeological site with a layer of soil before building on the site.
4. Plan for open space components of the project to incorporate and protect the archaeological site.

If a unique archaeological site is discovered, the implementation of the above measures may mean the elimination of some of the approved uses or structures. If the use or structure can be accommodated within the project footprint in a different location, the RMA-Director of Planning will determine whether the proposed relocation is in substantial conformance with the approved project and issue any applicable permits. If the relocation/redesign is determined to not be in substantial conformance with the project approvals, the construction activity and use shall be eliminated in that area, or an amendment to the project permits shall be obtained through a public process.

Compliance or Monitoring Action to be Performed: After completion of Phase I survey, or prior to issuance of permits, the applicant shall contract with a qualified archaeologist to prepare a monitoring program. Prior to issuance of grading permit or ground disturbance, the County shall approve the program and the applicant shall contract with a tribal monitor.

On an ongoing basis as described in mitigation measure, the archaeologist shall implement the monitoring program. The archaeologist shall submit a weekly monitoring report during ground disturbing activities to the County, who will ensure compliance with the program.

At end of ground disturbance activities, the archaeologist shall submit a final report to the County.

On an ongoing basis, the archaeologist has the authority to stop work, as described in the mitigation measure. If resources are discovered, the applicant, archaeologist, tribal monitor and County shall develop an approach, as approved by the County

118. MITIGATION MEASURE 3.5-2c: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-2c The following language shall be included within any plans for grading and building permits that involve ground disturbance, contracts with construction firms, permits or authorizations pertaining to the project site:

“If, at any time, potentially significant cultural features or materials are discovered, work shall be halted within 50 meters until the find can be evaluated by the project archaeologist and tribal monitor and, if determined significant by the RMA-Director of Planning, until appropriate mitigation measures are formulated, with the approval of the RMA-Director of Planning, and implemented.”

Compliance or Monitoring Action to be Performed: Prior to issuance of permits, the measure’s language shall be included within any plans for grading and building permits as described in the mitigation measure, subject to review and approval by the County.

119. MITIGATION MEASURE 3.5-3a: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-3a To ensure that no damage occurs to the identified cultural resource during planned road improvement activity along Paraiso Springs Road, the project applicant shall do the following:

- a. Contract with a qualified archaeologist to determine if the resource is unique, identify the exact dimensions of the site and formally record the resource;
- b. The project developer shall also contract with a tribal monitor to observe ground disturbing activities at an hourly rate and scope deemed acceptable by the Director of RMA-Planning;
- c. Place exclusionary fencing around the limits of the resource as identified by the archaeologist prior to earthmoving activities so that the potential for accidental impacts is eliminated; and
- d. The applicant shall provide evidence that the site has been recorded with the Northwest Information Center of the California Historical Resources Information System, if it meets the criteria for recording, prior to approval of the final improvement plans for the off-site road improvements to Paraiso Springs Road, subject to review and approval by the County RMA Planning Department.

Compliance or Monitoring Action to be Performed: Prior to issuance of a permit, the applicant shall hire an archaeologist and tribal monitor, and have the archaeologist identify resource areas. The County shall review and approve of the archaeologist’s findings.

Prior to approval of the plan by the County, the archaeologist shall record the site with the state.

The applicant shall ensure exclusionary fencing is installed prior to construction.

120. MITIGATION MEASURE 3.5-b: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-3b To ensure that no inadvertent damage occurs to the identified cultural resource or to other yet undiscovered cultural resources associated with off-site road improvements, the project developer shall contract with a qualified archeologist, acceptable to the Monterey County RMA Director of Planning, to prepare a mitigation monitoring plan consistent with the provisions of this mitigation measure. The plan shall be approved by the RMA Director of Planning prior to issuance of a grading permit.

The qualified archeologist shall implement the monitoring plan during grading and/or construction-related activities within the road improvement area. The archaeological monitoring plan shall include the following provisions:

- a. The timing and frequency of this monitoring shall be at the discretion of the qualified archaeologist and identified in the plan. Monitoring in any area may be discontinued by the project archaeologist when it becomes evident that no additional monitoring is necessary.
- b. Monitoring by a tribal monitor shall be included for ground disturbing activities (i.e., infrastructure trenching, grading, foundation excavation) at an hourly rate and scope deemed acceptable by the Director of RMA-Planning and may be discontinued by the tribal monitor when it becomes evident that no additional monitoring is necessary.
- c. Any artifacts or other cultural materials noted by the monitor will be collected and stored for subsequent analysis or provided to the tribe for appropriate relocation pursuant to an agreement between the county or other property owner and the tribe. It may be necessary to temporarily halt earth moving activities while such materials are collected.
- d. If a significant cultural feature or deposit is discovered, earth moving activities may be halted for the purpose of identifying the deposit, at the discretion of the monitor. If deemed necessary, the feature or deposit shall be sampled or salvaged according to a mitigation and data recovery plan developed with the concurrence of the RMA Director of Planning.
- e. Any collected materials will be subjected to appropriate analyses, and either be relocated pursuant to an agreement with the OCEN tribe or be curated in the public domain at an appropriate archaeological curation facility.
- f. The Director of RMA-Planning shall resolve any disagreements between the project archaeologist and the tribal monitor.
- g. At the end of the project a final report shall be produced documenting and synthesizing all data collected. This report will include recording and analysis of materials recovered, conclusions and interpretations, identification of the curation facility where the materials are stored, and additional recommendations as necessary.

