

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONE CHANGE 04-010 – ZONING MAP AMENDMENT, 80 SOUTH RIVER ROAD, SINGLE FAMILY RESIDENTIAL (R1-PD) TO MULTI-FAMILY RESIDENTIAL (R-3)

DATE: DECEMBER 21, 2004

NEEDS: For the City Council to consider making an amendment to the Zoning Map, to rezone property from R-1 PD to R-3 to provide consistency with the General Plan land use designation.

FACTS:

1. The City adopted the General Plan update in December 2003 which included updates to the Land Use and Housing Elements. These Elements include goals, policies and action items that direct the City to provide sufficient sites to accommodate local and regional housing needs.
2. The updated Land Use Element and accompanying Land Use Map identifies locations for various land use categories and housing densities intended to meet the City's housing needs.
3. This code amendment will provide consistency between the General Plan Land Use Map and City Zoning Map.
4. Property located at 80 South River Road is currently zoned Residential Single Family (R-1 PD) on the City Zoning Map. The Land Use Map designates this property as Residential Multiple Family, Medium Density (RMF-12). The RMF-12 land use category permits up to 12 dwelling units per acre. The rezone would change the property zoning to Multi-Family Residential (R-3) which would also allow a density of 12 dwelling units per acre.
5. A development project is not proposed at this time. Any development project would need to be consistent with the established General Plan and Zoning, and would be the subject of a separate noticed public hearing.
6. Per the California Environmental Quality Act (CEQA), an Initial Study was conducted. No significant environmental impacts were identified as result of this project and a draft Negative Declaration was prepared.
7. The Planning Commission considered this amendment and the draft Negative Declaration on November 23, 2004, and recommended approval of the amendment and Negative Declaration to the City Council.

ANALYSIS
AND
CONCLUSIONS:

This zoning map amendment has been prepared to implement goals, policies and action items of the General Plan Land Use and Housing Elements. It is also intended to bring the property zoning into conformity with the Land Use Map. As stated above, the zoning of the property is R-1 PD, and the land use designation is RMF-12. The density of an R-3 rezone would be consistent with that of an RMF-12 land use category. A PD overlay is not necessary to include with the R-3 zoning designation since there is flexibility already incorporated into the multi-family development regulations.

While a development project is not being proposed with this request for a rezone, future development of the site would require zoning and general plan map consistency to be in compliance with State planning law.

An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), which was required because this project is a legislative act. It was determined that no significant environmental impacts would result from this project, and a Negative Declaration was prepared for consideration.

Policy

Reference: General Plan, Zoning Map

Fiscal

Impact: None

- Options:
- a. Subject to consideration of applicable public testimony, that the City Council consider the Planning Commission's recommendation to: (1) adopt Resolution No. 04-xx approving a Negative Declaration; and (2) introduce for First Reading Ordinance No. XXX N.S. that would bring the zoning of the subject parcels into conformity with the General Plan and set January 4, 2005, as the date for second reading of the ordinance.
 - b. Amend, modify, or reject above option.

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Attachments:

1. Environmental Review - Initial Study
2. Resolution to adopt a Negative Declaration
3. Ordinance No. XXX N.S. amending the City's Zoning Map
4. Newspaper and Mail Notice Affidavits

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR A
ZONING MAP AMENDMENT

WHEREAS, the City Council of the City of El Paso de Robles adopted an updated General Plan in December 2003; and

WHEREAS, the General Plan includes specific Goals, Policies and Action items in the Land Use Element (LU-1 and LU-1A) and the Housing Element (H-1, H-1A and Action Item 1), that directs the City to ensure there are sufficient site designated to provide a range of housing densities to meet regional housing needs; and

WHEREAS, this Zoning Map Amendment is consistent with the General Plan; and

WHEREAS, the General Plan Environmental Impact Report (EIR) considered and evaluated programmatically potential impacts that may result from implementation of the General Plan, and includes mitigation measures as appropriate; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether this project would result in environmental impacts, and the City has determined that this project will not result in significant environmental impacts; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Negative Declaration was prepared and circulated for public review and comment; and

WHEREAS, no public comments or responses were received in regard to the Draft Negative Declaration and Initial Study; and

