

**TO: JAMES L. APP, CITY MANAGER**

**FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: 2011 CEQA UPDATE (CITY INITIATED)**

**DATE: SEPTEMBER 20, 2011**

**Needs:** For the City Council to consider and approve the draft 2011 City of Paso Robles CEQA Guidelines Update.

- Facts:**
1. The California Environmental Quality Act (CEQA) is embodied in the California Public Resources Code Sections 21000 et seq; the State's Guidelines to Implement CEQA (Guidelines) are embodied in Title 14 of the California Code of Regulations Sections 15000 et seq.
  2. CEQA Section 21082 and Guidelines Section 15022 require public agencies to adopt objectives, criteria, and specific procedures consistent with CEQA and the Guidelines for administering their responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.
  3. The City's Rules and Procedures for Implementing CEQA (Rules and Procedures) are intended to address the most common situations faced by the City on a day-to-day basis in complying with CEQA. Where there are situations that are not addressed by the City's rules and procedures, or if any portion of these rules and procedures conflicts with any provision of, or amendment to, CEQA or the Guidelines, the provisions of CEQA and the Guidelines shall control.
  4. In September 2009 the City approved the first update to the CEQA Guideline since 1992, in September 2009. That update incorporated language pertaining to procedures to implement AB 32 and SB 97 related to climate change, among other modifications. However, the provisions incorporated into the Guidelines in 2009 related to climate change were "interim procedures" until the State amended the State CEQA Guidelines. The State's amended Guidelines became effective in 2010.
  5. The new procedures are recommended to be incorporated into the City's CEQA Guidelines. See Exhibit 1, Changes to CEQA Procedures.
  6. The State also made modifications to the CEQA "Initial Study Checklist". This Checklist is used in making environmental determinations. Changes to the Initial Study checklist are related to Greenhouse Gas Emissions, Forestry and Agricultural Resources, and Transportation. The modifications (Initial Study pages 2, 4, 5, 8, 15, and 16) are provided in Exhibit 2.
  7. The Planning Commission considered the draft 2011 City of Paso Robles CEQA Guidelines Update on April 12, 2011 and made a recommendation to the City Council to adopt the revised regulations and the revised Initial Study Checklist.

**Analysis  
and**

**Conclusion:** State law requires that the City establish its own procedures on how it complies with CEQA. As noted, our current procedures were updated fairly recently, however new changes took effect last year. Therefore, they also need to be incorporated into the City's Guidelines.

The previous update added a section to the City Guidelines, in Chapter 5, entitled, "*Evaluating for Climate Change (Interim Provisions)*". The newly updated language will replace this section, and will include information on how to measure the significance of greenhouse gas emissions. The new section is titled, "*Determining the Significance of Impacts from Greenhouse Gas Emissions*". The revised language is provided in Exhibit 1.

An Initial Study Checklist form is used in determining the potential impacts that may result from a project. Modifications to the Initial Study Checklist are also included in the CEQA Guidelines Update. The Checklist includes a revised list of topics under list of "*Environmental Factors Potentially Affected*" and changes to some of the topic questions. New topics include "Greenhouse Gas Emissions", and "Forestry" was added to the Agriculture topic. New or revised Initial Study questions are focused on Section II. Agriculture and Forestry, Section VII. Greenhouse Gas Emissions, and Section XVI. Transportation/Traffic. See Exhibit 2, Updated Initial Study Checklist pages 2, 4, 5, 8, 15, and 16, with modifications highlighted.

**Fiscal**

**Impact:** No fiscal impacts are anticipated in conjunction with the adoption of the 2011 CEQA Update.

**Options:** After consideration of all public testimony, that the City Council considers the following options:

- a. Adopt the 2011 Rules and Regulations for Implementation of CEQA;
- b. Amend, modify or reject the foregoing option.