**** PLEASE NOTE: CONDITION CONTINUED ****

Compliance or Monitoring Action to be Performed:

121. MITIGATION MEASURE 3.5-b (CONDITION CONTINUED): CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-3b (CONTINUED CONDITION): The archaeological monitor shall have the authority to stop all work if potentially significant cultural features or materials are uncovered. The RMA-Director of Planning shall be notified immediately of any discovery. There shall be no further excavation or disturbance of the road site or any nearby area reasonably suspected to overlie adjacent resources until the find can be evaluated by a qualified archaeologist and tribal monitor and, if determined significant or unique (as defined in CEQA section 21083.2), until appropriate mitigation measures are formulated, with the approval of the lead agency, and implemented. If the archaeological site is determined to contain nonunique archaeological resources, the resource shall be documented, as appropriate and as approved by the RMA-Director of Planning in consultation with the monitoring archaeologist and tribal monitor.

If any discovered archaeological site is determined unique, project construction shall be modified in at least one of the following manners as determined through consultation with the applicant, archaeologist, tribal monitor and RMA-Director of Planning, as approved by the RMA-Director of Planning:

1. Move the construction to avoid the site.
2. Cap or cover the archaeological site with a layer of soil before building on the site.

If a unique archaeological site is discovered, the implementation of the above measures may mean the redesign or elimination of some of the planned improvements. If the design can be accommodated within the project footprint in a different location, the RMA-Director of Planning will determine whether the proposed relocation is in substantial conformance with the approved project and issue any applicable permits. If the relocation/redesign is determined to not be in substantial conformance with the project approvals, the construction activity shall be eliminated in that area, or an amendment to the project permits shall be obtained through a public process.

Compliance or Monitoring Action to be Performed: Prior to issuance of permits, the applicant shall contract with a qualified archaeologist to prepare a monitoring program. Prior to issuance of grading permit or ground disturbance, the County shall approve the program and the applicant shall contract with a tribal monitor.

On an ongoing basis as described in mitigation measure, the archaeologist shall implement the monitoring program.

At end of ground disturbance activities, the archaeologist shall submit a final report to the County.

On an ongoing basis, the archaeologist has the authority to stop work, as described in the mitigation measure. If resources are discovered, the applicant, archaeologist, tribal monitor and County shall develop an approach, as approved by the County.

122. MITIGATION MEASURE 3.5-3c: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-3c The following language shall be included within all approved grading or building plans that involve ground disturbance, contracts with construction firms, and permits or authorizations pertaining to the Paraiso Springs Road Improvement area:

“If, at any time, potentially significant cultural features or materials are discovered, work shall be halted in the immediate vicinity until the find can be evaluated by the project archaeologist and tribal monitor and, if determined significant, until appropriate mitigation measures are formulated, with the approval of the lead agency, and implemented.”

Compliance or Monitoring Action to be Performed: Prior to issuance of permits, the applicant shall ensure the note is on the plans, for review and approval by the County.

123. MITIGATION MEASURE 3.5-4a: CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-4a: If human remains are discovered during grading or construction, the following steps shall be taken immediately upon discovery:

- a. There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains, initially 50 meters, until the following occurs:
- b. The Coroner of County of Monterey must be contacted to determine that no investigation of the cause of death is required, and
- c. If the Coroner determines the remains to be Native American:
 - The Coroner shall contact the Native American Heritage Commission and the Monterey County Resource Management Agency – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoan/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - o The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission.
 - o The descendent identified fails to make a recommendation; or
 - o The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner.

If the find is determined to be significant, the project design shall be modified to avoid the resources and the resources shall be protected in place as described in mitigation measure 3.5-4b.

Compliance or Monitoring Action to be Performed: If human remains are discovered, the archaeologist is authorized to stop work and contact the coroner. The coroner shall contact the project planner and the tribal representative, who shall make recommendations to the property owner.

124. MITIGATION MEASURE 3.5-4b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.5-4b: The archaeological monitor shall have the authority to stop all work if potentially significant cultural features or materials are uncovered. The RMA- Director of Planning shall be notified immediately of any discovery. There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent resources until the find can be evaluated by a qualified archaeologist and, if determined significant or unique (as defined in CEQA section 21083.2), until appropriate mitigation measures are formulated, with the approval of the lead agency, and implemented. If the archaeological site is determined to contain nonunique archaeological resources, the resource shall be documented, as appropriate and as approved by the RMA-Director of Planning in consultation with the monitoring archaeologist and tribal monitor.

If any discovered archaeological site is determined unique, project construction shall be modified in at least one of the following manners as determined through consultation with the applicant, archaeologist, tribal monitor and RMA-Director of Planning, as approved by the RMA-Director of Planning:

1. Move the construction to avoid the site.
2. Deed the archaeological site into a permanent conservation easement.
3. Cap or cover the archaeological site with a layer of soil before building on the site.
4. Plan for open space components of the project to incorporate and protect the archaeological site.