WHEREAS, Public Notice of the proposed Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearings were conducted by the Planning Commission on November 23, 2004 and the City Council on December 21, 2004 to consider the Initial Study and the proposed Negative Declaration prepared for the proposed project, and to accept public testimony on the Zoning Map Amendment and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the proposed project. This finding is based on the Mitigation Monitoring Program included in the General Plan Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby adopt a Negative Declaration in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21st day of December 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

CITY OF PASO ROBLES – PLANNING DIVISION

INITIAL STUDY FOR A REZONE APPLICATION (RZ 04-010) ZONING MAP AMENDMENT

1. GENERAL PROJECT INFORMATION:

PROJECT TITLE: Zoning Map Amendment
RZ 04-010

LEAD AGENCY: City of Paso Robles - 1000 Spring Street, Paso Robles, CA 93446

Contact: Susan Zaleschuk, City Planner
Telephone: (805) 237-3970

PROJECT LOCATION: City of Paso Robles – See Map, Attachment 1

PROJECT PROPONENT: Robert and Karen Cary

**LEAD AGENCY CONTACT/
INITIAL STUDY PREPARED BY:** Susan Zaleschuk, City Planner

Telephone: (805) 237-3970
Facsimile: (805) 237-3904
E-Mail: szaleschuk@prcity.com

GENERAL PLAN DESIGNATION: Residential Multiple Family, Medium Density (RMF-12)

ZONING: Single Family Planned-Development (R1-PD)

2. PROJECT DESCRIPTION

This project is an amendment to the Zoning Map to bring the property zoning which is currently Residential Single Family Planned-Development (R1-PD) into conformance with the General Plan Land Use Designation of RMF-12.

3. **OTHER AGENCIES OF WHOM APPROVAL MAY BE REQUIRED** (For example, issuance of permits, financing approval, or participation agreement): None.

4. **EARLIER ENVIRONMENTAL ANALYSIS AND RELATED ENVIRONMENTAL DOCUMENTATION:**

This Initial Study incorporates by reference the City of El Paso de Robles General Plan Environmental Impact Report (EIR) (SCH#2003011123).

5. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR THE PROJECT:

This Initial Study relies on the expert opinion supported by the facts, technical studies, and technical appendices of the City of El Paso de Robles General Plan EIR. These documents are incorporated herein by reference. They provide substantial evidence to document the basis upon which the City has arrived at its environmental determination.

6. PURPOSES OF AN INITIAL STUDY

The purposes of an Initial Study for a Development Project Application are:

- A. To provide the City with sufficient information and analysis to use as the basis for deciding whether to prepare an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration for a site specific development project proposal;
- B. To enable the Applicant of a site specific development project proposal or the City as the lead agency to modify a project, mitigating adverse impacts before an Environmental Impact Report is required to be prepared, thereby enabling the proposed Project to qualify for issuance of a Negative Declaration or a Mitigated Negative Declaration;
- C. To facilitate environmental assessment early in the design of a project;
- D. To eliminate unnecessary EIRs;
- E. To explain the reasons for determining that potentially significant effects would not be significant;
- F. To determine if a previously prepared EIR could be used for the project;
- G. To assist in the preparation of an Environmental Impact Report if one is required; and
- H. To provide documentation of the factual basis for the finding of no significant effect as set forth in a Negative Declaration or a Mitigated Negative Declaration prepared for the a project.

7. EXPLANATION OF ANSWERS FOUND ON THE ENVIRONMENTAL CHECKLIST FORM

A. Scope of Environmental Review

B. Evaluation of Environmental Impacts

1. A brief explanation is required for all answers to the questions presented on the following Environmental Checklist Form, except where the answer is that the proposed project will have "No Impact." The "No Impact" answers are to be adequately supported by the information sources cited in the parentheses following each question or as otherwise explained in the introductory remarks. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors and/or general standards. The basis for the "No Impact" answers on the following Environmental Checklist Form is explained in further detail in this Initial Study in Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 10 (Context of Environmental Analysis for the Project).

