

TO: James L. App, City Manager

FROM: Ed Gallagher, Community Development Director

SUBJECT: Planned Development (PD 13-005), Tentative Parcel Map (PR 13-0109), Oak Tree Removal (OTR 13-008), and Mitigated Negative Declaration for the Marriott Residence Inn

DATE: June 17, 2014

NEEDS: For the City Council to consider the recommendations of the Planning Commission, and adopt a Mitigated Negative Declaration (MND) with a mitigation monitoring and reporting program, and approve Planned Development (PD 13-005), Tentative Parcel Map (PR 13-0109), and Oak Tree Removal (OTR 13-008) for the Marriott Residence Inn.

FACTS:

1. The Planning Commission considered the above referenced entitlements proposed by Excel Hotel Group, for development of a 4-story, 128-room hotel and associated uses at 121 Wilmar Place at three separate meetings. The Planning Commission made a recommendation to adopt the MND and approve the project entitlements at their meeting on May 27, 2014.
2. The property is designated in the General Plan Land Use Element as Regional Commercial (RC), and it is zoned Commercial Highway – Planned Development (C2-PD). Hotels are permitted land uses in the C2-PD zone, and it is consistent with the intent of the RC land use designation.
3. The site is also designated in the Gateway Design Standards, in Gateway Areas “M: South Vine Street” and “N. Highway 46 West”. The design standards provide specific site design criteria and standards for development in this area.
4. In response to letters submitted by Mr. Greg Sanders, (attorney representative of the adjacent property owned by Quorum Realty, see Attachment 12), the MND was revised to address issues raised. The revision expanded on information evaluated and provided clarifications. No new impacts were identified and no new or revised mitigations were added. The MND was re-circulated for an additional 30-day public review period.
5. Caltrans responded to the first MND circulated for public review, and was satisfied that traffic-related issues are addressed. (See Attachment 12) They did not respond to the second MND circulated.

**ANALYSIS &
CONCLUSION:**

Project Description and Design

The proposed Marriott Residence Inn is intended to provide lodging services geared toward guests that would like to stay for an extended period of time. In accordance with the City's Municipal Code, under transient occupancy regulations, guests may stay up to 30 continuous days.

As noted, the proposed hotel includes 128 guest rooms, breakfast dining area, and other customary services and amenities. An outdoor pool, terraces and barbeque are proposed on the west side of the site. The entrance and porte-cochere is oriented toward the entrance driveway on Wilmar Place, which intersects with South Vine Street. The main wing of the hotel is also adjacent to South Vine Street. A two-way driveway, with a (primarily) single-loaded parking area flanks the main (southeastern) wing of the hotel, and includes handicapped and motorcycle parking spaces. The site plan includes 140 parking spaces, five bike racks, two bike storage lockers, and seven motorcycle spaces. This meets the requirement of providing one space per guest room and enough parking spaces for employees on the highest employee shift. See Site Plan, Attachment 2.

The project includes a lot split of the existing 12.6 acre property to create a 3.17 acre parcel for the hotel site and a "remainder" lot of 9.44 acres. No development is proposed for the remainder lot at this time. Wilmar Place, the driveway access to serve both properties, is included in an existing 50-foot wide access easement that extends from South Vine Street along the northern portion of the site to the western property boundary. The easement continues to the west and provides for access to other properties. See Tentative Parcel Map, Attachment 3.

The surrounding terrain consists of rolling hillsides and oak trees. The project is proposed in an area where there is an existing older home site. The home site does not have historic or cultural value and is not included on the City's list of historic properties. The home would be removed to provide the building site for the hotel.

The proposed hotel is designed with contemporary Mediterranean architecture. It incorporates building articulation through varying rooflines, recessed portions of the building façade, wrought iron balconies, exposed rafter beams, stone veneer details and barrel tile roofing materials. See Building Elevations, Attachment 4. The site landscaping plan incorporates a plant palate of drought-resistant plant materials. The landscape plan includes landscaping along the property frontage on the upslope area to screen the site retaining wall and to transition from the existing natural landscape to the more formal landscaping on the site. The site backflow prevention device is proposed to be located on the south side of the driveway approximately 80 feet west of the street right-of-way, and it is proposed to be screened with landscaping. See Landscape Plan, Attachment 2.

The C2 zoning district building height standard is 50 feet. The proposed building elevations include sections that are between 50 feet and 60 feet in height, with a tower element that is proposed to be 66 feet in height. Since the property is in a C2 zone with a Planned Development Overlay, per Chapter 21.16A of the City Zoning Ordinance, flexibility may be requested on applying certain development standards, such as building height. The criteria established in Chapter 21.16A to consider exceeding the height limits was thoroughly evaluated in the MND. The applicant has provided a written request and justification to exceed the 50 foot height standard (see Attachment 5). The applicant's comments suggest that the average massing of the building height is 40 feet, and that the taller elements provide variation and architectural interest in the design. It also suggests that the proposed taller elements help balance the proportions of the building. The applicant further suggests that the added height helps with visibility of the hotel since in some places the terrain blocks the view into the site (primarily southbound on South Vine Street).

The Gateway Design Standards, as well as policies in the General Plan, Conservation Element pertaining to Visual Resources (Policy C-5A and Figure C-3), recognize the importance of the project area as a key entrance to the City. The intent of these policies is to ensure that, "...development is designed to make a positive visual impression and incorporate/preserve natural features".

The Gateway Design Standards provide guidance on site design to help new development fit within the landscape and context of the surroundings to support a positive visual impression of gateways to the City. Toward this end, the site is designed so that the entrance is oriented toward the front of the site, the building footprint is adjacent to the right-of-way, and the majority of parking is proposed along the side and rear area of the site in smaller parking bay areas, so that they are less visible. The development footprint is also located fairly deep into the site, and it is proposed to be surrounded by landscaping and trees to help buffer the building massing. Therefore, the project design is consistent with the criteria in the Gateway Design Standards.

The site is visually prominent at the intersection of the highways and along South Vine Street. The applicant provided photo-simulations of the building elevations as they would appear from southbound South Vine Street and northbound along Highway 101. (See Attachment 6, Photo Simulations.) As noted in the Initial Study, the building footprint is setback significantly from the primary points of view, which helps to reduce the massing of the building as viewed from public right-of-ways.

Traffic and Circulation

As noted, the project site is accessed from South Vine Street on Wilmar Place. A Traffic Impact Study was prepared for this project, which is included in the Initial Study, as Attachment 12. The traffic study evaluated existing traffic conditions and traffic impacts on the surrounding circulation network, including the intersection of South Vine Street and SR 46W, the Highway 101 and SR 46W interchange and highway operations from traffic that would be generated from the project. The study also evaluated cumulative impacts to these facilities with other development, both approved and in process, as well as site access, and alternative transportation, such as transit and bicycles. The report also evaluated the project in relation to City and County standards and policies.

The traffic study indicates that the existing traffic, in addition to project-generated traffic, would not exceed adopted standards and thresholds for existing service capacity on surrounding intersections or freeway operations. However, the study states that, the combined traffic from the project plus cumulative intersection and freeway operations would exceed adopted thresholds for the project. This combined traffic would also exceed thresholds for future traffic (year 2035) impacts on the intersections and freeway operations. (The cumulative analysis includes development of the Gateway Project adjacent to the project site. A subsequent traffic analysis prepared by the project transportation engineer indicates that, if the Gateway Project was not included in the cumulative development scenario, the proposed project would not exceed cumulative or future traffic levels in year 2035. A copy of this analysis is included in Attachment 14.)

