

January 15, 2019

**Via e-mail and U.S. mail**

County of Monterey Resource Management Agency - Planning  
Attn: Mike Novo  
1441 Schilling Place, 2nd Floor  
Salinas, CA 93901  
ceqacomment@co.monterey.ca.us.

Re: Paraiso Springs Resort RDEIR  
SCH # 2005061016

Dear Mr. Novo:

LandWatch submits the following additional comments on the Recirculated Draft EIR (RDEIR) for the Paraiso Springs Resort project (Project). As the comments make clear, the RDEIR does not adequately assess and mitigate direct and cumulative Project impacts caused by locating hundreds of persons at risk from wildland fires at the Project site. Furthermore, the Project as planned fails to comply with the Wildfire Protection Standards in State Responsibility Areas, as mandated by Public Resources Code section 4290 and Monterey County Code Chapter 18.56.

The County must revise and recirculate the EIR to provide an adequate discussion of Project-related fire hazards, including increased fire hazard impacts to its affected neighbors, and to propose adequate mitigation or alternatives to avoid or minimize these impacts.

The County must also revise the Project to make it compliant with Wildfire Protection Standards in State Responsibility Areas. If that is not possible, the County may not approve the Project.

In sum, it makes no sense to bring hundreds of vulnerable employees and resort patrons into a very high fire severity zone at the far end of a 1.9 mile dead-end road, particularly since that road does not and would not meet the 18-foot minimum roadway width required for fire access and evacuation.

The Project will compromise the safety of its employees and patrons. It will also compromise the safety of its neighbors, who currently depend on Paraiso Springs Road for emergency access and evacuation.

**A. The Project would locate intensive new uses at the end of a narrow two-lane road.**

The Project<sup>1</sup> would develop the following uses at the end of a narrow two-lane rural road (See RDEIR, pp. 2-17 to 2-18; 2-21 (Figure 2-6):

- a hotel consisting of 103 one- and two-story clustered hotel units, 3 restaurants, nine meeting and conference rooms and associated amenities
- 34 two bedroom timeshare units
- 26 three bedroom timeshare units
- 17 detached timeshare villas
- A “hamlet” consisting of a spa, retail store, artist studios, wine tasting
- A fitness center
- A wine pavilion and vineyard
- A garden center
- Hiking trails

Some of the timeshare units would be situated on steep, vegetated slopes over 30 percent. See RDEIR, p. 2-25 (Figure 2-8).

The RDEIR’s public services analysis states that there would be “several hundred” people at the site on peak days. RDEIR, p. 3-307. Many of those peak days would likely occur during peak fire season, a season that now includes most of the year.

**B. Although the fire hazard analysis acknowledges “very high fire severity” and the occurrence of fires in the past, the RDEIR fails to provide even the “preliminary Fire Protection Plan” offered as mitigation.**

The site is located in “a very high fire severity zone.” RDEIR, pp. 3-204, 3-205 (Figure 3-71 – fire severity zone map). The RDEIR explains that the site has in fact been subject to fires in the past:

The principal elements of wildland fires are topography, climate and fuel loading. The elements are combined in the foothill and canyon areas and constitute a very high fire hazard. The project site is located in one of the foothill/canyon areas of the Central Salinas Valley that has been identified as a very high fire hazard area (Monterey County 1987). The project site was subject to fires over the years that destroyed a number of structures including the main lodge.

RDEIR, p. 3-207.

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<sup>1</sup> The Project EIR is available at <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma/planning/current-major-projects/paraiso-springs-resort>.

The RDEIR's fire hazard analysis states that the Project includes a fire protection plan including hydrants, pipeline, sprinklers, and a water reservoir. RDEIR, p. 3-215. The analysis concludes that the finalization of the preliminary Fire Protection Plan prior to occupancy permits "would ensure that the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, which would be considered a less than significant impact." RDEIR, p. 3-216. However, the RDEIR fails to include even the "*preliminary* Fire Protection Plan."