If a unique archaeological site is discovered, the implementation of the above measures may mean the elimination of some of the approved uses or structures. If the use or structure can be accommodated within the project footprint in a different location, the RMA-Director of Planning will determine whether the proposed relocation is in substantial conformance with the approved project and issue any applicable permits. If the relocation/redesign is determined to not be in substantial conformance with the project approvals, the construction activity and use shall be eliminated in that area, or an amendment to the project permits shall be obtained through a public process.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the archaeologist has the authority to stop work, as described in the mitigation measure. If resources are discovered, the applicant, archaeologist, tribal monitor and County shall develop an approach, as approved by the County.

125. MITIGATION MEASURE 3.6-1a: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-1a Prior to building permit approval, the project structural engineer shall provide a seismic design report for the project consistent with the most current version of the California Building Code, at a minimum. If other, more conservative design guidelines are determined to be applicable to the project, those design guidelines shall be followed.

Recommendations contained within the Geologic and Soil Engineering Feasibility Report, prepared by Landset Engineers (2004), shall also be referenced and incorporated as they provide specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to faults near the project site. The seismic design report shall be submitted for plan check with any improvement plans including earthwork or foundation construction.

During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the seismic design. Prior to final inspection, the project applicant shall provide certification from the project structural engineer that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the applicant shall hire a structural engineer who shall submit a seismic design report to the County for review and approval.

Prior to grading, the applicant shall hire an engineering geologist, who shall monitor grading operations and make recommendations as described in the mitigation measure.

Prior to final inspections, the structural engineer shall provide certification of compliance to the County.

126. MITIGATION MEASURE 3.6-1b: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-1b: Prior to occupancy of the proposed project, large appliances (i.e. refrigerators, freezers, pianos, wall units, water heaters, etc.), book shelves, storage shelves, and other large free-standing objects incorporated as part of the building design shall be firmly attached to the floor or to structural members of walls.

Compliance or Monitoring Action to be Performed: Prior to occupancy of the proposed project, large appliances shall be firmly attached to the floor or to structural members of walls. County inspectors shall ensure compliance prior to final on the permits where appliances are installed prior to final inspection.

127. MITIGATION MEASURE 3.6-2: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-2 - [Refer to Implementation of MM 3.6-1a verbage]

Compliance or Monitoring Action to be Performed:

128. MITIGATION MEASURE 3.6-3a: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM3.6-3a: Prior to issuance of a grading permit, the project applicant shall contract with a certified engineer to prepare a site-specific Supplemental Liquefaction Investigation prepared in accordance with the California Department of Mines & Geology Special Publication 117. The Supplemental Liquefaction Investigation shall include in its analysis the approved drainage plan. Engineering measures to protect development in this area could include structural strengthening of buildings to resist predicted ground settlement, utilization of post tension or mat slab foundations or a combination of such measures as recommended in the Geologic and Soil Engineering Feasibility Report prepared by Landset Engineering (2004). These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future development.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit, the project applicant shall contract with a certified engineer to prepare a site-specific Supplemental Liquefaction Investigation. The recommendations shall be included in all applicable permit plans, which shall be submitted to the County for review and approval.

As part of the appropriate inspection, the County shall ensure that the recommendations were implemented.

129. MITIGATION MEASURE 3.6-3b: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-3b: Prior to issuance of a grading permit, the project applicant shall contract with a certified engineer to ensure that final grading plans include a slope stability analysis, particularly for the parking area near the hamlet and the adjacent roadway, to verify that the proposed cut and fill slopes are considered stable under both static and pseudo-static conditions.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit, the project applicant shall contract with a certified engineer to ensure that final grading plans include a slope stability analysis. Grading plans shall be submitted to the County for review and approval. As part of the appropriate inspection, the County shall ensure that the recommendations were implemented.

130. MITIGATION MEASURE 3.6-3c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-3c The Final Geologic and Soil Engineering Feasibility Report shall use the most-recent Building Code, which addresses new seismic design requirements for structures and the site soil profile as SE should be reviewed again to confirm this designation is still appropriate for the project site.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall have the project geologist prepare a final geologic and soil engineering report. Recommendations from the report shall be included in all applicable construction plans, which shall be submitted to the County for review and approval.

131. MITIGATION MEASURE 3.6-4: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6.4a: Prior to issuance of a grading permit, the Project Geologist of Record (PGOR) shall work with the Geotechnical Engineer of Record and the Civil Engineer of Record to prepare a Final Geologic and Soil Engineering Feasibility Report. As part of this report, the PGOR shall:

1. Further characterize the debris flow and debris torrent hazards and attendant risks to the proposed developments. The PGOR shall perform a detailed mapping and subsurface program that will characterize the mode of past transport for angular boulders and cobbles of schist bedrock within the sandy alluvial matrix on the valley floors. Further geological mapping shall include detailed mapping of individual debris flow scars, as well as run-out areas for the debris flow deposits. Subsurface work shall adequately characterize the depth and extent of individual debris flow/torrent events. Mode of transport characterization shall include volumes and velocities per debris flow/torrent event, substantiated by a detailed geological recordation of past events in and adjacent to the proposed development areas;
2. Prepare debris flow/torrent design volumes, velocities and runup heights where warranted, based upon the above-listed field work and analysis;
3. Plot their geological information upon the most current sub-division and grading maps and analyze the potential impacts to the proposed developments; and
4. Work with PGOR and Civil Engineer Of Record to jointly assess the impact that debris flows and debris torrents may have upon the performance of the proposed drainage improvements. The proposed drainage improvements should be protected from design debris flow and torrent events dictated by the PGOR, or the drainage improvements shall be designed to handle said debris flow or debris torrent events without triggering flooding of the proposed developments.