2. All answers on the following Environmental Checklist Form must take into account the whole action involved with the project, including implementation. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. Mitigation Measures from Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). See Section 4 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 11 (Earlier Analysis and Background Materials) of this Initial Study.
6. References to the information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the Environmental Checklist Form. See Section 11 (Earlier Analysis and Related Environmental Documentation). Other sources used or individuals contacted are cited where appropriate.
7. The following Environmental Checklist Form generally is the same as the one contained in Title 14, California Code of Regulations; with some modifications to reflect the City’s needs and requirements.
8. Standard Conditions of Approval: The City imposes standard conditions of approval on Projects. These conditions are considered to be components of and/or modifications to the Project and some reduce or minimize environmental impacts to a level of insignificance. Because they are considered part of the Project, they have not been identified as mitigation measures. For the readers’ information, the standard conditions identified in this Initial Study are available for review at the Community Development Department.
9. Certification Statement: The statements made in this Initial Study and those made in the documents referenced herein present the data and information that are required to satisfy the provisions of the California Environmental Quality Act (CEQA) – Statutes and Guidelines, as well as the City’s Procedures for Implementing CEQA. Further, the facts, statements, information, and analysis presented are true and correct in accordance with standard business practices of qualified professionals with expertise in the development review process, including building, planning, and engineering.

8. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The proposed project may potentially affect the environmental factors checked below, and may involve at least one impact that is a “Potentially Significant Impact” or is “Potentially Significant Unless Mitigated,” if so indicated on the following Environmental Checklist Form.

- Land Use & Planning
- Transportation/Circulation
- Public Services
- Population & Housing
- Biological Resources
- Utilities & Service Systems
- Geological Problems
- Energy & Mineral Resources
- Aesthetics
- Water
- Hazards
- Cultural Resources
- Air Quality
- Noise
- Recreation
- Mandatory Findings of Significance

9. ENVIRONMENTAL DETERMINATION: On the basis of this initial evaluation: I find that:

The proposed project could not have a significant effect on the environment; and, therefore, a **NEGATIVE DECLARATION** will be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. Therefore, a **MITIGATED NEGATIVE DECLARATION** will be prepared.

The proposed project may have a significant effect on the environment; and, therefore an **ENVIRONMENTAL IMPACT REPORT** is required.

The proposed project may have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.”

Therefore, an **ENVIRONMENTAL IMPACT REPORT** is required, but it will analyze only the effect or effects that remain to be addressed.

Signature: _____

Date: _____

October 27, 2004

Susan Zaleschuk, City Planner

10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the Proposal:				
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a) Conflict with general plan designation or zoning? (Sources: 1 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning map amendment will bring the zoning map into conformance with the General Plan Land Use Element.

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project complies with the EIR recently certified for the City General Plan Update, 2003.

c) Be incompatible with existing land uses in the vicinity? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The change in intensity was included in the General Plan update. The multiple family designation provides an appropriate transition of land uses from surrounding commercial development to single family development and zoning to the east of the project area.

d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning amendment will not affect agricultural resources since there are no agricultural resources located on or near the affected zoning district.

e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning amendment will not result in impacts to the physical arrangement of an established community. It will likely provide a benefit to the community by providing opportunity for more affordable housing that is closer to services and jobs. The future physical development of this property will be evaluated under the discretionary review of a Planned Development.

II. POPULATION AND HOUSING. Would the proposal:				
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a) Cumulatively exceed official regional or local population projections? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This amendment is intended to implement housing goals, policies and action items in the Housing Element and Land Use Element to help the City meet affordable housing needs. Development in compliance with density and zoning will not exceed population projections as established in the recently updated General Plan.

