



July 3, 2019

Via e-mail and US 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 comments on the June 2019 Recirculated Draft EIR (Second RDEIR) for the Paraiso Springs Resort project (Project).

1. In Appendix 2, at page 133, the Fire Prevention Plan (FPP) states "The existing terrain on the site is generally characterized as flat to gently sloping."

Please reconcile this with Second RDEIR, Figure 3.1-4, Slope Analysis, which indicates that the site is steeply sloped and that some units will be located on areas of steep slope.

Note that the Second RDEIR states:

Approximately 66.7 percent of the project site is located on slopes greater than 30 percent as shown in Figure 3.1-4, Slope Analysis. Overall, approximately 25,400 S.F. (1.1%) of the 2,178,000 S.F. proposed for development is located on 30% or greater slopes. Some of the Hillside Village Condominium complex is located in the portion of the project (lots 20-23 with 60 units) along an east/west oriented ridge in the northern portion of the project site within some areas identified as 30 percent or greater slopes. (Second RDEIR, page 35.)

The Second RDEIR also states:

Slope gradients on site range from relatively flat in the central, developed portion of the site, up to approximately 70% along the slopes that extend upward from the developed central portion of the property. (Second RDEIR, p. 52.)

2. In Appendix 2, at page 133, the FPP states, "The Project site is partially within a State Responsibility Area (SRA) and the majority of the development area is in the Mission

Soledad Rural Fire Protection District (MSRFPD) and is planned to be annexed into MSRFPD jurisdiction, which would change the SRA to Local Responsibility Area (LRA).”

Please provide a site plan that identifies the portion of the site that is currently within a State Responsibility Area.

Please provide a site plan that identifies the portion of the site that is currently within a Very High Fire Hazard Severity Zone designated pursuant to Government Code sections 51178, 51178.5, and 51179.

Please provide a site plan that identifies the portion of the site that is currently in the Mission Soledad Rural Fire Protection District.

Please explain why the site is planned to be annexed into the MSRFPD jurisdiction.

When was the plan to annex the site into the MSRFPD jurisdiction initiated? By whom was it initiated? What steps have been taken toward the annexation?

If the site is annexed into the MSRFPD jurisdiction, would the Wildfire Protection Standards in State Responsibility Areas set out in Monterey County Code Chapter 18.56 still apply to the Project? If not, please identify the wildfire protection standards that would apply to the Project, citing the applicable statutes, regulations, and/or ordinances.

In particular, please identify the statute, regulations, or ordinances that provide any applicable limitations on dead-end road length and access roadway width requirements if the Project were not included in an SRA. In this regard, we note that the information added to the Regulatory Background discussion at Second RDEIR pages 55-59 does not mention any applicable limitations on dead-end road length and access roadway width requirements. This information should be supplied.

Monterey County Code section 18.56.050 provides that no exception can be made to applicable standards for dead-end road length and access road width in a State Responsibility Area unless an alternative approach has the Same Practical Effect. i.e., is equally efficacious. What effect, if any, would the annexation of the Project into the MSRFPD have on the identity of the decision-makers as to whether any proposed alternative approach to compliance with dead-end road and access road width standards would have the Same Practical Effect? Would the determination require approval by the Director of the Board of Forestry and Fire Protection after written application?

3. In Appendix 2, at page 135, the FPP states that the 9th task accomplished was to document “unique circumstances, features, characteristics related to the project and how they support code modification findings.”

Please identify the relevant code referenced by the phrase “code modification findings.” Please identify the proposed code modification findings.

Please identify and provide any written or oral guidance that was provided to Dudek in identifying unique circumstances, features, characteristics related to the project and how they support code modification findings. Please identify what individuals or organizations provided that guidance, if any.

4. Proposed Mitigation Measure 3.7-6a calls for review of the “Fire Prevention Plan” by the MSRFPD and approval by the RMA Director before vegetation clearance or permit issuance.

Is the “Fire Prevention Plan” to be reviewed by the MSRFPD and approved by the RMA Director the plan that is set out in Appendix 2? If so, that “Fire Prevention Plan” can and should be reviewed and approved by MSRFPD and RMA before the project is approved. If not, the “Fire Prevention Plan” that is actually to be reviewed and approved by the MSRFPD and the RMA Director should be provided in the Second RDEIR, and those agencies should approve it before the project is approved.