**Exhibits:**

1. Excerpt from Draft CEQA Guidelines Update, September 2011
2. Updated Initial Study Checklist pages
3. Public Hearing Notice

# City of Paso R



## **Rules and Regulations For the Implementation of The California Environmental Quality Act**

September 2011

## 5. INITIAL STUDY PROCESS

**"Initial Study"** means a preliminary analysis prepared by the Lead Agency to determine the type of environmental document to process (e.g. EIR, Negative Declaration, or Mitigated Negative Declaration). It is also used to identify the significant environmental effects to be analyzed in an EIR. Use of the Initial Study is discussed in the Guidelines Article 5, commencing with §15060.

### 5.1 Conduct of the Initial Study

An initial study shall be prepared for all public and private projects once they are determined that an activity is subject to CEQA and no statutory or categorical exemptions apply, unless it has been determined that an EIR will be required and the applicant agrees. All initial studies shall be conducted in accordance with §15063 of the Guidelines.

### 5.2 Consultation

As soon as the determination to prepare an Initial Study has been made, Planning staff shall consult informally with, and solicit recommendations from, all Responsible and Trustee agencies (see §15063(g) of the Guidelines), and City departments. Appendix D lists reviewing agencies with special expertise in various subject areas which may be used to solicit comments in the review of environmental documents. For most projects, this consultation can be adequately satisfied by a telephone call to the appropriate member of the agency's staff. A written record of the phone call (e.g. memo to file or a funning phone log) shall be placed in the project file. The comments and recommendations of the Responsible or Trustee agency and City Departments shall be reflected in the Initial Study.

### 5.3 Evaluating Projects

**A.** Planning staff shall evaluate projects for their effect on the environment by using the Environmental Checklist Form (Appendix E), Environmental Information Form (Appendix C), and by calling upon various sources of information, including the General Plan, previously completed EIRs and other environmental studies, and make a written recommendation to the Coordinator which is supported by factual evidence.

1. For projects with no previous environmental documents, or previously prepared documents found to be inadequate because changes have been made to the project, the project setting, or because of the length of time since the original preparation date, the analysis shall focus on the identification of significant effects according to sections 15064 and 15065 of the Guidelines. These sections describe the criteria and mandatory findings for establishing whether a project may have a significant adverse effect on the environment.
2. When a project being analyzed is a change to, or further approval for, a project for which an environmental document was previously certified or adopted, provisions of sections 15162 (Subsequent EIRs and Negative Declarations), 15163 (Supplement to an EIR or Negative Declaration), and 15164 (Addendum to an EIR) of the Guidelines will apply. Guidelines §15064(f)(7)

**B.** If additional outside review is required to determine the potential significant effects of a project, (e.g., a study of potential traffic impacts) it should be determined at this point, or earlier in the process if possible, by City staff. Any fees for this study shall be borne by the applicant.

~~**C. Evaluating for Climate Change (Interim Provisions):** Pursuant to Senate Bill 97 (Dutton, 2007), new amendments of the Guidelines will be adopted and certified on or before January 1,~~

~~2010. These amendments will provide regulatory guidance on the analysis and mitigation of Green House Gas (GHG) emissions in CEQA documents. The Governor's Office of Planning and Research (OPR) in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA) and the California Air Resources Board (ARB) have provided informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents.~~

~~The CEQA analysis shall determine the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.~~

- ~~1. CEQA documents should consider the following general factors when analyzing whether a proposed project has the potential to cause a significant climate change impact on the environment:
  - ~~a. The lead agencies should make a good faith effort, based on available information, to calculate, model, or estimate the amount of CO<sub>2</sub> and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.~~
  - ~~b. Technical resources, including a variety of modeling tools, are available to assist public agencies to quantify GHG emissions. OPR recognizes that more sophisticated emissions models for particular types of projects are continually being developed and that the state-of-the-art quantification models are rapidly changing. OPR will periodically update the examples of modeling tools identified in OPR's "Attachment 2". (Appendix R)~~
  - ~~c. There is no standard format for including the analysis in a CEQA document. A GHG/climate change analysis can be included in one or more of the typical sections of an EIR (e.g., air quality, transportation, energy) or may be provided in a separate section on cumulative impacts or climate change.~~~~
  
- ~~2. CEQA documents should consider the following general guidelines when determining the significance of the possible impacts:
  - ~~a. When assessing a project's GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant.~~
  - ~~b. As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a "significant impact", individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.~~
  - ~~c. The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for~~~~

any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).

d. Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.