The Final Geologic and Soil Engineering Feasibility Report shall fully characterize the new design debris flow events to include site design-specific recommendations to ensure that the structures at risk would not collapse if said design debris flow occurs.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit, the applicant shall hire a geologist, who shall prepare final report and incorporate recommendations from the report into all applicable designs, which shall be submitted to the County for review and approval.

132. MITIGATION MEASURE 3.6-4b: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6.4b: At the time of construction of the project, all excavations shall be observed by the PGOR prior to backfilling of the excavation. A post-construction geologic map portraying the distribution of rock and soil should be constructed by the PGOR and submitted to the County of Monterey with a Final Geological Report. If previously unidentified debris flow deposits are mapped in the excavations during construction, additional mitigation measures shall be recommended at the time of construction by the PGOR.

Compliance or Monitoring Action to be Performed: During construction and prior to backfill, the project geologist shall observe excavations and make recommendations. After construction is completed for that phase, the project geologist shall submit a final report to the County.

133. MITIGATION MEASURE 3.6-5: GEOLOGY & SOILS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.6-5: Prior to grading permit issuance, the project applicant shall contract with a qualified consultant to prepare an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized during site preparation, construction, and post-construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollutant Discharge Elimination System and Monterey County Ordinance 16.12.80, Land Clearing. The erosion and sediment control plan and the SWPPP shall be consistent with the standards set forth in the Construction General Permit.

Compliance or Monitoring Action to be Performed: Prior to grading permit issuance, the project applicant shall contract with a qualified consultant to prepare an erosion control plan and a Storm Water Pollution Prevention Plan, for review and approval by the appropriate agencies.

134. MITIGATION MEASURE 3.7-3a: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.7-3a: Pursuant to Cal OSHA regulations, the project applicant shall have each structure proposed for demolition within the project site inspected by a qualified environmental specialist for the presence of asbestos containing material and lead based paints prior to obtaining a demolition permit from the County. If asbestos containing material and/or lead based paints are found during the investigations, the project applicant shall develop a remediation program to ensure that these materials are removed and disposed of by a licensed contractor in accordance with all federal, state and local laws and regulations, subject to approval by the Monterey Bay Unified Air Pollution Control District and the County of Monterey Environmental Health Bureau, as applicable. Any hazardous materials that are removed from the structures shall be disposed of at an approved landfill facility in accordance with federal, state and local laws and regulations.

Compliance or Monitoring Action to be Performed: Prior to issuance of demolition permits, the applicant shall hire a qualified specialist, who shall inspect structures to be demolished and develop remediation program, if necessary. The Air District shall approve any remediation program. Concurrent with demolition, a qualified contractor shall remove the materials.

135. MITIGATION MEASURE 3.7-3b: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.7-3b The project applicant shall ensure that the removal of all fluorescent lighting ballasts within each structure are removed under the purview of the Monterey County Environmental Health Bureau in order to identify proper handling procedures prior to demolition of the structures within the project site. All removed fluorescent lighting ballasts shall be removed prior to demolition and disposed of at an approved landfill facility in accordance with federal, state and local laws and regulations.

Compliance or Monitoring Action to be Performed: Prior to building demolition, the applicant shall ensure proper removal and disposal of ballast, under oversight by County. The applicant shall provide evidence of proper disposal to County.

136. MITIGATION MEASURE 3.7-4: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.7-4: Subject to review by the County of Monterey Environmental Health Department, the project applicant shall map the specific location of all septic tanks located within the project site. Once located, the septic tanks shall be removed and properly disposed of at an approved landfill facility or properly abandoned onsite under permit with Monterey County Environmental Health. The applicant shall provide to Monterey County Environmental Health a schedule of all septic tanks on the property and identify those tanks to be physically removed from the property and those tanks to be abandoned onsite under permit with Monterey County Environmental Health.

Compliance or Monitoring Action to be Performed: Prior to their removal, the applicant shall have the location of septic tanks mapped and provide schedule and disposition of all tanks, under oversight by County. After removal, the applicant shall provide evidence of proper disposal to County.

137. MITIGATION MEASURE 3.7-5: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.7-5 Once the above ground fuel storage tank(s) are removed, a visual inspection of the areas beneath and around the removed tanks shall be performed. Any stained soils observed underneath the storage tanks shall be sampled. Results of the sampling (if necessary) shall indicate the level or remediation efforts that may be required. In the event that subsequent testing indicates the presence of any hazardous materials beyond acceptable thresholds, a work plan shall be prepared subject to review and approval by the County of Monterey Environmental Health Bureau in order to remediate the soil in accordance with all applicable federal, state, and local regulations prior to issuance of a grading permit.

Compliance or Monitoring Action to be Performed: Once the above ground fuel storage tank(s) are removed, a visual inspection of the area shall be performed as determined by the County. Any stained soils shall be sampled by a qualified person.
In the event that subsequent testing indicates the presence of any hazardous materials, the applicant's consultant shall prepare a work plan subject to review and approval by the County of Monterey.