How is the Wildland Fire Evacuation Plan in Appendix 2 related to the “Fire Prevention Plan” identified in Mitigation Measure 3.7-6a? Is the Wildland Fire Evacuation Plan part of the Fire Prevention Plan? If not, what mitigation measure mandates its preparation? Is the Wildland Fire Evacuation Plan in Appendix 2 now complete? Will it be subject to review and approval? If the Wildland Fire Evacuation Plan in Appendix 2 is not complete, the completed plan should be provided in the Second RDEIR, and it should be reviewed and approved by relevant agencies.

Proposed Mitigation Measure 3.7-7d calls for review of the “Operations Fire Prevention Plan” by the MSRFPD and approval by the RMA Director. How does this plan differ from the Fire Prevention Plan” set out in Appendix 2? If it does differ, then the Operations Fire Prevention Plan should be presented in the Second RDEIR. The plan should be approved by relevant agencies before the project is approved.

Proposed Mitigation Measure 3.7-7b calls for review of the “Construction Fire Prevention Plan” by the MSRFPD and approval by the RMA Director. How does this plan differ from the Fire Prevention Plan” set out in Appendix 2? If it does differ, then Construction Fire Prevention Plan should be presented now as part of the environmental review. The plan should be approved by relevant agencies before the project is approved.

5. In Appendix 2, at page 135, the list of Key Project Fire Safety Features states that “Potential firefighting operations staging areas are available within the facility in developed areas and site green spaces.” Please identify these areas on a site plan.
6. In Appendix 2, at pages 140-143, 154-175, the FPP discusses evacuation. The FPP provides as Attachment 1 a document called “Wildland Fire Evacuation Plan.”

Please identify the author and date of the “Wildland Fire Evacuation Plan.”

7. In Appendix 2, at page 140, the FPP states “it would be possible to position minimal law enforcement or other emergency responders at Clark Road/Paraiso Springs Road and then downstream to keep traffic moving and avoid backups.”

No provision in the FPP requires that this occur. Please explain how this would be assured.

8. In Appendix 2, at page 140, the FPP states:

The project is proposing a daily population of approximately 500 people at full buildout with 100% occupancy, including staff and visitors. Dudek has utilized 2 persons per vehicle to estimate the additional number of vehicles that would be generated during an emergency, which is a common vehicle population used for evacuation calculations and is consistent with the planned parking spaces and shuttle capacity. Additionally, there

may be Project vehicles and a shuttle that would be used in an evacuation. This results in a total of up to approximately 275 vehicles that may be leaving the site during a declared evacuation.

Please explain how an “additional number of vehicles” could be “generated during an emergency.” How could the number of vehicles at the site available for evacuation be any different than the number of vehicles actually present at the time the evacuation was ordered?

Please explain how many shuttle vehicles and of what capacity the Project is committed or required to provide. If the Project has only one shuttle vehicle, then it is likely to be off-site picking up or dropping off persons a significant portion of the time and potentially not available for evacuation.

Please explain what “Project vehicles” are guaranteed to be on site at all times and available for evacuation. Please identify the passenger capacities of each Project vehicle guaranteed to be on site at all times. Please explain what would assure that these Project vehicles did in fact remain on site at all times.

Please explain how the FPP determined that the relevant number of persons to be evacuated would be 500 persons at full buildout with 100 percent occupancy. Please identify how many persons would be overnight guests, how many would be day use guests, how many would be employees, how many would be on site for other purposes (e.g., deliveries, contractors, etc.) Who provided the 500 person estimate to Dudek?

Please identify the number of local residents who might seek to evacuate using Paraiso Springs Road. Please identify the number of vehicles that local residents might add to the number of evacuating vehicles.

9. In Appendix 2, at page 142, the FPP assumes that existing residents would evacuate sooner because they are closer to Clark Road. Please explain how these residents, who may be dispersed on their own properties pursuing agricultural or other business, could be expected to receive notice of a fire on a fire that ignited on the Project site or that travelled from the west as soon as Project personnel and visitors would receive notice.
10. Please explain what provisions would be required to ensure that a stalled car or burning tree would not block the only evacuation route.
11. Please identify procedures to prevent accumulation of oak leaf litter and other dead vegetation that would generate smoke and affect evacuation.
12. Please explain why it is infeasible to widen all of the roadway to 20 feet. What engineering analysis has been undertaken to support this conclusion? Is the infeasibility determination based on cost? If so, what cost has been determined to be infeasible?
13. The FPP at Appendix 2, page 143, states that the project is not subject to the Public Resources Code Section 4290 dead end road limitation. Please explain why not.
14. The Ready Set Go materials in Appendix 2 repeatedly emphasize the need for multiple evacuation routes. The FPP at Appendix 2, page 143, states that the project achieves “the same practical effect” as compliance with the Public Resources Code Section 4290 dead

end road limitation. Please explain how the goal of multiple evacuation routes can be met without providing a second evacuation route.