Improvements to the interchange and intersection at South Vine Street have already been identified and studied by Caltrans and the City. The applicant will be required to mitigate for their proportionate share of traffic impacts through payment of Development Impact Fees as a contribution to planned improvements. Thus, the project will have mitigated its “fair share” of impacts on these transportation facilities.

It is important to note that the City’s Circulation Element of the General Plan identifies a potential future road realignment of South Vine Street through the applicants property (through the proposed “remainder” lot), connecting to SR 46W, west of the site across other private properties, to line up adjacent to the new intersection of Theatre Drive and SR 46W. It may appear on the surface that the applicant should be required to dedicate for this future right-of-way realignment with this project. However, with participation in Development Impact Fees that would help fund transportation improvements, traffic impacts from the project would be adequately mitigated. The applicant’s proposed project as well as potential development in the future of the remainder lot do not require access from the road realignment shown in the City’s Circulation Element. Since

the applicant's project does not warrant extension of South Vine Street, in accordance with CEQA, there is no "essential nexus" as defined by Supreme Court case of *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), to require the road to be dedicated with this project. Furthermore, there would not be the required finding of "rough proportionality" for the scale and scope of impacts and a mitigation to dedicate land for this road alignment, as defined by the Supreme Court case of *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Thus, mitigation proposed for the project to pay its contribution toward approved circulation improvements is adequate.

Additionally, as noted in the memorandum from the City Engineer (see Attachment 7), the applicant has previously participated in funding for the southbound off-ramp improvements that were constructed a few years ago. This is included as part of the applicant's proportionate share of mitigation for traffic impacts.

The traffic study analysis on project access at South Vine Street and Wilmar Place indicates that a stop-sign controlled intersection would be adequate to provide safe access to the site. However, in response to questions raised by Mr. Sanders regarding the site-distance visibility, vehicle speed, and entrance safety at the intersection of South Vine Street and Wilmar Place, an additional analysis was prepared by the project transportation engineer to evaluate these issues, and is added to the Traffic Study exhibit in the MND. The conclusions of this study indicate that site distance visibility is more than adequate, and that the traveling speeds on South Vine Street are safe at the intersection of South Vine Street and Wilmar Place with a stop-sign controlled entrance.

Additionally, the project will be served with transit and it is connected to the City's bicycle transportation system with a class II bike lane on South Vine Street as well as connection to surrounding properties with sidewalks.

Water, Wastewater and Storm Water Management

The applicant prepared an estimate of water demand and sewer needs to serve the proposed project. The estimate indicates that water demand for the hotel (with a 78% occupancy rate), for potable and irrigation needs would be 13.6 acre-feet per year. Sewer capacity needs is estimated to be 12,750 gallons per day. The land use assumptions and demands for development of this (commercial) property were included in the 2003 General Plan, 2007 Sewer Master Plan, and the 2010 Urban Water Management Plan. Both these service demands can be accommodated within the City's existing water resources available and the upgraded wastewater treatment plant.

The project has a water line connection available in South Vine Street that it could tie into. The project is conditioned to extend an 8-inch sewer line up South Vine Street from SR 46W.

The project has been designed to accommodate storm water management on-site. The applicant submitted a Storm Water Control Plan that includes strategies to comply with State storm water requirements, which includes many Low-Impact Development (LID) features. LID features include: directing rooftop storm water to landscape areas; a cistern tank; use of pervious hardscape surfaces; use of planters for biofiltration; and an on-site retention area (shown on grading plans).

Oak Trees

The applicant provided an Arborist Report with the application (see Initial Study, Attachment 8), since there are 22 oak trees within and around the project site. The project is largely designed to avoid the oak trees, and incorporates the most prominent trees within the site plan as focal points and amenities to the project. Oak tree protection measures are incorporated into the project Conditions of Approval. However, the applicant proposes to remove five oak trees with this project. Four of the trees proposed for removal are not healthy either due to site growing conditions (i.e. grown under the canopy of larger trees) or due to site disturbance/destruction (i.e. barbed-wire fencing). Removal of three of these trees would clean up the site for future development. Tree #16 is embedded with wire fencing and it is located where part of the hotel footprint is proposed. The remaining tree proposed for removal, (#17) is a healthy, nine-inch Live Oak. This tree is located in an area proposed for the rear parking lot. It would be difficult to design around this tree, however, the intention of the City's Oak Tree Protection Ordinance is to design projects around oak trees to the extent possible.

Policy

Reference: City of Paso Robles 2003 General Plan Update and EIR, Economic Strategy, Zoning Ordinance, Gateway Design Standards, 2010 Urban Water Management Plan, 2007 Sewer Master Plan, CEQA.

Fiscal

Impact: No fiscal impacts identified.

Options: After opening the public hearing and taking public testimony, the City Council is requested to take one of the actions listed below:

a. By separate motions:

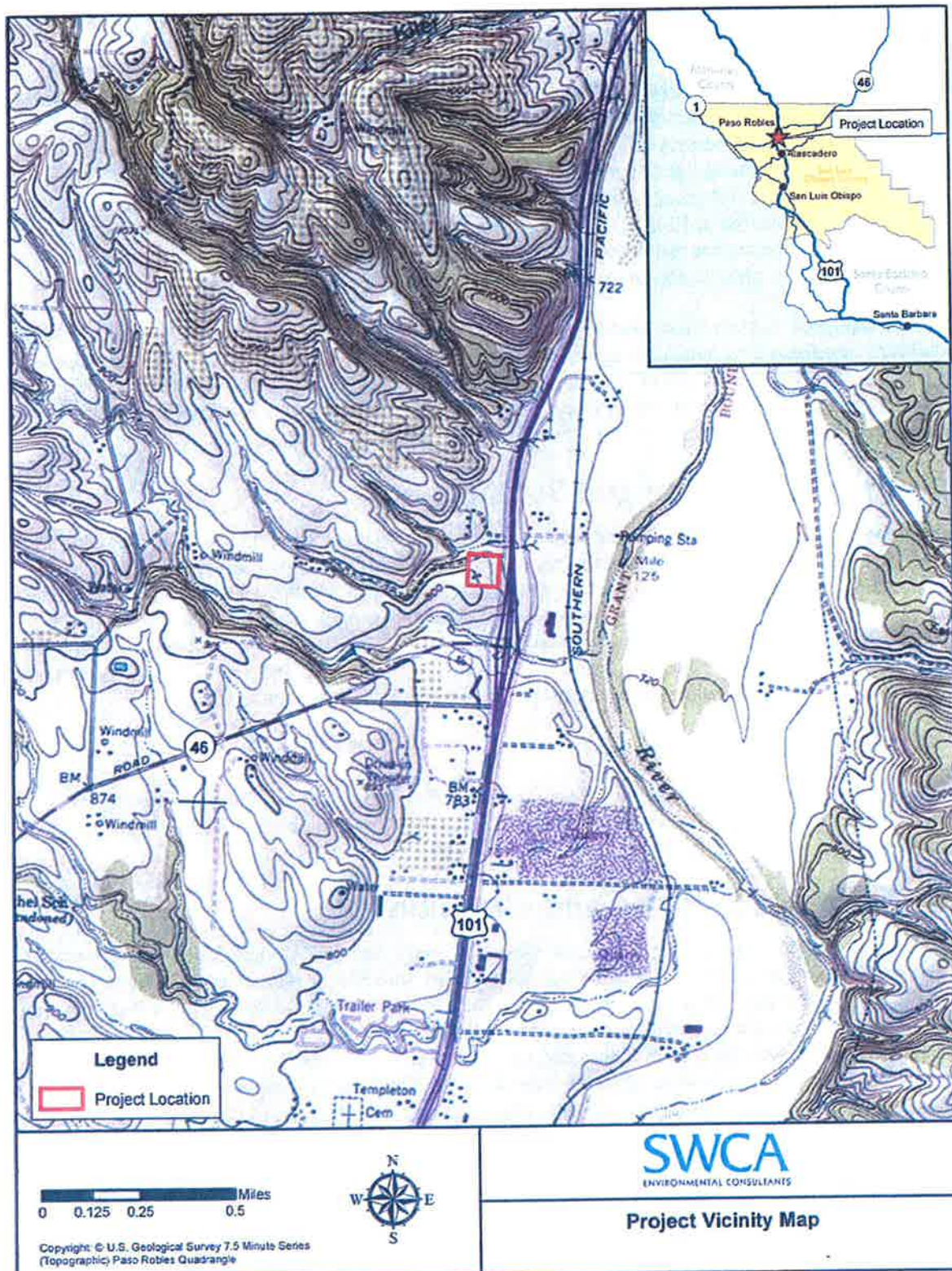
- (1) Adopt Resolution No. 14-XX, adopting a Mitigated Negative Declaration for PD 13-005, TPM (PR 13-0109), and Oak Tree Removal (OTR 13-008);
- (2) Adopt Resolution No. 14 XX, approving Planned Development 13-005 and Tentative Parcel Map (PR 13-0109);
- (3) Adopt Resolution No. 14-XX, approving the Oak Tree Removal Permit (OTR 13-008).