The RDEIR should be revised and recirculated to provide the Fire Protection Plan.

CEQA does not permit deferral of mitigation without an adequate explanation of the need for deferral. No reason is given.

Nor does CEQA permit deferral of mitigation without performance specifications. No performance specifications are provided.

Nor does CEQA permit deferral of mitigation without evidence that mitigation is feasible. The RDEIR provides no evidence that mitigation is feasible and, as discussed below, there is substantial evidence to the contrary.

**C. Despite request from the local fire district, the Project will not provide an on-site fire station but will depend on a volunteer fire department with a station at least 15 minutes away.**

The closest fire station is in Soledad, which the RDEIR states to be within the 15 minute response time required by the Monterey County General Plan. RDEIR, p. 3-307. Google maps identifies this as an 18 minute drive on the fastest route, which is 9.5 miles. Please explain how the 15-minute access time was determined.

The RDEIR public facilities analysis states the site would be annexed into the Mission-Soledad Rural Fire Protection District, which has the station in the town of Soledad. RDEIR, p. 3-304 to 3-307. Although the District asked that the Project provide its own fire station, the Project description does not include the requested fire station. Instead, the RDEIR merely states that a "fire station on the project site would be incompatible with resort operations due to noise impacts and would be on the edge of the 60 square mile district." RDEIR, p. 3-307 (emphasis added).

With regard to fire emergencies *at or proximate to* the resort site, the DEIR fails to explain how noise impacts to the resort community could be avoided by the refusal to provide an on-site fire station and the reliance on distant fire equipment. Noise impacts would still occur at the resort site when and if fire equipment reached the site to respond to fires or reached sites proximate to the resort site. And if the resort site refuses to provide an on-site fire station, noise impacts to others along the travel route would be

*increased* if the firefighters had to travel to the site. Please explain why the RDEIR assumes that noise impacts to resort operations are more consequential than noise impacts to other uses in the fire district that would be caused by the need to have fire equipment travel to the site.

With regard to fire emergencies *more distant from the resort site*, the DEIR fails to explain why noise impacts would be increased. It is not clear that the proposed fire station would be required to respond to fires other than those that threatened the resort and its proximate neighbors. Please explain to what fire emergencies more distant from the resort site an on-site fire station at the resort would be required to respond.

And if an on-site fire station were in fact required to respond to fire emergencies more distant from the resort site, the DEIR fails to explain how this would be incompatible with resort operations. Please explain why the resort should not bear its share of inconvenience from fire protection of the neighboring community, particularly in light of the possibility that unchecked fires in the 60 square mile district would threaten the resort site itself.

**D. Hundreds of people would need to be evacuated from the dead-end of a narrow two-lane road in the event of a wildfire. At least half of them would rely on shuttles; but there is no evidence that sufficient shuttles would be available for immediate evacuation of all the people dependent on those shuttles. Furthermore, there is no evidence that the narrow roadway would support mass evacuation of the Project site and its neighbors, or do so without interfering with incoming fire equipment.**

Site access is via a narrow two-lane road with pavement widths from 16 feet to 22 feet. The road would be widened where feasible over time. See RDEIR, pp. 2-45, 2-46 (Figure 2-10); 3-340 to 3-341 (description of proposed improvements).

The road is currently used for only 90 trips per day, serving neighboring housing and vineyards. RDEIR, p-329. The roadway may be sufficient to support mass evacuation of the existing neighborhood in the event of a fire emergency, but the cumulative stress from any attempt at mass evacuation of the Project site would likely render it insufficient in the event of a fire emergency.

To minimize Project vehicle trips, the Project would use a shuttle to bring in all non-management employees, some day-trip visitors, and some hotel guests. The shuttle service would provide 52 trips per day. The shuttle trips are expected to provide 492 employee trips per day and 40 guest trips per day. Without the shuttle there would be 886 daily trips; and with the shuttle there would be only 406 daily trips. RDEIR, pp. 3-335 to 3-336.