15. The FPP at Appendix 2, page 145, references a “perimeter zone.” Please explain what this means.
16. The FPP at Appendix 2, page 145, references the “Fire Authority Having Jurisdiction.” What is that agency? Will the annexation of the project site into the MSRFPD change this?
17. Which agency, MSRFPD or CalFire, will be responsible to review and approve the Fire Prevention Plan, the Operations Fire Prevention Plan, and the Construction Fire Prevention Plan? Will the annexation of the project site into the MSRFPD affect this?
18. The proposed mitigation in the Second RDEIR does not include each recommendation made in the Fire Protection Plan. For example, the mitigation does not discuss a “primary” TRA and does not include required details of each recommendation.
19. Attachment 1 to the FPP is identified as “Wildland Fire Evacuation Plan” and as the “Emergency Evacuation Plan.” It is not clear what audience this document is intended to address. Is this the final evacuation plan? If not, it should be finalized and presented to the public in the EIR before further consideration of project approval.
20. At page 65 the Second RDEIR references creation of defensible space and project landscaping. At page 6, the Second RDEIR references a Landscape Plan. In light of the multiple and changing analyses and the deferral of the landscaping plan in Mitigation Measure 3.7-6a and Mitigation Measure 3.1-1, it is not clear what landscaping is proposed and how it will be coordinated with defensible space requirements. Because the mitigation of wildfire impacts is potentially in conflict with the mitigation of visual impacts, it is critical that the EIR demonstrate that both are feasible.

Please provide a project landscaping plan that indicates graphically what plantings are planned, particularly on the steep slope areas. Please provide this plan in at least as much detail as would be required by Mitigation Measures 3.7-6a and 3.1-1, including identification of highly fire-resistant vegetation and where such vegetation will be used to replace existing vegetation.

Please provide a fuel modification plan that graphically indicates the fuel modification zones in the detail that would be required by Mitigation Measures 3.7-6a, 3.7-6b, 3.7-7a, 3.7-7c, and 3.7-7d. In particular, please indicate which existing trees and shrubs would be removed from lots 20, 21, and 22. Please provide this information for the proposed project and for the proposed alternatives.

The landscaping plan and the fuel modification plan must be provided to the public for review and comment prior to preparation of a final EIR.

As CAL FIRE explained, vegetation within 100 feet of a structures must have both vertical and horizontal separation. LandWatch has pointed out that CAL FIRE regulations for development on slopes from 20 to 40 percent require spacing tree canopies at least 20 feet apart, which would require spacing oak trees, with their 35-foot canopies, at least 55 feet apart. Please demonstrate how this tree spacing requirement will be met on lots 20, 21, and 22 for the proposed project and for the proposed alternatives.

