



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

Legistar File Number: 17-0787

July 25, 2017

Introduced: 7/14/2017

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Approve Amendment No. 9 to Professional Services Agreement (PSA) No. A-12306 with EMC Planning Group, Inc. where the Base Budget in the amount of \$283,573 is increased by \$26,313 to \$309,886 and the Contingency Budget in the amount of \$19,074 is increased by \$2,631 to \$21,705, which increases the not to exceed amount of \$302,647 by \$28,944 to a total amount not to exceed \$331,591, to update the Draft Environmental Impact Report (EIR) to include a new approach to the analysis of the Greenhouse Gas (GHG) emissions to meet goals set forth in Assembly Bill (AB) 32, Senate Bill (SB) 32, and to address climate change in the California Environmental Quality Act (CEQA) process for completion of the EIR for the Paraiso Hot Springs Resort (PLN040183) in South County, with no extension to the term of the PSA from September 10, 2012 to June 30, 2018;
- b. Approve Amendment No. 4 to Funding Agreement (FA) No. A-12313 with Paraiso Springs Resort, LLC, previously Thompson Holdings, LLC, where the Base Budget in the amount of \$270,713 is increased by \$26,313 to \$297,026, the Contingency Budget in the amount of \$19,074 is increased by \$2,631 to \$21,705, the County Surcharge is unchanged at \$16,742, and the County Contract Administration Fee is unchanged at \$3,170, which increases the not to exceed amount of \$309,699 by \$28,944 to a total amount not to exceed \$338,643 to allow funding to Monterey County for costs incurred by EMC Planning Group, Inc. and County departments to update the Draft EIR to include a new approach to the analysis of the GHG emissions to meet goals set forth in AB 32, SB 32, and to address climate change in the CEQA process for completion of the EIR for the Paraiso Hot Springs Resort (PLN040183) in South County, with no extension to the term of the FA from September 10, 2012 to June 30, 2018; and
- c. Authorize the Resource Management Agency Director or Chief of Planning Services to execute Amendment No. 9 to PSA No. A-12306 and Amendment No. 4 to FA No. A-12313 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

Permit Type: PLN040183 / EIR for the Paraiso Hot Springs Resort in Soledad

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 9 to Professional Services Agreement (PSA) No. A-12306 with EMC Planning Group, Inc. where the Base Budget in the amount of \$283,573 is increased by \$26,313 to \$309,886 and the Contingency Budget in the amount of \$19,074 is increased by \$2,631 to \$21,705, which increases the not to exceed amount of \$302,647 by \$28,944 to a total amount not to exceed \$331,591, to update the Draft Environmental Impact Report (EIR) to include a new approach to the analysis of the Greenhouse Gas (GHG) emissions to meet goals set forth in Assembly Bill (AB) 32, Senate Bill (SB) 32, and to address climate change in the California Environmental Quality Act (CEQA) process for completion of the EIR for the Paraiso Hot Springs Resort (PLN040183) in South County, with no extension to

- the term of the PSA from September 10, 2012 to June 30, 2018; and
- b. Approve Amendment No. 4 to Funding Agreement (FA) No. A-12313 with Paraiso Springs Resort, LLC, previously Thompson Holdings, LLC, where the Base Budget in the amount of \$270,713 is increased by \$26,313 to \$297,026, the Contingency Budget in the amount of \$19,074 is increased by \$2,631 to \$21,705, the County Surcharge is unchanged at \$16,742, and the County Contract Administration Fee is unchanged at \$3,170, which increases the not to exceed amount of 309,699 by \$28,944 to a total amount not to exceed \$338,643 to allow funding to Monterey County for costs incurred by EMC Planning Group, Inc. and County departments to update the Draft EIR to include a new approach to the analysis of the GHG emissions to meet goals set forth in AB 32, SB 32, and to address climate change in the CEQA process for completion of the EIR for the Paraiso Hot Springs Resort (PLN040183) in South County, with no extension to the term of the FA from September 10, 2012 to June 30, 2018; and
 - c. Authorize the Resource Management Agency Director or Chief of Planning Services to execute Amendment No. 9 to PSA No. A-12306 and Amendment No. 4 to FA No. A-12313 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

PROJECT INFORMATION:

Planning File Number: PLN040183

Consultant: EMC Planning Group, Inc.

Project Applicant: Paraiso Springs Resort, LLC, previously Thompson Holdings, LLC

Project Name: Paraiso Hot Springs Resort EIR, in Soledad

Planner: Mike Novo, AICP, Management Specialist

Plan Area: Central Salinas Valley

SUMMARY:

See Attachment A - Summary of PSA and FA.

DISCUSSION:

The PSA between EMC Planning Group, Inc. (EMC) and the County will provide for an EIR for the Paraiso Hot Springs Resort (Project). The FA between Paraiso Springs Resort, LLC (previously known as Thompson Holdings, LLC) (Project Applicant) and the County will provide funding to the County for the services provided by EMC and County departments for completion of an EIR for the Project.

Amendment No. 9 to the PSA and Amendment No. 4 to the FA will allow EMC to complete tasks associated with the update of the Draft EIR to include a new approach to the analysis of the GHG emissions to meet goals set forth in AB 32, SB 32, and to address climate change in the CEQA process for completion of the Project. Amendment No. 9 to the PSA will increase the not to exceed amount of \$302,647 by \$28,944 for a total amount not to exceed of \$331,591 (Base Budget of \$309,886 and Contingency Budget of \$21,705) with no change to the PSA term of September 10, 2012 to June 30, 2018. Amendment No. 4 to the FA will allow funding by the Project Applicant for these tasks and will increase the not to exceed amount of \$309,699 by \$28,944 for a total amount not to exceed \$338,643 (Base Budget of \$297,026, Contingency Budget of \$21,705, County Surcharge of \$16,742, and County Contract Administration Fee of \$3,170) with no change to the FA term of September 10, 2012 to June 30, 2018.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed the Agreements as to form and legality, and fiscal provisions, respectively:

- Office of the County Counsel
- Auditor-Controller's Office

FINANCING:

The increased cost in Amendment No. 9 to the PSA between EMC and the County is fully funded by Paraiso Springs Resort, LLC pursuant to the terms in Amendment No. 4 of the FA between Paraiso and the County. EMC expenses related to the EIR, fees associated with County Contract Administration, and the Resource Management Agency's Land Use and Community Development Staff Costs are funded through budgets established in the FA. The FA requires a deposit from the Project Applicant in advance of work to fully fund and pay invoices associated with the work of EMC; except for \$12,860 the County agreed to fund for PSA Amendment No. 1 and 2 in FY 2012-13 and FY 2013-14 for work related to the additional analysis on consistency with the 1982 General Plan, impact on oak woodlands and stream channel modifications, and additional peer review/analysis of ten (10) special-status plant and animal species and stream channel impact for completion of the EIR. Separate fees for County staff costs associated with the Project will be paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with EMC and the FA with the Project Applicant will allow for completion of an EIR for the Project which could potentially impact the revenue base and quality of life within the County. All services to complete the EIR are fully funded by the Project Applicant.

Strategic Initiatives:

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

- Prepared by: Mike Novo, AICP, Management Specialist, (831) 755-5176
- Approved by: Jacqueline R. Onciano, Chief of Planning Services
- Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of Board:

- Attachment A - Summary of PSA and FA
- Attachment B - Amendment No. 9 to the PSA
- Attachment C - Amendment No. 4 to the FA
- Attachment D - PSA and Amendments No. 1 - 8 to the PSA
- Attachment E - FA, Renewal and Amendment No. 1 to the FA, and Amendments No. 2 - 3 to the FA