138. MITIGATION MEASURE 3.7-6a: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The 2019 Fire Protection Plan has been reviewed and approved by the Mission-Soledad Rural Fire Protection District, and shall be approved by the RMA Director prior to clearance of any vegetation or issuance of permits for construction, whichever occurs first. The applicant shall implement the fire protection and safety measures recommended in the approved Fire Protection Plan along with additional measures listed below, including the following:

- Provide a facility Fire Safety Coordinator(s) to oversee implementation of fire protection and safety and overall fire coordination with MSRFPD/CAL FIRE.
- Coordinate an annual fire evacuation drill/fire exercise to ensure proper safety measures have been implemented, facility awareness and preparation of facility-wide "Ready, Set, Go!" plan, consistent with the Monterey County Community Wildfire Protection Plan.
- Provide trained security staff 24 hours per day and 7 days per week at the guard gate to manage an evacuation of the facility by opening the gates and directing traffic out of the area.
- Provide a first-responder (EMT) level staff person and equipment to be on-site at all times.
- Provide a customized one-ton, 4x4 pickup with a skid mounted pump and up to 150 gallon water tank and train multiple staff members and site security staff to utilize this apparatus for the purposes of providing initial suppression for any vegetation ignitions, and initial response to other fires.
- Prior to project operation, designate one or more structures as temporary refuge areas (TRAs) to house the projected population on the project site in the event of a fire emergency. TRA structures shall include specifications listed in the 2019 Fire Protection Plan.
 - o The capacity for TRA structures shall be equivalent to shelter the total maximum site population within protected buildings based on 15 square feet per person of habitable space.
 - o The Fire Safety Coordinator (aka Site Safety Officer), management staff, and security personnel will quarterly participate in a meeting to review and discuss the evacuation protocols and contingency option for temporarily refuging on site.
- Provide ember-resistant vents and screening for all ventilation for project structures, as specified in the 2019 Fire Protection Plan.
- Provide a site-wide Public Address (PA)/Intercom system for emergency notifications.
- Prepare and practice site-wide evacuations following the "Ready, Set, Go!" program guidelines. A drill will be conducted at least once per year involving staff.
- Prepare an Emergency Preparation Plan that includes specifications listed in the 2019 Fire Protection Plan, such as pre-fire planning, post-fire recovery, reporting, training, prevention, and communications procedures.
- Enhance traffic flow by not constructing speed bumps/humps and provide an automatic opening device for fire and law enforcement at the entrance gate.
- Restrict vegetation around TRA structures to highly ignition-resistant vegetation planted at low densities and maintained free of all accumulated debris/litter.

**Compliance or
Monitoring
Action to be Performed:**

Applicant prepares final fire protection plan prior to clearance of vegetation or issuance of construction permits, whichever occurs first. Applicant submits plans for review by fire staff and approval by RMA.

The resort operator shall implement approved plan measures on an ongoing basis, as described in the final approved plan.

139. MITIGATION MEASURE 3.7-6a (CONTINUED)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

- Design and implement a landscaping plan consistent with accepted wildland urban interface fire safe/fire adapted practices.
 - o The landscaping plan shall be reviewed and approved by the County, MSRFPD, and/or an experienced fire protection planner, as determined by the County, to ensure that proposed plantings and maintenance meet the required fire safety and screening requirements.
- If planted, manage the vineyard using a professional vintner in an irrigated, maintained condition to act as a modified fuel buffer, utilizing irrigation and operation measures included in the 2019 Fire Protection Plan.
- Conduct an annual inspection of the site by MSRFPD or its designee to ensure that project landscaping is maintained in a wildfire-safe condition.
- Maintain a 1- to 3-foot landscape-free area adjacent to all building structures' foundations to prevent available fuels for embers at the building base.

**Compliance or
Monitoring
Action to be Performed:**

See text for Mitigation Measure 3.7-6a, as part of previous condition number.

140. MITIGATION MEASURE 3.7-6b: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Implement and maintain fuel treatment areas along project roads. Fuel treatment areas shall measure 20 feet in width (horizontal) as measured from the edge of the paved surface and shall occur on both sides of the road. Maintenance of roadside treatment areas shall be conducted according to the standards outlined in Monterey County Code Chapter 18.09 (Fire Code), Section O109.1.

**Compliance or
Monitoring
Action to be Performed:**

On an ongoing basis, the Operator shall maintain roadway edges in a fire safe manner.

On an ongoing basis, annually, the Fire District or designee shall perform an annual inspection, as described in MM 3.7-6a.

141. MITIGATION MEASURE 3.7-7a: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Implement all construction-phase fuel modification components from the approved Construction Fire Prevention Plan (see MM 3.7-7b) prior to removal of vegetation or combustible building materials being delivered to the site, as applicable.

**Compliance or
Monitoring
Action to be Performed:**

Prior to removal of vegetation or delivery of combustible materials to site, and on an ongoing basis, the Operator shall implement fire safe fuel modification measures.