b. Amend, modify, or reject the above-listed action.

Attachments:

- 1 – Vicinity Map
- 2 – Site Plan & Landscape Plan
- 3 – Tentative Parcel Map & Preliminary Grading and Drainage Plan
- 4 – Building Elevations
- 5 – Height Limit Exception Letter
- 6 – Photo Simulations
- 7 – Memorandum from the City Engineer
- 8 – Resolution to Adopt a Draft Mitigated Negative Declaration and Initial Study
- 9 – Resolution to Adopt Planned Development 13-005 and Tentative Parcel Map PR 13-0109
- 10 – Resolution to Approve Oak Tree Removal Permit (OTR 13-008)
- 11 – Letter from Applicant, Excel Hotel Group
- 12 – Letters received from public agencies
- 13 – Mail Notice Affidavit
- 14 – Placeholder for Letters from Attorneys and ATE Transportation Engineers:
 - a. Three letters from Mr. Sanders (attorney representative of Quorum Realty)
 - b. Response letter from City Attorney (Best, Best & Krieger)
 - c. Response letter from ATE Transportation Engineers
 - d. Letter from applicants attorney (Remy, Moose & Manley)

Residence Inn Project







SITE PLAN



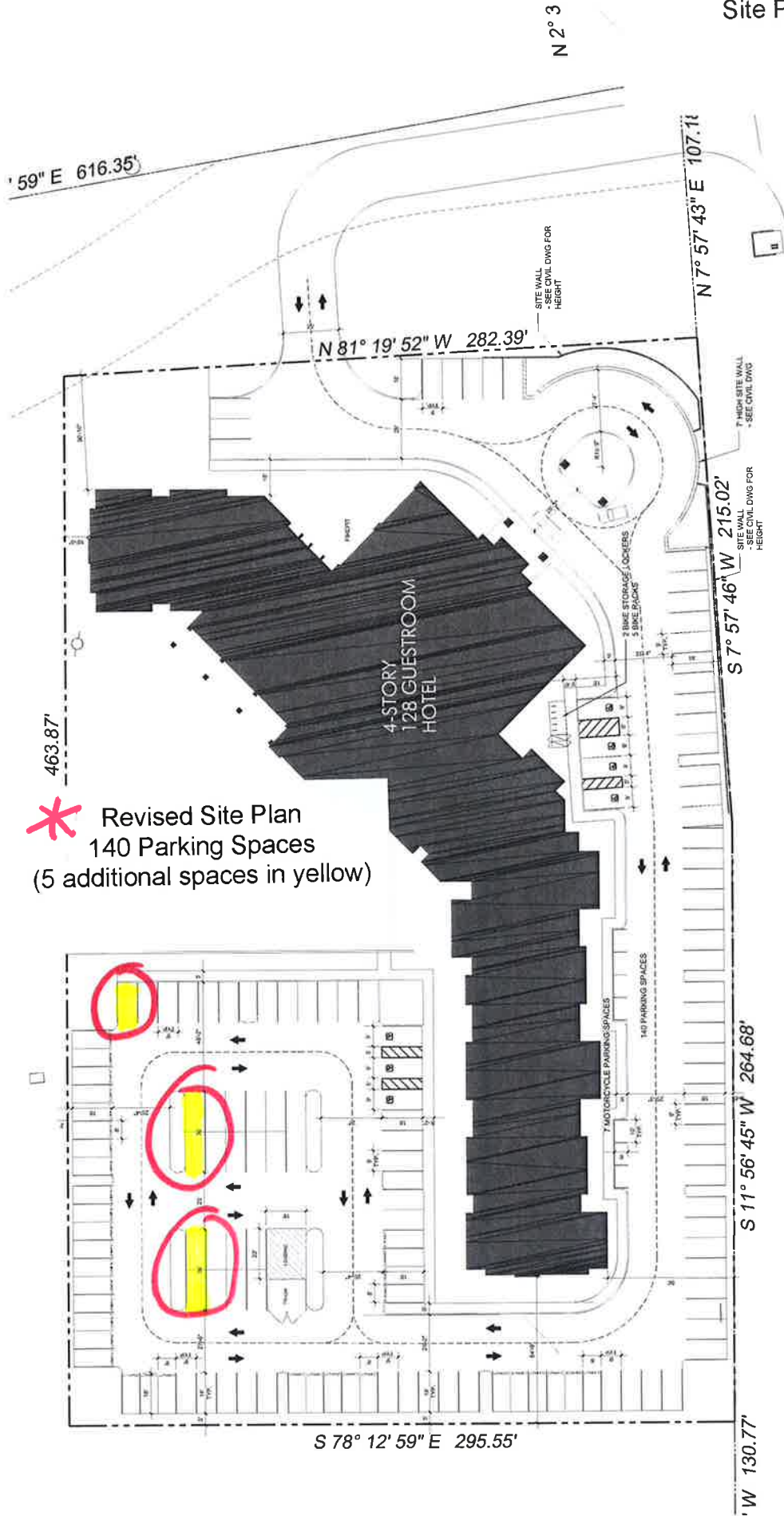
MARRIOTT RESIDENCE INN

PASO ROBLES CALIFORNIA



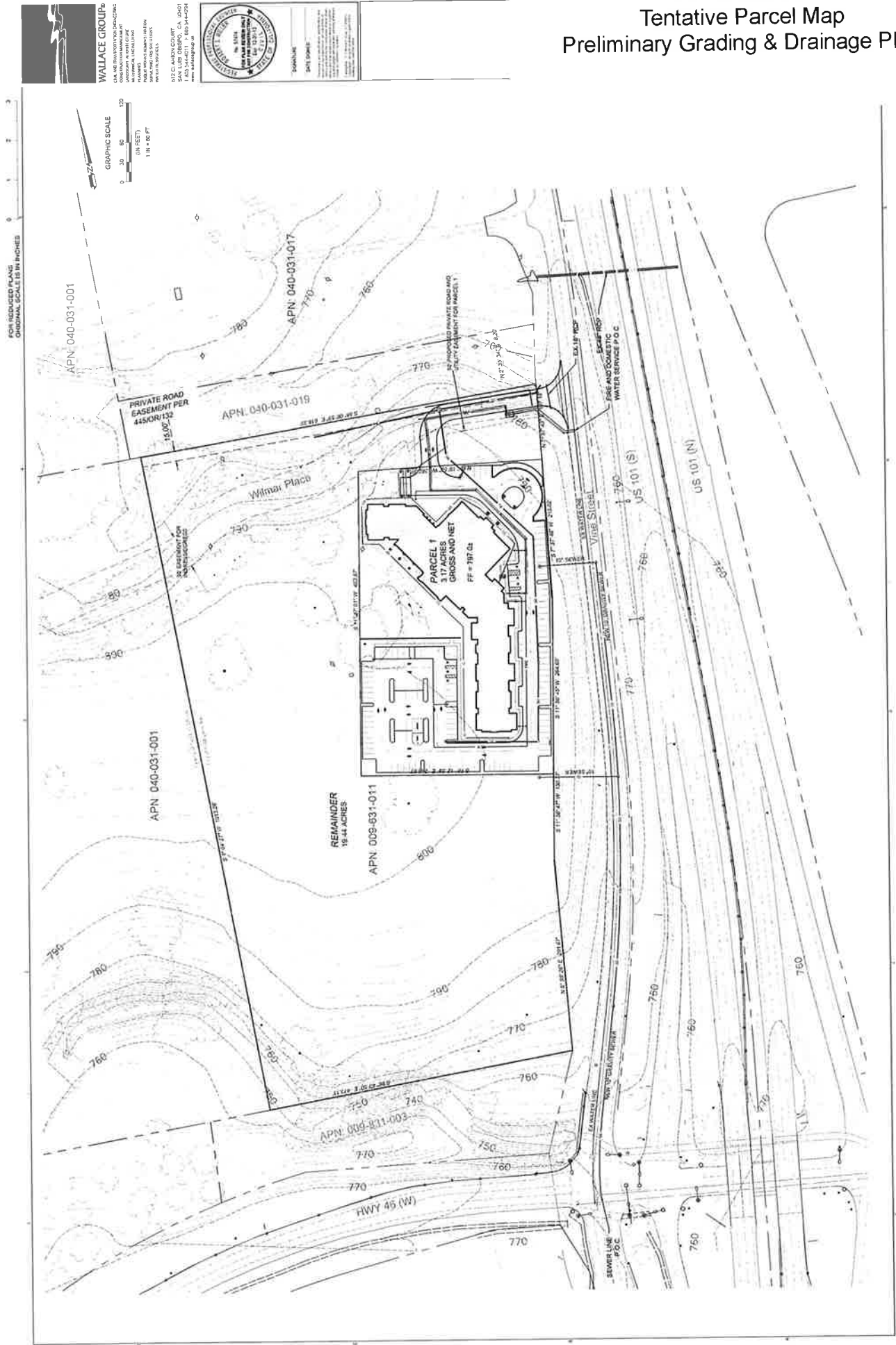
NOTE:

1. SEE CIVIL DWGS FOR INFORMATION ON FOLLOWING ITEMS
2. EXISTING UTILITIES
3. EXISTING STRUCTURES
4. EXISTING TREES



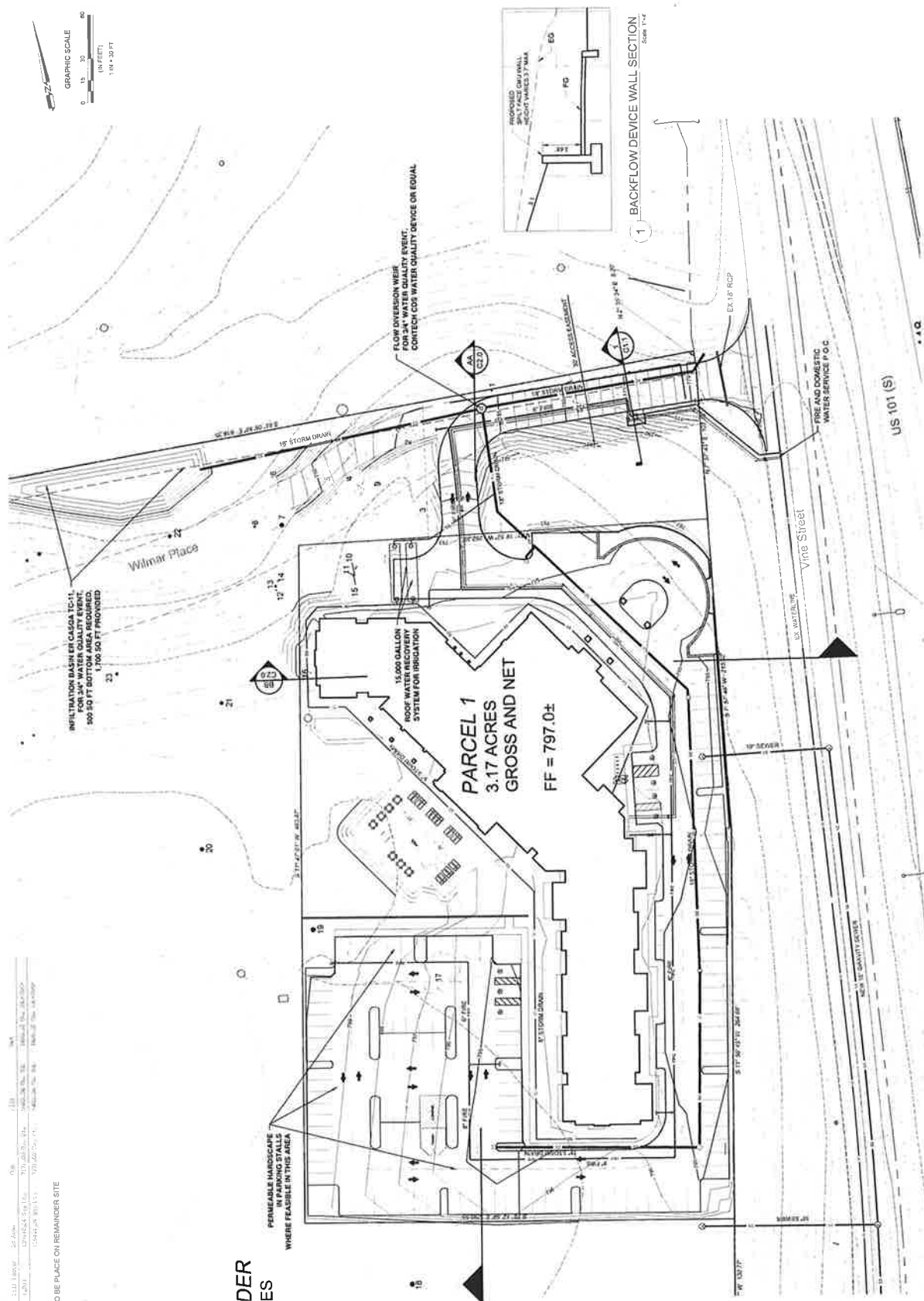
* Revised Site Plan
140 Parking Spaces
(5 additional spaces in yellow)