3. CEQA documents should consider the following general guidelines when determining possible mitigation measures:

a. Mitigation measures will vary with the type of project being contemplated, but may include alternative project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled (VMT) by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies, and measures that sequester carbon to offset the emissions from the project.

b. The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological, or other reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is "less than significant".

e. If there are not sufficient mitigation measures that the lead agency determines are feasible to achieve the less than significant level, the lead agency should adopt those measures that are feasible, and adopt a Statement of Overriding Considerations (which would require an EIR) that explains why further mitigation is not feasible. A Statement of Overriding Considerations must be prepared when the lead agency has determined to approve a project for which certain impacts are unavoidable. These statements should explain the reasons why the impacts cannot be adequately mitigated in sufficient detail, and must be based on specific facts, so as not to be conclusive.

d. Agencies are encouraged to develop standard GHG emission reduction or mitigation measures that can be applied on a project by project basis. Appendix Q contains a preliminary menu of measures that lead agencies may wish to consider. This list is by no means exhaustive or prescriptive. Lead agencies are encouraged to develop their own measures and/or propose project alternatives to reduce GHG emissions, either at a programmatic level or on a case-by-case review.

e. In some cases GHG emission reduction measures will not be feasible or may not be effective at a project level. Rather, it may be more appropriate and more effective to develop and adopt program-level plans, policies and measures that will result in a reduction of GHG emissions on a regional level.

### **C. Determining the Significance of Impacts from Greenhouse Gas Emissions**

1. The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in CEQA Guidelines, Section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead

agency shall have the discretion to determine, in the context of a particular project, whether to:

- a. Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
  - b. Rely on a qualitative analysis or performance based standards.
2. A lead agency should consider the following factor, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:
- a. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
  - b. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
  - c. The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.
3. Mitigation Measures Related to Greenhouse Gas Emissions.

Consistent with CEQA Guidelines section 15126.4(a), lead agencies shall consider all feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emission. Measures to mitigate the significant effects of greenhouse gas emission may include, among others:

- a. Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
- b. Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;
- c. Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
- d. Measures that sequester greenhouse gases;
- e. In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include

the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

**D.** Upon completion of the Initial Study, Planning staff shall transmit it along with their preliminary determination to the Coordinator. If it is found that insufficient information exists to determine whether a project will have a significant effect on the environment, additional information from the applicant or one or more focused studies (e.g., traffic, biological, cultural, etc.) shall be required as appropriate to the nature of the project and/or the project site.

**E.** After a preliminary determination that a project may have a significant effect on the environment, the Coordinator should meet with the applicant in an attempt to reach agreement on acceptable mitigation measures and/or project alternatives which would lessen or avoid the significant effects outlined in the Initial Study. Where agreement is reached, the Coordinator shall revise the Initial Study to incorporate the changes, alternatives and/or mitigation. Changes to the project or mitigation measures shall be agreed to in writing by the applicant and documented in the Initial Study prior to the project being noticed and scheduled for a public hearing. Appendix F contains a sample Mitigation Agreement.

#### **5.4 Preliminary Determinations**

The Coordinator, on the basis of the environmental analysis and other information contained in the Initial Study, shall make one of the preliminary determinations listed below no later than 30 calendar days after accepting the application as complete. (NOTE This deadline may be extended an additional 15 days upon the consent of both the Coordinator and the project applicant as provided in Section 15102 of the Guidelines.)

**A.** That there is no possibility that the proposed project may have a significant effect on the environment and prepare a Negative Declaration.

Proceed to Chapter 6, Process for Negative Declarations and Mitigated Negative Declarations.

**B.** That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project which lessen these potential impacts to acceptable levels and prepare a Mitigated Negative Declaration.