21. With regard to Mitigation Measure 3.7-6a in the Second RDEIR at pages 63-64:

- a. Please explain whether the referenced Fire Protection Plan is the plan provided in Appendix 2 of the Second RDEIR. If it is not, please provide the referenced Fire Protection Plan.
- b. Please specify the qualifications for the “facility Fire Safety Coordinator(s).” What knowledge, skills, and abilities would the Fire Safety Coordinator be required to have? What certifications and continuing education requirements would the Fire Safety Coordinator be required to meet?
- c. Please indicate how many Fire Safety Coordinators would be employed. Please specify how many Fire Safety Coordinators would be required to be on site at all times.
- d. Please specify the referenced training, including ongoing training, required for security staff expected to manage evacuations.
- e. Please specify the referenced training, including ongoing training, required for the referenced “first responder (EMT) level staff person.” How many such persons would be required to be on-site at all times?
- f. Please specify the referenced training for staff members and site security staff required to provide initial fire suppression or response.
- g. Please identify and locate on the site plan all structures intended to function as Temporary Refuge Area (TRAs). Please demonstrate that the identified structures would accommodate the maximum population at the project site.
- h. Please identify the specific fire-related building standards the TRAs would be required to meet. Please explain whether and how these TRA-standards would exceed the standards for structures that are not designated as TRAs.
- i. An architect may not be able to secure liability insurance for design of a TRA structure at the site. Please explain how the applicant proposes to engage an architect willing to accept liability for designing TRAs. Please indicate whether the applicant’s existing architect would propose to design the TRA structures, whether that architect has experience in TRA structure design, and, if so, whether it has insured the liability for previous TRA-structure designs.
- j. Please explain whether and how guests would participate in evacuation practice.
- k. Please describe in detail how the applicant would be required by any proposed mitigation to ensure “a strong outreach program that raises fire awareness among its staff and visitors,” as described on page 67 of the Second RDEIR. Please also identify the proposed mitigation measure that would impose this requirement.
- l. Please provide the referenced Emergency Preparation Plan.
- m. Please identify the referenced potential “equivalent measures” that might be required instead of the measures in Mitigation Measure 3.7-6a. Please explain how that equivalence would be determined.

22. Proposed Mitigation Measure 3.7-6b at Second RDEIR page 64 calls for fuel treatment zones along the road, as follows:

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

Please explain who would be responsible for this mitigation. If the applicant would be responsible, please explain whether the applicant owns or controls the land 20 feet from the

paved surface of both sides of the road. If someone else would be responsible, please explain the legal obligation that person would have to provide mitigation for the project's impacts.

Please identify the discussion in the EIR of the biological resource, visual resource, and landslide impacts from this proposed Mitigation Measure 3.7-6b.

Please identify the roadway segments in which the fuel modification would be undertaken by (1) handwork, (2) mechanical means such as masticators, and (3) use of herbicides. Please identify the frequency of maintenance of fuel modification zones along the roadway.

23. Please identify the minimum response time for an emergency call to the site in the event that the MSRFPD has been called to another emergency.

24. Proposed Mitigation Measure 3.7-7b calls for a Construction Fire Prevention Plan.

- a. The EIR should provide this plan for public review before the project is considered further for approval.
- b. Please set out the referenced procedures for minimizing potential ignition in the same level of detail as would be required in the Construction Fire Prevention Plan.
- c. Please identify work restrictions that would be required during Red Flag Warnings and High to Extreme Fire Danger Days.
- d. Please specify what would constitute adequate water supply to service construction activities.
- e. Please identify the fire coordinator role and responsibilities.
- f. Please identify the required knowledge, skills, ability, and training of the fire coordinator.
- g. Please identify the worker training that would be required and how that training would be provided.
- h. Please identify the emergency communication, response, and reporting procedures.
- i. Please describe the means and substance of the referenced coordination with local fire agencies to facilitate access.
- j. Please identify the "applicable plans and policies established by state and local agencies" with which compliance would have to be demonstrated. Please identify the referenced potential "equivalent measures" that might be required instead of the measures in Mitigation Measure 3.7-7b. Please explain how that equivalence would be determined.

25. Mitigation Measures 3.7-7d calls for an Operations Fire Prevention Plan.

- a. The EIR should provide this plan for public review before the project is considered further for approval.
- b. Please set out the referenced procedures for minimizing potential ignition in the same level of detail as would be required in the Operations Fire Prevention Plan.
- c. Please identify work restrictions that would be required during Red Flag Warnings and High to Extreme Fire Danger Days.
- d. Please set out the referenced fuel modification zones and landscape area maintenance procedures including timing of work to minimize ignition and/or fire spread in the same level of detail as would be required in the Operations Fire Prevention Plan.
- e. Please identify the fire safety coordinator role and responsibilities.

- f. Please identify the required knowledge, skills, ability, and training of the fire safety coordinator.
- g. Please identify any worker training that would be required and how that training would be provided.
- h. Please identify and describe the communication and reporting procedures with MSRFPD.

26. The EIR proposes a 500,000-gallon water supply tank to supply sprinklers for the Hotel/Spa Resort complex and to provide fire suppression. The Second RDEIR states at page 66 that sprinklers for time-share units would be connected to the potable water supply system.

Please identify the minimum fire suppression and sprinkler water needs for the project. Please show how the minimum fire flow rate was determined.