b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
extension of major infrastructure)? (Sources: 1 & 3)				
<i>Discussion: This zoning amendment is intended to encourage infill development, and will not significantly induce substantial growth.</i>				
c) Displace existing housing, especially affordable housing? (Sources: 1, 3, & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: One of the intents of these regulations is to provide opportunities for affordable housing, thus the project will not displace existing and/or affordable housing. There is no affordable housing currently provided on the site.</i>				
III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:				
a) Fault rupture? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: a-i) The proposed project does not include a development project that proposes physical development. Future development projects will be evaluated regarding geologic issues on a case-by-case basis.</i>				
b) Seismic ground shaking? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismic ground failure, including liquefaction? (Sources: 1, 2 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or Mudflows? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 2, 3, & 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of the land? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils? (Sources: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. WATER. Would the proposal result in:				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: a-i) The proposed project does not include a development project that proposes physical development. Future development projects will be evaluated regarding water resource issues on a case-by-case basis.</i>				
b) Exposure of people or property to water related hazards such as flooding? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movement? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (Sources: 1,3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. AIR QUALITY. Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><i>Discussion: Although the project does not include development of a specific development project, a beneficial result from future development of this site since it is proposed to be multi-family located near shopping centers, and will likely reduce vehicle miles traveled since goods and services will be closer in proximity to residences, which will be a benefit to air quality.</i></p>				
b) Expose sensitive receptors to pollutants? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Discussion: b-d) The project does not include a development project. Future development will be evaluated on a case-by-case basis to determine if air resources or sensitive receptors would be impacted.</i></p>				
c) Alter air movement, moisture, or temperature? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:				
a) Increased vehicle trips or traffic congestion? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: Traffic impacts resulting from the distribution of land uses included in the General Plan were identified and mitigation measures incorporated into the General Plan EIR to address traffic that may result from the plan, including designation of this property as RMF-12.

b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project does not include a development project that proposes physical development. Future development projects will be evaluated regarding transportation issues on a case-by-case basis.

c) Inadequate emergency access or inadequate access to nearby uses? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See Discussion for VI. b.

d) Insufficient parking capacity on-site or off-site? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project does not include a development project that proposes physical development. Parking will be evaluated on a case-by-case basis when a development project is proposed.

e) Hazards or barriers for pedestrians or bicyclists? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project does not include a development project that proposes physical development. Future development projects will be evaluated regarding transportation issues on a case-by-case basis.

f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project does not include a development project that proposes physical development. Future development projects will be evaluated regarding transportation issues on a case-by-case basis.

g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning map amendment could not have the potential to affect rail, waterborne or air traffic

VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:				
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a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: a-e) The project does not include a development proposal. Future development will be evaluated on a case by case basis to protect biological resources.+

b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Sources: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed zoning map amendment is in compliance with energy conservation plans in the General Plan.

b) Use non-renewable resource in a wasteful and inefficient manner? (Sources: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The zoning map amendment encourages compact urban development that will result in beneficial impacts to non-renewable resources since it will reduce vehicle trips generated and embedded energy resources.

c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Sources: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Potential impacts to mineral resources will be evaluated on a case-by-case basis when development projects are proposed.

IX. HAZARDS. Would the proposal involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning map amendment could not impact risk of accidental explosion or release of hazardous substances.

b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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<i>Discussion: This zoning map amendment could not impact emergency response plan or emergency evacuation plan.</i>				
c) The creation of any health hazard or potential hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Discussion: This zoning map amendment could not result in the creation of any health hazard or potential hazards.</i>				
d) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: This zoning map amendment could not impact fire hazard in areas with flammable brush, grass, or trees. Potential impacts from fire hazards will be evaluated on a case-by-case basis when development projects are proposed.

X. NOISE. Would the proposal result in:				
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a) Increases in existing noise levels? (Sources: 1, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: a & b) This zoning map amendment could not result in noise impacts, however increased density and potential impacts from noise were evaluated as part of the General Plan update EIR.

b) Exposure of people to severe noise levels? (Source: 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Discussion:

XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
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a) Fire protection? (Sources: 1, 3, 6, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Police Protection? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Schools? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Maintenance of public facilities, including roads? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Other governmental services? (Sources: 1,3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: a-e) This zoning map amendment could not result the need for new or altered government services. Future development proposals will be evaluated on a case-by-case basis.

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
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a) Power or natural gas? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Communication systems? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Local or regional water treatment or distribution facilities? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><i>Discussion: a-g) This zoning map amendment could not result in the need for new utility and service systems. Future development proposals will be evaluated on a case-by-case basis.</i></p>				
XIII. AESTHETICS. Would the proposal:				
a) Affect a scenic vista or scenic highway? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><i>Discussion: a-c) This zoning map amendment could not result in aesthetic impacts future development proposals will be evaluated on a case-by-case basis.</i></p>				
b) Have a demonstrable negative aesthetic effect? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. CULTURAL RESOURCES. Would the proposal:				
a) Disturb paleontological resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><i>Discussion a-e) This zoning map amendment will not result in negative impacts to cultural resources. Future development proposals will be evaluated on a case-by-case basis.</i></p>				
b) Disturb archaeological resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect historical resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. RECREATION. Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. Environmental Checklist Form ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: a-b) This zoning map amendment will not affect the need for recreational resources. Future development proposals will be evaluated on a case-by-case basis.