142. MITIGATION MEASURE 3.7-7b: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The draft 2019 Construction Fire Prevention Plan, included as an appendix to the Final EIR, shall be reviewed by the Mission-Soledad Rural Fire Protection District, and approved by the RMA Director prior to clearance of any vegetation or issuance of permits for construction, whichever occurs first. This plan addresses training of construction personnel and provides details of fire suppression procedures and equipment to be used during construction. Information contained in the plan shall be included as part of project-related environmental awareness training. The applicant shall implement procedures in the Construction Fire Prevention Plan, including the following:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions;
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days;
- Adequate water supply to service construction activities;
- Fire Safety Coordinator (aka Site Safety Officer) role and responsibility;
- Worker training for fire prevention, initial attack firefighting, and fire reporting;
- Emergency communication, response, and reporting procedures;
- Coordination with local fire agencies to facilitate agency access through the project site;
- Emergency contact information;
- Demonstrate compliance with applicable plans and policies established by state and local agencies.
- Initial clearance of native vegetation, or clearance of vegetation within 100 feet of native vegetation, shall require that a staffed water vehicle (water truck or Fire Engine) be located within 200 feet of all operating mechanized equipment. This requirement shall also apply to grading activities within 100 feet of native or flammable vegetation;
- The County, a third-party fire protection consultant, or MSRFPD shall inspect the project site, prior to any site construction activities, to ensure that all required measures are in place.

- Compliance or Monitoring Action to be Performed:**
1. Prior to clearance of vegetation or issuance of permits for construction, whichever occurs first, the Applicant shall: develop a Construction Fire Prevention Plan that includes measures listed in mitigation measures, at a minimum.
 2. Prior to clearance of vegetation or construction, whichever occurs first, the Applicant/Operator shall conduct training.
 3. On an ongoing basis, the Applicant/Operator and their contractors shall implement measures identified in the approved plan.

143. MITIGATION MEASURE 3.7-7c: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Maintenance of project buildings, grounds, and infrastructure, including defensible space areas, shall be conducted using firesafe practices to minimize the potential for wildfire ignitions resulting from equipment use. Firesafe practices shall be consistent with California Public Resources Code Sections 4427, 4428, 4431, and 4442. Infrastructure maintenance activities shall be ceased during periods of high fire hazard (e.g., red flag warnings), except where necessary to maintain water supply for fire suppression purposes. This requirement shall be included in the project's operational manual (MM 3.7-7d).

Compliance or Monitoring Action to be Performed:

- 1) Prior to approval of Fire Protection Plan, the Applicant shall include measures in Operations Fire Prevention Plan.
- 2) On an ongoing basis, the Applicant/Operator shall implement measures identified during operations.

144. MITIGATION MEASURE 3.7-7d: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The 2019 Operations Fire Prevention Plan, included as an appendix to the Final EIR, shall be reviewed by the Mission-Soledad Rural Fire Protection District and approved by the RMA Director prior to issuance of occupancy permits or final inspection, whichever occurs first, for any habitable structures. This plan addresses policies and procedures for minimizing wildfire potential. The applicant shall implement procedures in the Operation Fire Prevention Plan, including the following:

- Procedures for minimizing potential ignition during maintenance activities;
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days;
- Fuel modification zone and landscape area maintenance procedures, including timing of work to reduce the likelihood of ignition and/or fire spread;
- Communication and reporting procedures with MSRFPD;
- Fire Safety Coordinator (aka Site Safety Officer) role and contact information;
- Applicable recommendations included in the project's Fire Protection Plan (MM 3.7-6a).
- The Project Operator shall fund a third-party fuel modification inspector or MSRFPD, as chosen by the Fire District, to conduct an annual inspection prior to June to certify that fuel modification maintenance has occurred;

Compliance or Monitoring Action to be Performed:

- 1) Prior to approval of Fire Protection Plan, the Applicant shall develop an Operations Fire Prevention Plan that includes measures listed in mitigation measures, at a minimum.
- 2) On an ongoing basis, the Applicant/Operator shall implement measures identified in the approved plan.

145. MITIGATION MEASURE 3.7-9: HAZARDS & HAZARDOUS MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Following any wildfire that burns onto the project site, a post-fire field assessment shall be conducted by an engineering geologist within 60 days of fire personnel allowing access to the site, to identify any areas that may be subject to increased risk of post-fire flooding, landslide or erosion. Any recommendations identified by the geologist to mitigate such risk shall be reviewed and approved by Monterey County RMA and implemented by the project applicant. The engineering geologist shall determine areas that should not be utilized until remediation has been completed. The completion of remediation and ability to reuse these areas shall be determined by the engineering geologist and reported to the County Building Official prior to commencing uses in those areas. This requirement shall be included in the project's operational manual.

Compliance or Monitoring Action to be Performed:

- 1) Immediately following a wildfire, the Applicant shall hire an engineering geologist.
- 2) Within 60 days of a wildfire, the Geologist shall prepare a field assessment to be provided to the County.
- 3) Concurrent with the approval of the Fire Protection Plan, the Applicant shall ensure these requirements are included in the operations manual.

146. MITIGATION MEASURE 3.8-2: HYDROLOGY & WATER HYDROLOGY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.8-2: Prior to recording the Final Subdivision Map or approval of any construction permit that would affect drainage, whichever occurs first, the project applicant shall contract with a registered Civil Engineer to prepare a final drainage plan. The drainage control plan shall design storm water detention facilities to limit the 100-year post-development runoff rate to the 10-year pre-development rate in accordance with Section 16.16.040.B.5 of the Monterey County Code and Monterey County Water Resource Agency (MCWRA) standards. This shall be accomplished through the use of low impact development (LID) features and best management practices (BMP). In the event that the detention objectives cannot be accomplished through LID methodologies alone, a detention basin may be used. In addition, the drainage plan shall incorporate relevant storm water recommendations as described in the Geologic and Soil Engineering Feasibility Report (Landset Engineers 2004). The final drainage plan shall be submitted for review and approval to RMA and Monterey County Water Resources Agency prior to recording the Final Subdivision Map or approval of any construction plans that would affect drainage, whichever occurs first.