Please identify the source of the water for fire suppression and sprinklers. Please identify the replacement rate for this source.

Please explain what steps will be taken to maintain the minimum fire suppression and sprinkler water supply at all times.

Please explain why sprinklers for time share units would not be connected to the 500,000-gallon water supply tank. Please explain how adequate volumes of water and adequate water pressure would be ensured through the potable water supply system to support time share unit sprinklers.

Please explain what elevation and pressure would be required for the 500,000-gallon water supply. Please explain whether that pressure would be ensured by gravity flow or by pump.

27. The Second RDEIR states at page 71 that up to 5 debris basins are proposed at locations adjacent to proposed development sites. Please locate these debris basins on the VTM.
28. Mitigation Measure 3.7-9 should specify that the project applicant must complete the recommended geological work to mitigate post-fire flooding, landslide or erosion risks within six months of the fire, and must not operate any facilities at risk from post-fire flooding, landslide or erosion until the work has been completed.
29. The project should provide an on-site fire station as requested by MSRFPD. No sufficient justification has been provided for declining this request.
30. The map labeled 3.7-1 Fire Severity Zones at page 50 of the Second RDEIR does not identify a source. Please identify the source.

The labeled 3.7-1 Fire Severity Zones at page 50 of the Second RDEIR is not consistent with the information provided in the reference at page 48 for the Monterey County, 2019, GIS Webapps: *Fire Protection Areas (WUI and FHSZ in SRA) map*. Accessed at: <http://www.co.monterey.ca.us/government/departmentsi-z/resource-management-agency/gis>. That referenced link is to a page containing another link labeled [Fire Protection Areas \(WUI & FHSZ in SRA\) map](https://montereyco.maps.arcgis.com/apps/webappviewer/index.html?id=842c1561fe8e461fa97c1f94eeb86c25) (<https://montereyco.maps.arcgis.com/apps/webappviewer/index.html?id=842c1561fe8e461fa97c1f94eeb86c25>). The [Fire Protection Areas \(WUI & FHSZ in SRA\) map](https://montereyco.maps.arcgis.com/apps/webappviewer/index.html?id=842c1561fe8e461fa97c1f94eeb86c25) does not provide the level of detail suggested by the map labeled 3.7-1 Fire Severity Zones at page 50 of the Second RDEIR.

Please explain where the Second RDEIR obtained data for the map labeled 3.7-1 Fire Severity Zones at page 50 of the Second RDEIR. Please explain where parcel-level classification data are available. Please provide parcel-level classification of Fire Severity Zones.

31. Please explain why the fire behavior modeling analysis at pages 136-139 of the FPP used different weather assumptions for scenarios 3 and 4, in which it evaluates fire behavior on steep slopes.

Please explain why the 97th percentile weather modeling inputs at page 137 of the FPP assumed that the natural slope is from 5% to 25% whereas the 50th percentile weather modeling inputs assumed that natural slope is from 20% to 60%.

32. The Second RDEIR discussion of visual impacts at pages 7 and 39 denies the need to screen structures on steep slopes using landscaping. This is inconsistent with the rest of the EIR, which finds that landscaping is necessary mitigation.
33. The Second RDEIR fails to identify or quote General Plan Policy 26.1.9 or to acknowledge that this policy applies to both common public viewing areas and private viewing areas.
34. Since the County's Policy 26.1.9 limiting ridgeline development is intended to avoid or mitigate visual impacts, the EIR must provide an analysis of consistency with this policy and not simply defer it to a later decision-making body. The Second DEIR fails to provide adequate analysis to support a determination of whether the project would constitute ridgeline development.
35. Since the County's Policy 26.1.10 banning steep-slope development is intended to avoid or mitigate visual impacts, the EIR must provide an analysis of consistency with this policy and not simply defer it to a later decision-making body. The Second RDEIR fails to provide adequate analysis to support a determination of whether the project qualifies for an exception to the ban on steep slope development in General Plan Policy 26.1.10.
36. LandWatch reiterates and incorporates by reference its comment 10-1 on the First RDEIR with respect to the requirement to flag and stake the project site. The County's Staking and/or Flagging Criteria adopted by Board Resolution 09-360 states that flagging and staking "shall be required" if the area is designated as Visually Sensitive on an adopted visual sensitivity map. The site is within the area identified as "highly sensitive" in Figure 5, Scenic Highway and Visual Sensitivity, in the 1982 Central Salinas Valley Area Plan. Figure 5 of the 1982 Central Salinas Valley Area Plan is an adopted visual sensitivity map.¹