Thus over half of the trips to and from the site would be dependent on shuttles. **Persons arriving by shuttles would be dependent on those shuttles for emergency evacuation.** Shuttle operations are analyzed in the traffic report's trip generation table. RDEIR, Appendix K, Exhibit 6D (<http://www.co.monterey.ca.us/home/showdocument?id=62650>.) **However, the RDEIR does not identify how many shuttle vehicles would always remain on site in the event of emergency evacuation.** Please explain whether and how the Project would commit to retain sufficient shuttle capacity on-site at all times to support evacuation of all persons who arrived on a shuttle.

In addition to the need to shuttle guests and employees in the event of a wildfire evacuation, it would also be necessary to evacuate those guests and management employees who drove to the site. The Project would provide at least 269 parking spaces. RDEIR, pp. 3-342 to 3-343. **Drivers of all 269 of those cars would need to use the same narrow two-lane road to evacuate.** As noted, the RDEIR's public services analysis states that there would be "several hundred" people at the site on peak days. RDEIR, p. 3-307.

In the event of a wildfire that could not be contained in this very high fire severity area, it may be necessary to evacuate the entire site as well as neighboring sites. Thus, hundreds of vehicles from the Project site and from neighboring sites would simultaneously seek to use the same narrow roadway. And at the same time, that roadway would be required for incoming fire equipment, much of which is wider than standard passenger vehicles.

However, despite the clear risk that mass evacuation may be required from the site and neighboring sites dependent on the same narrow roadway, the RDEIR's traffic analysis does not address the potential need for emergency evacuation of employees, guests, and neighbors *from* the site. Instead, it focusses only on emergency vehicle access *to* the site.

Here is the entire discussion:

#### Emergency Access

The concern for emergency access involves insuring adequate site access and adequate internal circulation for emergency responders. The public roads leading to the project site are of adequate width and grade to provide access to emergency service vehicles without limitation. The onsite circulation has been designed such that there is emergency vehicle access in close proximity to all buildings and there are no dead end access points, which would require emergency vehicles to need to back out. Turn-around locations are provided at the end of the timeshare villas and at the end of the Hillside Village condominiums. A service access road to the spa portion of the site will also provide emergency access to the hotel and spa, which do not have immediate vehicular access. This service road connects to the

timeshare condominium access road making a complete loop through the site. Therefore, the proposed project would not have an impact on emergency access.

RDEIR, p. 3-342.

No evacuation plan is discussed in the RDEIR. The fire hazard analysis simply fails to discuss the potential need for emergency evacuation of employees, overnight guests, day-trip guests, and Project neighbors dependent on the existing road in the event of a wildfire.

The RDEIR acknowledges that the Project would cause a significant impact if it were to “[i]mpair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan” or “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” RDEIR, p. 3-210. However, the RDEIR concludes that there would be no significant impact because “[a]ccording to the Monterey County General Plan, *the project site is not located along an emergency evacuation route and is not anticipated to physically interfere with an adopted emergency response plan or emergency evacuation route. The resort site is located at the end of a dead-end road.*” RDEIR, p. 3-215 (emphasis added).

In sum, the RDEIR’s conclusion that there is no significant impact is based on the fact that **there is no plan for emergency evacuation of hundreds of guests, employees, and neighbors dependent on a narrow two-lane dead-end road shared by Project neighbors.** It is absurd to conclude that there is no significant impact with regard to emergency evacuation simply because there is no plan for that evacuation. While the “preliminary Fire Protection Plan” referenced in the RDEIR (RDEIR, p. 3-216) may include a discussion of evacuation, that plan is neither final nor included in the RDEIR.

The RDEIR must be revised and recirculated to address the very real wildfire risks to the Project users, to Project neighbors, and to effective access by firefighters, risks that would be caused by the cumulative increase in persons reliant on a single dead-end road for evacuation.