Compliance or Monitoring Action to be Performed: Prior to recording map or issuance of permits that would affect drainage, whichever occurs first, the applicant shall hire a civil engineer to prepare a final drainage plan, which shall be submitted to the County for review and approval.

147. MITIGATION MEASURE 3.8-3: HYDROLOGY & WATER HYDROLOGY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.8-3: To prevent the potential contamination of downstream waters from urban pollutants, the Resource Management Agency and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure MM 3.8-2, includes, but is not limited to the following components: grease/oil separators; sediment separation; vegetative filtering to open drainage conveyances and detention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other similar methods. Storm water shall not be collected and conveyed directly to a natural drainage without passing through some type of active or passive treatment. Said provisions shall be incorporated into the storm drain system plans submitted to the County for plan check, within the time frames outlined in mitigation measure MM 3.8-2.

Compliance or Monitoring Action to be Performed: As required by Mitigation Measure 3.8-2.

148. MITIGATION MEASURE 3.8-8: HYDROLOGY & WATER HYDROLOGY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.8-8 The property owner and the resort operator shall ensure that any water softening equipment shall consist of a cartridge-type softener or a type that does not increase salt load to the wastewater. Any cartridges shall be hauled to off-site facilities for regeneration.

Compliance or Monitoring Action to be Performed: At the time of construction, the applicant shall control the type of water softening system installed for the project. The type of equipment shall be provided to the County prior to a final on building permits for each phase.

On an ongoing basis, the resort operator shall ensure proper disposal of disposable system components.

149. MITIGATION MEASURE 3.8-9: HYDROLOGY & WATER HYDROLOGY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.8-9: The applicant shall hire a biologist specializing in wetland and riparian habitats prior to filing of the first phase final map. Prior to any land disturbance, the biologist shall work with the project hydrologist to establish pre-project conditions for these habitat areas, including vegetation areal extent and habitat quality, groundwater levels, groundwater quality, and any surface water flow quantity and quality for wetlands and riparian areas that will remain. The biologist shall prepare a monitoring program, subject to approval by the County, that should include shallow piezometers installed at the upgradient edges of the wetlands, or some other mechanism that would monitor water quantity and quality. A "control" set of piezometers (or other approved mechanism) shall also be installed and monitored at the same time to distinguish from effects related to pumping and irrigation return flow. The monitoring program shall be approved prior to issuance of grading permits.

The monitoring program shall describe the methods used to monitor the extent and health of wetland and riparian vegetation, including triggers for applying supplemental water due to loss of areal extent or stress of vegetation from salt loading as detected by measurements of electrical conductivity and visual observation of plant stress. Water quantity (depth to groundwater) and quality monitoring shall occur at least quarterly for the first ten years of resort operation and semiannually thereafter if groundwater conditions are determined to be well defined and stable; vegetation monitoring shall occur by the biologist every two months between April 15 and November 1 of each year (4 visits). Both monitoring activities shall be conducted until five years after buildout, or ten years after commencement of construction, whichever is later, and shall be allowed to be discontinued only if annual reports demonstrate a stable habitat area and quality, compared to the pre-project condition, for at least the final three years of this monitoring program. If the area or quality has been affected by the project, monitoring shall continue past this time period until three successive years of stable habitat area and quality have been demonstrated in the preserved wetland and riparian areas.

The property owner and resort operator shall have electrical conductivity monitored on the same schedule as the water level measurements. Any changes in vegetation stress identified through the monitoring shall be identified as to whether it is caused by water quality effects, groundwater levels, or both.

Annual reports shall be prepared by the biologist, and provided to Monterey County RMA-Planning, that determine the extent and quality of the habitat, water levels, water quality, and expected effect on the protected habitat. If any of those reports demonstrate there is a reduction in the area or biological health of the habitat attributable to the project, the resort operator shall provide supplemental water to the impacted habitat areas or shall obtain necessary permits to provide replacement habitat on site. In such a circumstance, an adaptive management program shall be submitted to Monterey County for review and approval that achieves no net loss of wetland and riparian habitat on the site. If supplemental water is needed for this activity, an additional up to 2.3 acre-feet of water may be required, increasing net water consumption to the aquifer up to 17.8 acre-feet per year.

**Compliance or
Monitoring
Action to be Performed:**

Prior to filing a first phase final map, the applicant shall hire a biologist and hydrologist to establish pre-project conditions for specified habitat areas

Prior to land disturbance, the biologist and hydrologist shall establish pre-project condition of wetland and riparian habitat areas.

Prior to issuance of grading permits, the biologist shall prepare a monitoring program and submit to the County for review and approval.

At least quarterly for ten years, or five years after buildout; until three successive years of stable habitat, the project biologist shall monitor the site as outlined in the approved program. On the same schedule as water level monitoring, the resort operator shall have their consultant monitor electrical conductivity.

The biologist shall submit reports to the County annually, for review. The biologist shall develop an adaptive management plan, if needed, and submit to the County for review and approval.