The March 2019 FEIR argues that the Staking and/or Flagging Criteria do not apply to the site because the Central Salinas Valley Area Plan's adopted visual sensitivity map is not listed in the parenthetical examples of adopted visual sensitivity maps in the Staking and/or Flagging Criteria. Nothing in the Staking and/or Flagging Criteria characterizes that parenthetical list of examples as an exhaustive list of adopted visual sensitivity maps. It is absurd to ignore the fact that the Central Salinas Valley Area Plan contains an adopted visual sensitivity map in applying the Staking and/or Flagging Criteria. The Central Salinas Valley Area Plan identifies the "highly sensitive areas in Figure 5" as unique resources "with

¹ The site is also within the area identified as "highly sensitive" in Figure 13, Scenic Highway and Visual Sensitivity, in the current 2010 Central Salinas Valley Area Plan.

regional or countywide significance” that are important to maintaining the “rural character” of the area:

Visually sensitive areas of the Central Salinas Valley include the foothills of the Gabilan and Sierra de Salinas Mountains, Pine Canyon, Chualar Canyon, Arroyo Seco watershed, and the Salinas Valley floor. Areas identified as highly sensitive are those possessing scenic resources which are most unique and which have regional or countywide significance. The highly sensitive areas in Figure 5 are so designated because the prominence of the ridgelines and frontal slopes with their unique vegetation are important in giving the Planning Area its rural character. Other highly sensitive areas are found along the Arroyo Seco River.

(Monterey County 1982 General Plan, Central Salinas Valley Area Plan, p. 20, emphasis added.)

37. Flagging and staking is also independently mandated under the County’s Staking and Flagging Criteria, “[w]hen the project/site has potential to create ridgeline development, as determined by the project planner.” (Staking and/or Flagging Criteria, Monterey County Board of Supervisors Resolution No. 09-360, Attachment 1, p. 1.) Ridgeline development is defined as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.” (1982 General Plan, p. 115 [Policy 26.1.9], emphasis added; see also Monterey County Code, § 21.06.950.) Note that potential ridgeline development does not require potential silhouetting above a ridgeline; it merely requires a potential substantially adverse impact.

The purpose of flagging and staking is to determine whether the “potential” ridgeline impact would in fact be realized by the project under review:

The purpose of staking and/or flagging is to provide visualization and analysis of projects in relation to County policies and regulations. Staking and/or flagging is intended to help planners and the public visualize the mass and form of a proposed project, or to assist in visualizing road cuts in areas of visual sensitivity.

(Staking and/or Flagging Criteria, Monterey County Board of Supervisors Resolution No. 09-360, Attachment 1, p. 1.) If the actual realization of this potential impact could be determined without flagging and staking the County would not have bothered to require flagging and staking.

Flagging and staking are critical here because the condominium units proposed for lots 20, 21, and 22 are located on steep slopes. The First RDEIR acknowledges that the Project will include 60 condominium units “along an east/west oriented ridge in the northern portion of the project site within the area identified as 30 percent or greater slope.” (First RDEIR, p. 3-19.) And another essential component of the Project, the vegetation removal required to mitigate fire hazards, will result in clearing oak woodlands and other vegetation from these ridges.² Landowners would be required to annually clear a 100-foot wide perimeter. Some condominium units that are not themselves on the very crest of the ridge will require

² Note that these fuel modification requirements are inconsistent with the Project Site Plan (First RDEIR, Figure 2-6), which shows the hillside condominium units surrounded with vegetation. The fuel modification requirements are also inconsistent with the visual mitigation requirements, which call for partial screening of these units with trees and shrubs. Thus, flagging and staking are particularly critical to disclose the actual mass and visual impacts of the project.

vegetation clearance that extends to the ridgetop. (See First RDEIR, p. 3-83, Figure 3.3-3.) Without flagging and staking to indicate the location and mass of proposed structures it is particularly difficult to visualize the prominence and visual effect of structures on hillsides on which vegetation may be partially or entirely removed.