**E. The Project would not comply with the County’s Wildfire Protection Standards for site access as mandated by Public Resources Code section 4260.**

Because the Project is located in a State Responsibility Area (see [http://frap.fire.ca.gov/data/frapgismaps/sra11\\_2/sramap.27.pdf](http://frap.fire.ca.gov/data/frapgismaps/sra11_2/sramap.27.pdf)), it is subject to the County’s Wildfire Protections Standards in State Responsibility Areas, Chapter 18.56 of the Monterey County Code. Compliance with these standards is mandated by Public Resources Code section 4260.

**ROAD WIDTH INADEQUATE:** Section 18.56.060(4) requires that “[a]ll roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.” The only road leading to the Project does *not* currently provide two nine-foot traffic lanes:

Access to the project site is provided by Paraiso Springs Road, which is a two lane County road with a pavement width that varies from less than 16 feet immediately east of the project site to between 20 and 22 feet in the vicinity of Clark Road.

RDEIR, p. 3-329. Proposed roadway improvements will not be implemented prior to Project occupancy but instead will be “phased” over time. RDEIR, p. 3-341. Furthermore, the proposed improvements will not even guarantee eventual provision of two nine-foot lanes because they will apply only to a “majority” of the road:

Pavement Widening: The existing pavement width along Paraiso Springs Road, between Clark Road and the project, varies from 16 to 22 feet. The proposed improvements will widen *the majority of Paraiso Springs Road* to either 18 or 20 feet wide (i.e. at least a nine-foot travel lane in each direction of travel). Where total pavement widths are less than 20 feet, additional signs will be added to provide advance warning of the narrower roadway

RDEIR, p. 3-304, emphasis added. The road improvement plans call only for widening to 18-feet “where feasible.” RDEIR, Appendix K, Appendix O (“Paraiso Springs Road Improvement Design”). Feasibility is not defined, but it is clear that the Project would not be required to provide two nine-foot lanes.

**DEAD-END ROAD MAXIMUM EXCEEDED:** The RDEIR acknowledges that the “resort site is located at the end of a dead-end road.” RDEIR, p. 3-215.

Section 18.56.060(11) limits the allowable length of site access via a “dead-end road, *including all dead-end roads accessed from that dead-end road,*” as follows:

Dead-End Roads.

a. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

1. Parcels designated in the Area or Implementation Plan for 0 to .99 acres: eight hundred (800) feet.

2. Parcels designated in the Area or Implementation Plan for 1 to 4.99 acres: one thousand three hundred twenty (1,320) feet.

3. Parcels designated in the Area or Implementation Plan for 5 to 19.99 acres: two thousand six hundred forty (2,640) feet.

4. Parcels designated in the Area or Implementation Plan zoned for twenty (20) acres or larger: five thousand two hundred eighty (5,280) feet

Monterey County Code, § 18.56.060(11) (emphasis added). The Project would create parcels of various sizes, some smaller than one acre. Regardless of parcel size, none of the parcels would comply with section 18.56.060 because **Paraiso Springs Road is a dead-end road for its final 1.9 miles after its intersection with Clark Road.** See Google Maps. Even if all the parcels were over 20 acres, the maximum permissible length for dead-end road access is only one mile (5,280 feet).

Compliance with the Chapter 18.56 Wildfire Protection Standards is mandated by state law. Public Resources Code, § 4290. Even if it were not so mandated, the Project's failure to comply with these standards is, on its face, evidence of a significant unmitigated impact under CEQA.

The County cannot make the findings required by Monterey County Code, § 18.56.040(C) in light of the Project's non-compliance.

No exception can be made to these standards unless an alternative approach has the Same Practical Effect. i.e., is equally efficacious, and unless the exception is approved by the Director of the Board of Forestry and Fire Protection after written application. That application must include substantial evidence that there are no other site or design alternatives for the specific parcel of land. Monterey County Code, § 18.56.050.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.

A handwritten signature in blue ink, appearing to read 'JF', is written over a faint rectangular stamp.

John Farrow

JHF:hs

cc:

Thom Porter, Director, California Department of Forestry and Fire Protection