150. MITIGATION MEASURE 3.10-3: NOISE

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

MM 3.10-3: During operation of the project, the operator shall adhere to the following requirements for nighttime noise:

- Within the time period of 10:00 p.m. to 7:00 a.m. the following morning, no loud and unreasonable sounds shall be made.
- Loud and unreasonable sounds are those that exceed 45 dBA Leq (hourly) or a maximum of 65 dBA at or outside the property boundaries of the project site.
- Construction subsequent to initial resort construction shall also be limited to the requirements found in MM 3.10-4.
- Resort Staff shall be informed of, and trained in, these limitations and Resort Management shall be responsible to address any noise complaints. Resort Staff shall ensure that all activities and bookings follow the limitations and that those booking at the resort for activities that could create noise are provided information regarding these limitations. Timeshare owners shall be informed of these restrictions prior to purchasing their units as part of the real estate transaction paperwork.

**Compliance or
Monitoring
Action to be Performed:**

During construction and during resort operations, the resort operator shall adhere to noise limitations outlined in the mitigation measure.

151. MITIGATION MEASURE 3.10-4: NOISE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.10-4: During the course of construction, the project developer/applicant shall adhere to Monterey County's requirements for construction activities with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and its effects on noise sensitive land uses. This would include implementing the following measures:

- Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7:00 A.M. to 7:00 P.M.) Monday through Saturday; no construction operations on Sundays or holidays;
- Locate stationary noise generating on-site construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses and in no case closer than 1,400 feet to the eastern property boundary;
- Ensure that construction equipment is properly maintained and equipped with noise reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation, and
- When not in use, motorized construction equipment shall not be left idling; and
- The project developer/applicant shall designate a "disturbance coordinator" to be responsible for responding to any concerns or complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Compliance or Monitoring Action to be Performed: During construction and on an ongoing basis, the applicant and/or resort operator shall control noise during construction as outlined in the mitigation measure.

152. MITIGATION MEASURE 3.11-2: PUBLIC SERVICES & UTILITIES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM 3.11-2 The project applicant shall contract with a qualified engineer to finalize an activated alumina water treatment plant consistent with recommendations outlined in the AdEdge Technologies Pilot Test Report (2012) identifying water system improvements to meet the standards as found in Chapters 15.04 and 15.08 of the Monterey County Code, and Titles 17 and 22 of the California Code of Regulations. Final water system improvement plans shall identify any necessary rehabilitation of Well No. 1 and Well No. 2 to increase longevity and efficiency, the specific water treatment facilities, and how the water treatment facilities will remove all constituents that exceed California Primary and Secondary maximum contaminant levels (e.g. fluoride, coliform, TDS, iron, etc.) from drinking water.

The project applicant shall contract with a qualified engineer to design and install wastewater system improvements and procedures that will adequately treat the neutralized waste from the proposed activated alumina filtration process. Final wastewater improvement plans shall identify the specific wastewater treatment improvements, operating parameters, wastewater volumes, waste constituents of the proposed full-scale system, and how the wastewater treatment process will produce effluent fluoride concentrations that are equal or less than the concentrations in the existing source water.

Prior to recording the final map or issuance of any construction permits, the applicant shall submit the final water treatment plant design for review and approval by the Monterey County Health Department, Environmental Health Bureau.

Compliance or Monitoring Action to be Performed: Prior to construction of the water system, the applicant shall hire a qualified engineer, who shall prepare a final design for the water treatment plant.

Prior to construction of the wastewater system, the applicant shall hire a qualified engineer, who shall prepare a final design for the wastewater treatment plant.

Prior to final map or issuance of construction permits, the applicant shall provide the plans to the County for review and approval.

153. PDSP0015-STATE FIRE STANDARDS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall apply for and obtain an exception from the inspection authority (California Code of Regulations, Title 14, § 1270.05 through 1270.08) to the State Responsibility Area dead-end road standard (California Code of Regulations, Title 14, § 1273.08), if required, prior to issuance of construction permits or recordation of the final map, whichever occurs first.

If the exception is not granted, the developer shall enter into an agreement with a private property owner(s) in the vicinity to provide an emergency access road that provides all-weather secondary access for use during an emergency. The agreement shall require the developer to improve the road to an all-weather standard, as outlined in state law, and maintain the all-weather condition of the road for the life of the project. The applicant shall provide the agreement and improvement plans for this offsite improvement to County RMA staff and CAL FIRE, for review and approval, prior to recordation of the first final map, or issuance of construction permits, whichever occurs first. Improvement plans for this offsite improvement shall be included with the subdivision improvement plans, and shall be included in and bonded under the subdivision improvement agreement for the development project. The emergency access road shall be constructed and completed prior to issuance of any construction permits for the development project. The developer shall fund all county costs for the exception process and the improvements, if required.

Compliance or Monitoring Action to be Performed: The applicant shall submit to RMA documentation of the approved exception prior to issuance of construction permits or recordation of the final map, whichever occurs first. If the exception is not granted by the inspection authority, the applicant may appeal the decision as provided in the regulations.

If the exception is not granted, the applicant shall provide the agreement and improvement plans for this offsite improvement to County RMA staff and CAL FIRE, for review and approval, prior to recordation of the first final map, or issuance of construction permits, whichever occurs first. Improvement plans for this offsite improvement shall be included with the subdivision improvement plans, and shall be included in and bonded under the subdivision improvement agreement for the development project. The emergency access road shall be constructed and completed prior to issuance of any construction permits for the development project. The developer shall fund all county costs for the exception process and the improvements.