38. Flagging and staking is intended to permit the public and the Land Use Advisory Committee to visualize the actual dimensions of a project because it must remain in place for the duration of the review period. The visual analysis in the EIR cannot substitute for flagging and staking. The EIR does not even provide dimensions for the condominium units, which the zoning would permit to be 35 feet tall. (Elevations of “casitas” are provided, but those units are on the valley floor.) Placement of a single 5 foot by five-foot traffic sign “on the ridge at a location among where the 2- and 3-bedroom time share villas are proposed” (First RDEIR, Appendix C, pp. 2-3) was not a substitute for flagging and staking. This single traffic sign did not mark the locations of each of the proposed condominium units, which would be spread along hundreds of feet of ridgeline. Nor is there any evidence that the traffic sign was placed at the 35-foot height that the condominium units would reach. A single sign cannot give any indication of the mass and visual intrusion of the thirteen multi-unit condominium buildings spread along 1,000 feet of the ridge comprising lots 21 and 22. Nor was there any opportunity for the LUAC or the public to view this purported evaluation of visual impacts, because it was not set up for the duration of the review period.
39. The photo-simulation in the visual analysis is not an adequate substitute for flagging and staking. The County’s Staking and Flagging Criteria expressly prohibit the substitution of photo-simulation for flagging and staking in areas that are designated as “highly sensitive on an adopted visual sensitivity map.” (Staking and/or Flagging Criteria, Monterey County Board of Supervisors Resolution No. 09-360, Attachment 1, p. 7.)
40. LandWatch reiterates and incorporates by reference its comment 10-2 on the First RDEIR with respect to the impacts of fuel modification on visual resources. For the reasons set out in comment 10-2, vegetation consistent with fuel modification requirements would not provide any meaningful screening of the hillside development. The visual impacts from the loss of 20 acres of on-site vegetation together with 185 oak trees has not been adequately assessed. As noted above, the feasibility of achieving mitigation of both the visual resource impacts and the wildfire hazard impacts cannot be determined without presentation of the actual landscaping plan and fuel modification plan. Those plans must be provided in the RDEIR for public review and comment.
41. LandWatch reiterates and incorporates by reference its comment 10-3 on the First RDEIR with respect to the applicant-supplied photo-simulations.

The applicant-supplied photo simulations do not include simulations with and without proposed mitigation in order to permit the public to understand how effective the mitigation would be.

The applicant-supplied photo simulations do not reflect the mandated fuel modification.

The County has improperly delegated its analytic duty to the applicant.
42. LandWatch reiterates and incorporates by reference its comment 10-4 on the First RDEIR with respect to the impacts to Arroyo Seco Road, which qualifies as a Scenic Road and for which the County was required by Policy 40.1.2 of the Central Salinas Valley Plan to pursue that official designation.

Although the March 2019 FEIR argues that Policy 40.1.2 is not recited in the 2010 General Plan, the visual impact to this scenic route remains. Furthermore, the 2010 General Plan Policy LU-9.3 mandates that pre-2007 project applications “shall be governed by the plans, policies, ordinances and standards in effect at the time the application was deemed complete.” An applicant is not entitled to pick and choose to comply with the lowest common denominator of General Plan policies.

43. LandWatch reiterates and incorporates by reference its comment 10-4 on the First RDEIR with respect to light pollution. The RDEIR still fails to provide an adequate description of the Project’s proposed lighting. Interior lighting must not be permitted to be visible off-site. This requires that the units not be located on steep slopes.
44. The proposed 180-unit Project would triple the number of visitor-serving units previously permitted on the site and would add a number of additional visitor-serving amenities that would increase use and concomitant environmental impacts. It would locate condominium units on hillsides where they would cause visual impacts, including nighttime impacts that could not be mitigated. The Project is simply too large for this location.

The RDEIR evaluates alternatives that would reduce the number of units by 7%, 10%, and 30%. It is helpful that these alternatives would relocate the proposed condominium units so that they would not be on steep slopes and would be less visible. However, the EIR should also evaluate an alternative that would provide visitor-serving amenities at the scale of the previous use, i.e., a 61-unit proposal with appropriately scaled amenities.

The newly proposed Alternative 5 does not adequately address the inappropriate enlargement of the visitor-serving uses because it only eliminates 4 of the 180 units. Furthermore, Alternative 5 does not adequately reduce the visual impacts from locating development on steep slopes visible from the Valley because it still locates structures on hillsides and because it would still require extensive fuel modification to protect those structures.

Sincerely,



Michael D. DeLapa
Executive Director