This determination should be made in cases where the mitigation measures are readily apparent and can be agreed to by the Coordinator and the applicant. The City shall prepare a reporting and monitoring program for any mitigation measures incorporated into the project to ensure compliance, as set forth in Chapter 13 of these rules and procedures.

Proceed to Chapter 6, Process for Negative Declarations and Mitigated Negative Declarations.

**C.** That the project may have a significant effect on the environment, pursuant to §15064 of the Guidelines and prepare an EIR.

Proceed to Chapter 7, EIR Process.

**D.** That, pursuant to §15153 of the Guidelines, an EIR has already been prepared which adequately evaluates the projects' potential effects, and no additional document is needed.

Proceed to Chapter 8, Previous EIR Process.



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                                                                 |                                                                           |                                                             |
|-----------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                             | <input type="checkbox"/> Agriculture <b><u>and Forestry</u></b> Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                               | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> <b><u>Greenhouse Gas Emissions</u></b> | <input type="checkbox"/> Hazards & Hazardous Materials                    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning                    | <input type="checkbox"/> Mineral Resources                                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing                   | <input type="checkbox"/> Public Services                                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic                 | <input type="checkbox"/> Utilities / Service Systems                      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS:</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion:				

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**II. AGRICULTURE AND FORESTRY RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. *In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the forest and Range Assessment Project and the forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.* Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion				
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Discussion:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. <u>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <u>Result in the loss of forest land or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use <u>or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:



**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

d. Expose sensitive receptors to substantial pollutant concentrations? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

e. Create objectionable odors affecting a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(Sources: 1, 2, & 3) Discussion:				
iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Landslides? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VII. GREENHOUSE GAS EMISSIONS:** Would the project:

a. <u>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</u> Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVI. TRANSPORTATION/TRAFFIC:** Would the project:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |                          |                          |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <u><b>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</b></u></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion:

- |                                                                                                                                                                                                                                                                                                                                                 |                          |                          |                          |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>b. Exceed, either individually or cumulatively, <u><b>Conflict with an applicable congestion management program, including but not limited to</b></u> a level of service standards <u><b>and travel demand measures, or other standards</b></u> established by the county congestion management agency for designated roads or highways?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- |                                                                                                                                                                        |                          |                          |                          |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- |                                                                                                                                                               |                          |                          |                          |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

- |                                                  |                          |                          |                          |                          |
|--------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>e. Result in inadequate emergency access?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Discussion:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. <del>Result in inadequate parking capacity?</del> Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.g. Conflict with adopted policies, plans, or programs <u>regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such</u> facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:**

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Exhibit 3  
Public Hearing Notice**

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

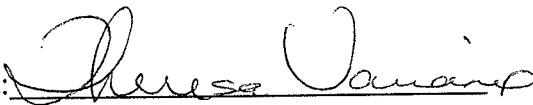
**Newspaper:** Tribune

**Date of  
Publication:** September 9, 2011

**Hearing  
Date:** September 20, 2011  
(City Council)

**Project:** 2011 CEQA Update

I, Theresa Variano, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed:   
Theresa Variano

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CITY OF EL PASO DE ROBLES  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider an update to the City's Guidelines on the California Environmental Quality Act (CEQA).

State law requires that the City establish procedures on how the City complies with CEQA. The City's current procedures which were last updated in September 2009 are in need of revision to reflect new laws put into effect in 2010. It is important to point out that the policies within the Update implement existing State law and does not create new "laws". In essence the Update provides a recipe on how the City navigates the complex CEQA process in a streamlined manner.

The City Council hearing will take place on Tuesday, September 20, 2011. This hearing will take place at 1000 Spring Street, Paso Robles, California, in the City Council Chambers at 7:30 pm, at which time all interested parties may appear and be heard.

Comments on the proposed Update may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that such comments are received prior to the time of the hearing. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970.

The Draft Update is available for review at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446.

If you challenge the 2011 CEQA Update 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 DeCarli, AICP Planning Mgr.  
September 9, 2011 6956720