Attachment 3
Tentative Parcel Map
Preliminary Grading & Drainage Plan



NOTE: EXCESS MATERIAL TO BE PLACED ON REMAINDER SITE

DER
ES



Marriott Resident Inn
Paso Robles Ca.
PRELIMINARY GRADING AND UTILITY PLAN

JOB # 1180-0007
 PROJECT NAME
 DRAWN BY CS
 DATE 11.2.2013
 DRAWING NO
 C1.1
 2 OF 3

FOR REVISION PLANS
ORIGINAL SCALE IS IN INCHES

WALLACE GROUP
 1000 N. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 PHONE: 303.733.1100
 FAX: 303.733.1101
 WWW.WALLACEGROUP.COM

SEAL
 PROFESSIONAL ENGINEER
 CIVIL
 STATE OF COLORADO
 NO. 10106
 EXPIRATION DATE 12/31/14

PROJECT
 MARROTT RESIDENT INN
 PASO ROBLES, CA
 DRAWING NO. C2.0
 DATE 10/20/11

BY J. WALLACE
CHECKED J. WALLACE
DATE 10/20/11

PROJECT
 MARROTT RESIDENT INN
 PASO ROBLES, CA
 DRAWING NO. C2.0
 DATE 10/20/11

BY J. WALLACE
CHECKED J. WALLACE
DATE 10/20/11

PROJECT
 MARROTT RESIDENT INN
 PASO ROBLES, CA
 DRAWING NO. C2.0
 DATE 10/20/11

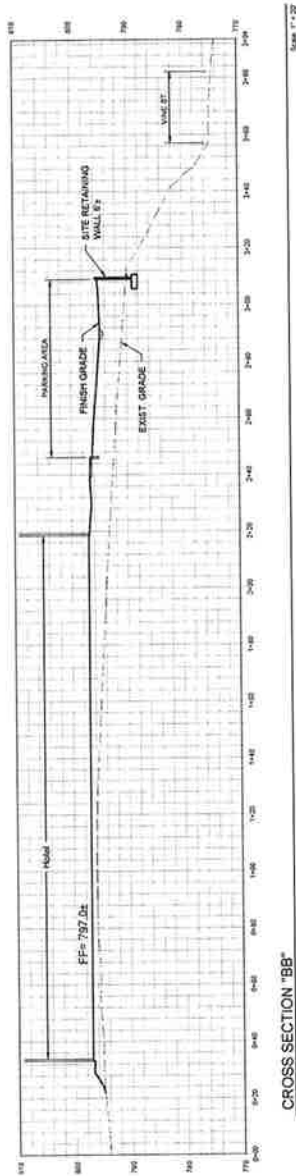
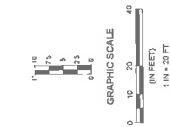
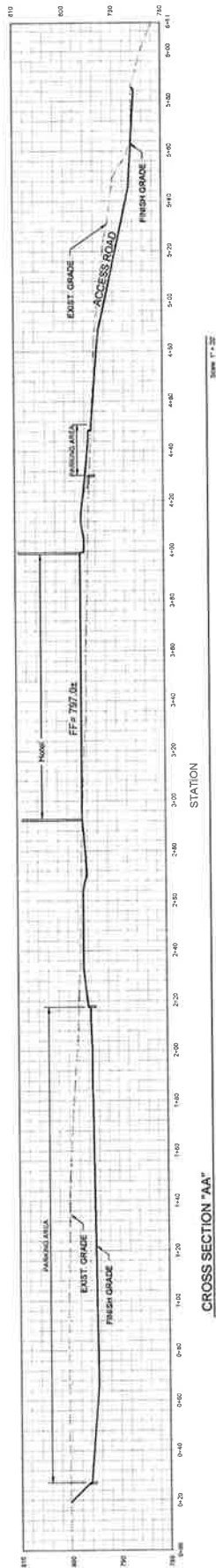
BY J. WALLACE
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DATE 10/20/11

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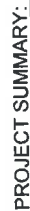
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DATE 10/20/11

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 PASO ROBLES, CA
 DRAWING NO. C2.0
 DATE 10/20/11

BY J. WALLACE
CHECKED J. WALLACE
DATE 10/20/11



PASO ROBLES, CALIFORNIA



HOTEL INFORMATION						
	TYPE	STUDIO	STUDIO DEL. QUEEN	1-BEDROOM	2-BEDROOM	TOTAL
LEVELS		12	4	3	3	22
(1) GROUND		12	4	3	3	22
(2) SECOND		22	6	7	1	33
(3) THIRD		22	6	7	1	36
(4) FOURTH		22	6	7	1	36
TOTAL		78	24	26	5	133
						98,000 SF
						27,500 SF

PARKING INFORMATION		PROVIDED	
SURFACE PARKING	HC STALLS STANDARD	9' x 13'	5%
	STANDARD	9' x 13'	60%
	COMPACT	8' x 13'	25%
			10%

OWNER:
EXCEL HOTEL GROUP
10000 S. JACOBI BLVD
SUITE 100
SAN DIEGO, CA 92131
(619) 594-4411 FAX
(619) 594-4411 FAX
CONTACT: SURESH PATEL

ARCHITECT:
HARRIS ASSOCIATES
1130 WESTWOOD BLVD.
SAN ANTONIO, CA 78204
(210) 209-1520 FAX
(210) 209-1520 FAX
CONTACT: GARY FONG

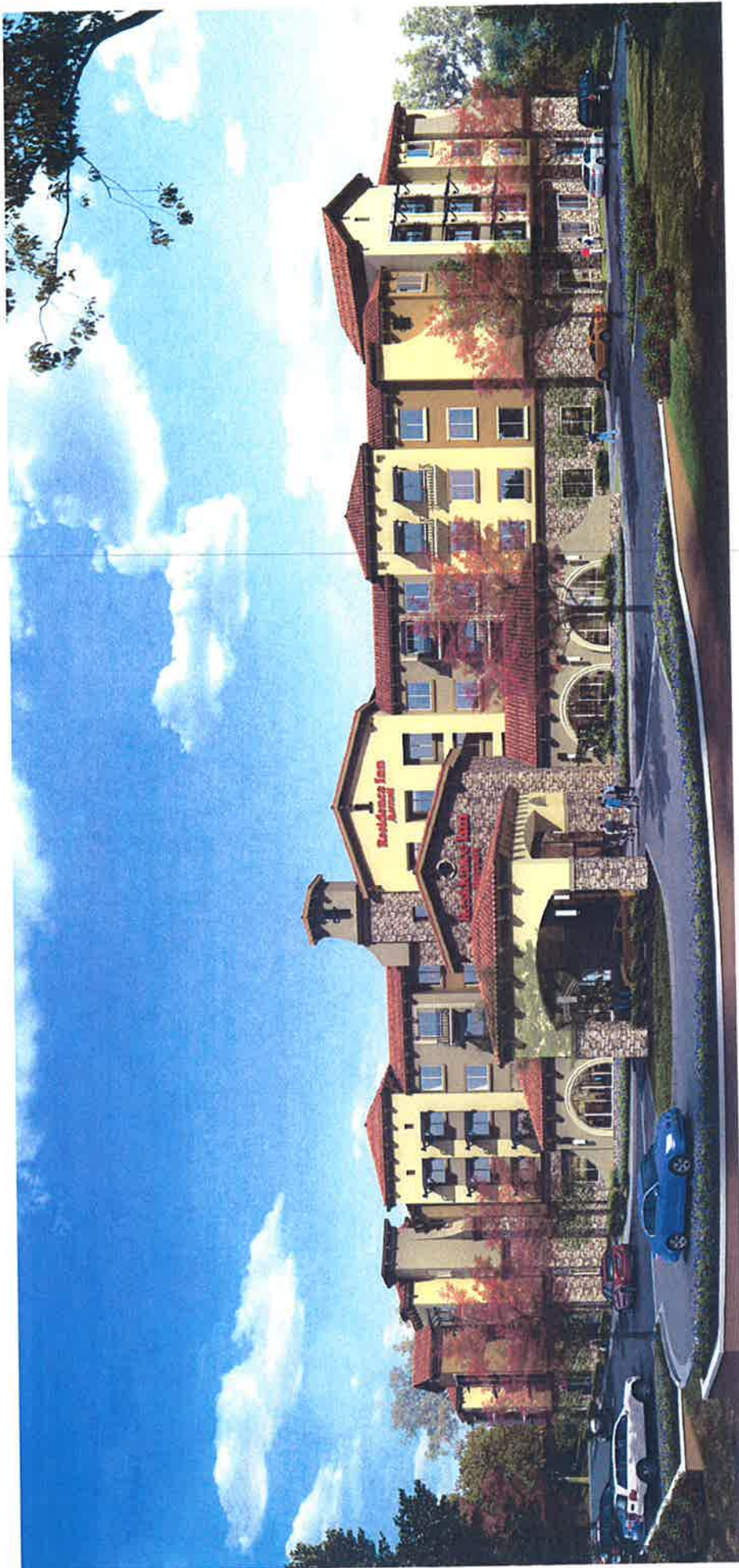
SOIL ENGINEER:
HARRIS ASSOCIATES
1130 WESTWOOD BLVD.
SAN ANTONIO, TX 78204
(210) 209-1520 FAX
(210) 209-1520 FAX
CONTACT: ROBERT MILLER