b) Affect existing recreational opportunities? (Sources 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: This zoning map amendment does not include a specific development project. Individual projects will be evaluated on a case-by-case basis.

b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: b-d) This project will likely result in beneficial impacts in the short-term and long-term since it is intended to encourage compact, infill development and reduce vehicle trips.

c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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11. EARLIER ANALYSIS AND BACKGROUND MATERIALS

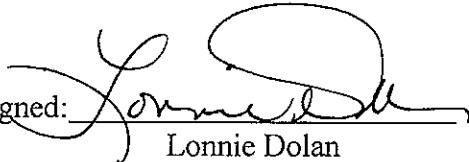
Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). The earlier documents that have been used in this Initial Study are listed below.

Reference Number	Document Title	Available for Review At
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Rezone 04-010 (Cary – 80 So. River Road) on this 7th day of December, 2004.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

THE *Newspaper of the Central Coast*
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD #6089984
CITY OF PASO ROBLES
COMMUNITY DEVELOPMENT DEPARTMENT

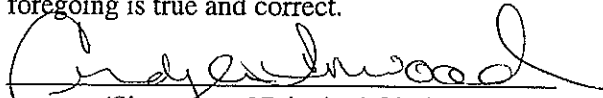
STATE OF CALIFORNIA,

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates, to-wit NOVEMBER 3, 2004 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: NOVEMBER 3, 2004
AD COST: \$76.64

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING

NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, November 23, 2004, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider adoption of a Negative Declaration (statement that there will be no significant environmental impacts resulting from this project) in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:

Rezone 04-010: A request filed by Robert and Karen Cary to rezone property located at 80 South River Road (APN 009-040 and -041) from Single Family Residential (R1-PD) to Residential Multiple Family Medium Density (R3).

The public review period for this project is November 3, 2004 through November 23, 2004. The proposed Negative Declaration may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

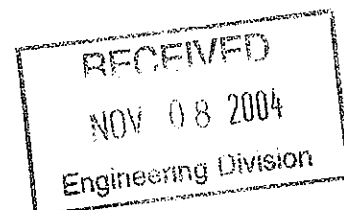
Written comments on the proposed Rezone and corresponding Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan Zaleschuk at (805) 237-3970.

If you challenge the Rezone or Negative Declaration application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Susan Zaleschuk, AICP
City Planner

Nov. 3, 2004

6089984



11/2004 Projects 12/15/04

2004 11/10/04
Cary

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE
REZONING PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1 P-D) TO
MULTI-FAMILY RESIDENTIAL (R-3) FOR TWO PARCELS
(APNs 009-611-041 AND 009-611-040)
(CODE AMENDMENT 04-010)

WHEREAS, the City's adopted General Plan of December 16, 2003 reflects a Residential Multiple Family, Medium Density (RMF-12) land use designation for two parcels located at 80 South River Road (APNs 009-611-041 AND 009-611-040); and

WHEREAS, the current Zoning Map has a Residential Single Family (R-1 P-D) designation for the subject parcels; and

WHEREAS, the current Zoning is inconsistent with the City's adopted General Plan, which is the land use policy of the City of Paso Robles; and

WHEREAS, this Ordinance is consistent with the General Plan; and

WHEREAS, at its meeting of November 23, 2004, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of December 21, 2004, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's November 23, 2004 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on January 4, 2005, the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. The zoning map amendment is hereby established on the official Zoning Map as shown in Exhibit A.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on December 21, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of January, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