SUBMITT

No.	ITEM
1	PLANNING



PASEO ROBLES CALIFORNIA



MARRIOTT RESIDENCE INN

PASO ROBLES CALIFORNIA

PERSPECTIVE VIEW
N.T.



GENE FONG ASSOCIATES
 1130 WESTWOOD BLVD
 ANAHEIM, CA 92814
 714 778-7000 714 778-7914

DATE: 3/24/2014
 JOB NO: 1333

A8.0



LOOKING SOUTH JUST WEST OF ENTRY DRIVE



LOOKING NORTH EAST FROM PARKING AREA



LOOKING NORTH WEST FROM PARKING AREA



LOOKING AT GATEHOUSE FROM COURTYARD

PERSPECTIVE VIEWS

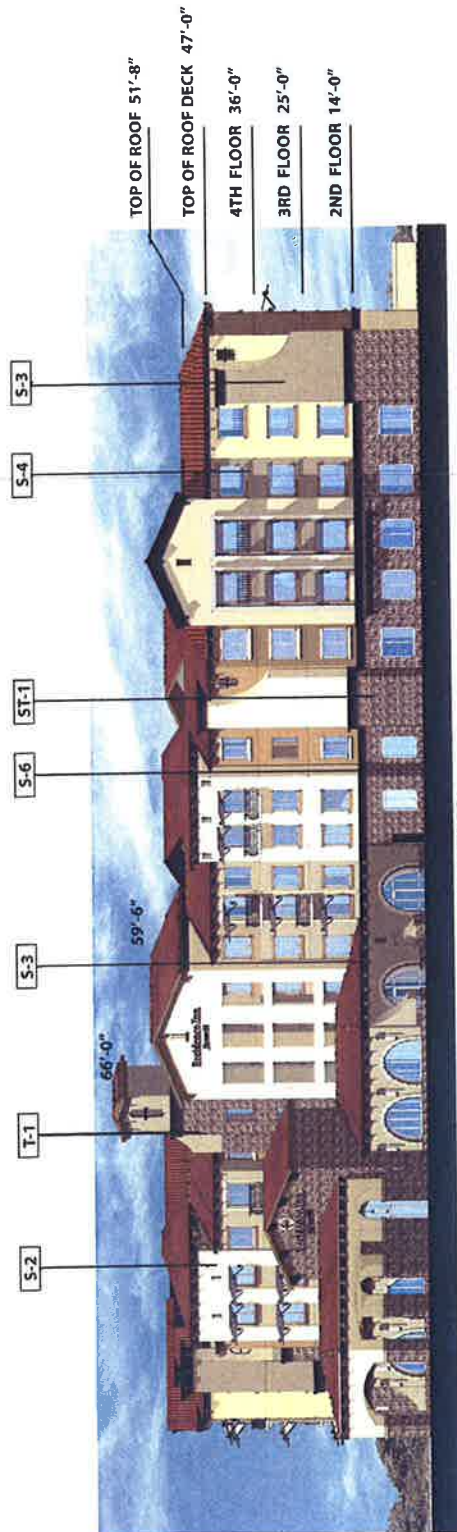
N.T.E.

GENE FONG ASSOCIATES
 1350 WESTWOOD BLVD
 LOS ANGELES, CA 90024
 DATE: 3/24/2014
 JOB NO: 1333

A8.4

MARRIOTT RESIDENCE INN
 PASO ROBLES CALIFORNIA







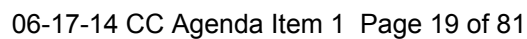
GENE FONG
ASSOCIATES

JANUARY 21, 2014
JOB NO 1333

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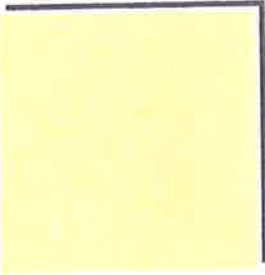


1130 WESTWOOD BLVD
LOS ANGELES, CA 90024
818-355-7520 FAX 818-355-7518





S-1 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
MARADA



S-2 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
ALMOND



S-3 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
AGAVE



S-4 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
SADDLE



S-5 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
SOMBRERO



S-6 PAINT FINISH ON STUCCO
LA HABRA PAREX USA COLOR
NADARA



M-1 WINDOW MULLIONS
KAWNEER
MEDIUM BRONZE



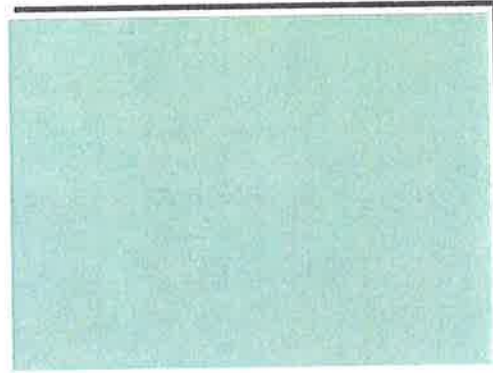
M-2 WROUGHT IRON - PAINT TO MATCH
DE 6350
DARK ENGINE



ST-1 STONE VENEER
EL DORADO STONE - CYRUS RIDGE



T-1 BARREL ROOF TILE
MCA SIERRA



G-1 CLEAR GLAZING
WITH AL STOREFRONT SYSTEM (M1)



MARRIOTT RESIDENCE INN

PASO ROBLES CALIFORNIA

MATERIALS & FINISHES



RE: Planned Development (PO-13-005)
Completeness Review Letter
Response providing justification for exceeding building height of 50'

In response to your question regarding the exceeding building height of 50', the following is our justification for the exceeding height.

The Residence Inn by Marriott building massing on average is approximately 40'. This average height fills the majority of the linear length of the building. Therefore, it becomes necessary to create architectural interest by varying the height and break up the massing. The solution is to raise certain elements so that they achieve a proportional composition that is aesthetically sound. In addition to this strategy, a focal point, or single element of hierarchy, balances these lower elements. It establishes and proclaims prominence when viewed from afar, as so many towers have throughout history.

The Residence Inn design has three levels of hierarchy. The lower level of the building massing are approximately 35' high. The next level is approximately 50' high, which constitutes a smaller portion of the building. Finally, the level with the highest hierarchy is the single element of 66' in height. The prominence of this higher level signifies that this project in the City of Paso Robles is unique and special, and should be visited. This single tower of 66' achieves this.

Another reason for this height variation is visibility. While the project is greatly visible from Highway 101, this is not the case from South Vine Street, where the elevation from this street and the natural terrain blocks views into the site from passing motorists. This higher level tower helps alleviate this barrier via increased visibility of the tower to the surrounding areas.

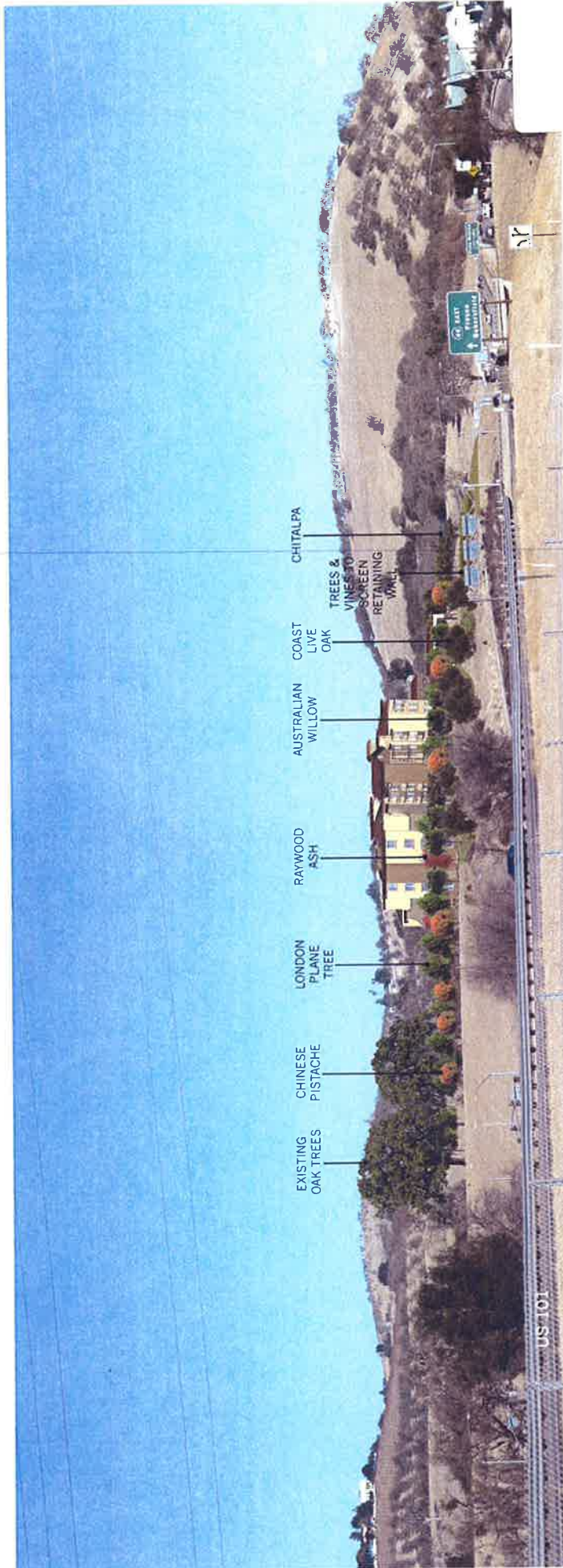
Altogether, this hierarchy design creates a pleasing skyline and provides a sense of depth and complexity to the building structure.

1130 WESTWOOD BLVD.
LOS ANGELES, CA 90024
310 • 209 • 7520
310 • 209 • 7516 FAX

RECEIVED

FEB 14 2014

City of Paso Robles
Community Development Department



VISUAL SIMULATION NOTE:

This visual simulation is a CEQA-level analysis to accurately depict the position, scale and height of the proposed building and proposed tree planting.

The viewing positions are representative of the viewer experience on north and south bound U.S. 101.

Tree heights are depicted at 10 - 15 year maturity. Seasonal colors and textures are depicted to display variety of season, flower and leaf color, not a specific season.

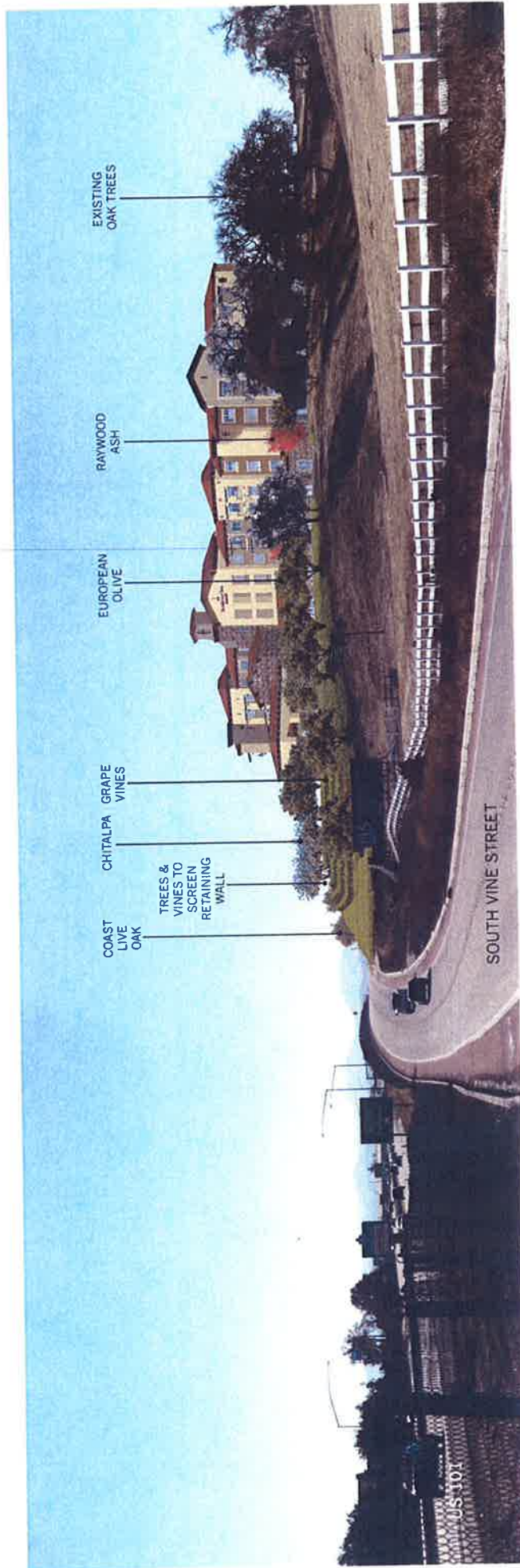


RESIDENCE INN
PASO ROBLES, CA

Visual Simulation
View from Northbound US 101



Chris Wilson, AIA, LEED AP



VISUAL SIMULATION NOTE:

This visual simulation is a CEQA-level analysis to accurately depict the position, scale and height of the proposed building and proposed tree planting.