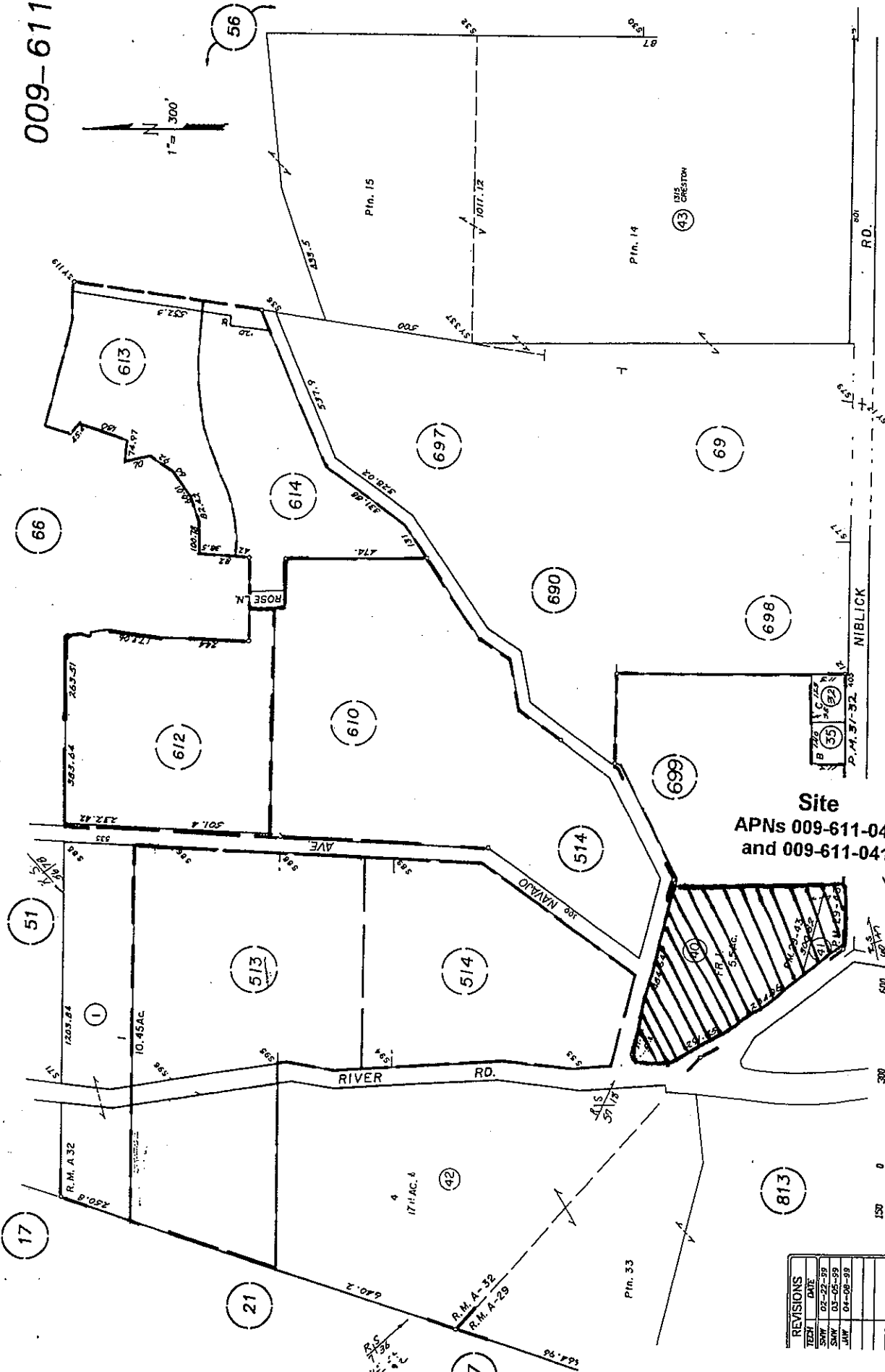
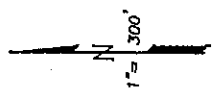
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

009-611



Site
 APNs 009-611-040
 and 009-611-041

REVISIONS	DATE
SWW	02-22-99
SWW	03-05-99
JWW	04-08-99

THIS MAP IS PREPARED FOR
 ASSESSMENT PURPOSES ONLY.

CITY OF PASO ROBLES
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA
 BOOK 009 PAGE 611

R.M. Bk. A, Pg. 29 - RANCHO SANTA YSABEL
 R.M. Bk. A, Pg. 32 - OLIVE PARK TRACT

EXHIBIT "A"