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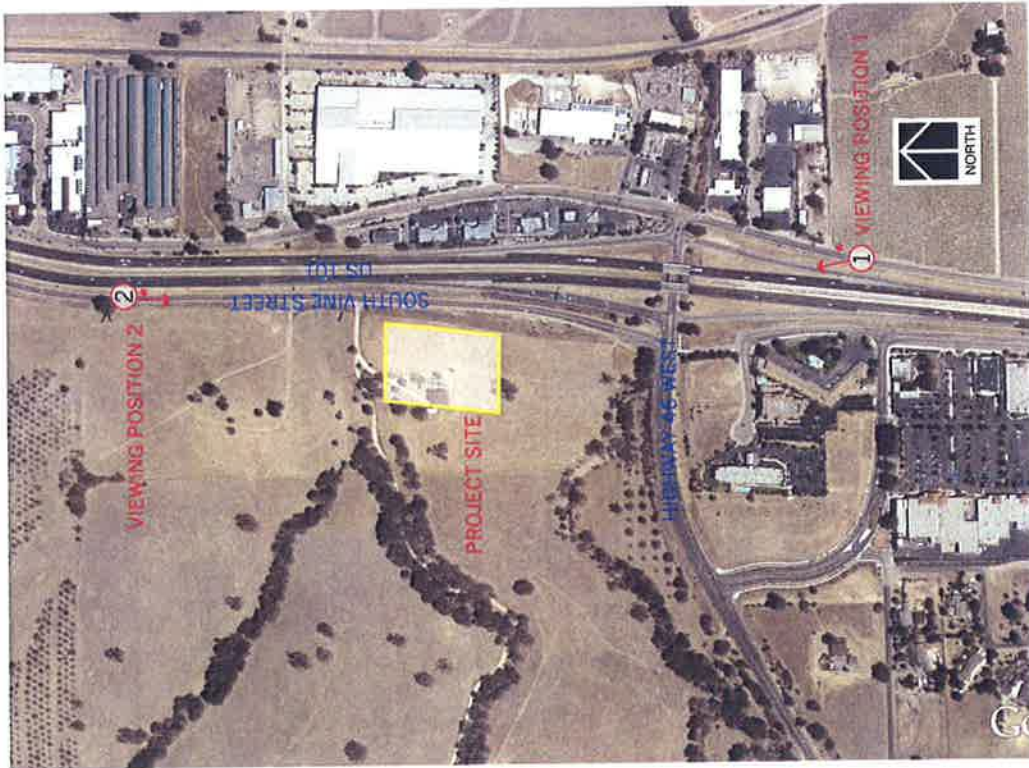
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PASO ROBLES, CA



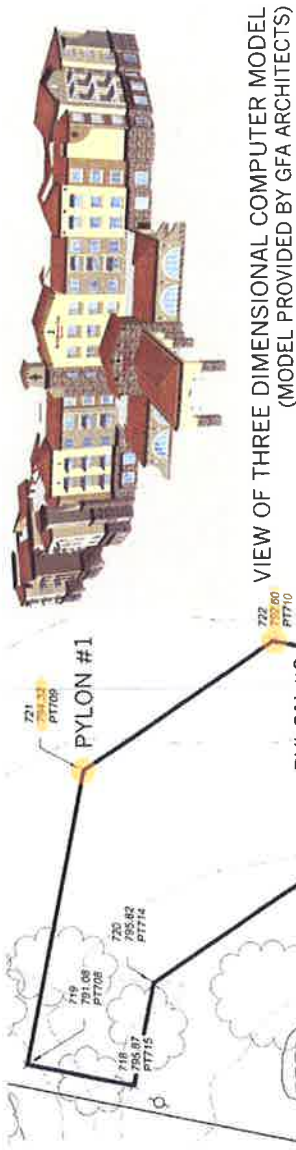
Figure
2

Visual Simulation
View from Southbound US 101

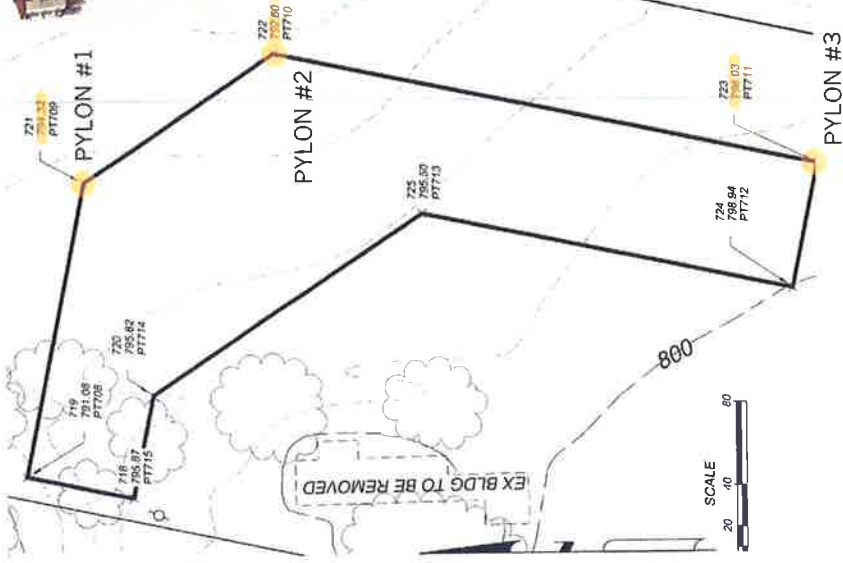
Firma, March 2014, 231042.PDF - User: E:\architect - January 20, 2014



VIEWING POSITIONS
NOT TO SCALE



VIEW OF THREE DIMENSIONAL COMPUTER MODEL
(MODEL PROVIDED BY GFA ARCHITECTS)



PYLON LOCATIONS & SURVEYED
BUILDING CORNERS AND ELEVATIONS
(SURVEY DATA PROVIDED BY WALLACE & ASSOC.)



20' PYLON
(ONE OF THREE PLACED AT SURVEYED BUILDING CORNERS)



Figure
3

Visual Simulation

Viewing locations and methodology



RESIDENCE INN
PASO ROBLES, CA

MEMORANDUM.

TO: Susan DeCarli

FROM: John Falkenstien

SUBJECT: PD 13-005, Marriott Resident Inn, S. Vine Street
Tentative Parcel Map PR 13-0109

DATE: February 10, 2014

Streets

The project fronts on South Vine Street. South Vine Street is planned to be re-aligned in accordance with the Project Approval-Environmental Document (PAED) prepared by Caltrans designed to accommodate future traffic volumes in the U. S. Highway 101 – SR 46W interchange. The three fundamental components of the the PAED are:

- Re-align Theatre Drive and South Vine Street frontage roads to the west and connect with State Route (SR) 46W at a signalized intersection.
- Construct a roundabout at the U. S. 101 Southbound On Ramp/Off Ramp intersection with SR 46W
- Construct a roundabout at the U. S. 101 Northbound On Ramp/Off Ramp intersection with SR 46W and Ramada Drive.

The re-alignment of South Vine Street will not affect the Marriott Residence Inn proposal but would significantly affect the remainder parcel on the Tentative Parcel Map. In 2005 an application for a hotel was considered and approved on this site by the Planning Commission. At that time, the southbound off-ramp at SR 46W was not adequate to handle the traffic it was receiving daily. Traffic queues backing onto the 101 main line were common. Applications for development were not received as complete without a commitment to participate in a private effort to reconstruct the southbound ramp into the configuration we have today. All of the developer's at that time, La Bellasera, Hampton, McDonald's, Idler's etal were participants in the project. The Sahadi family were participant's as well. That participation runs with the land and stand's as a significant mitigation measure and contribution towards the completion of the improvement's outlined in the PAED. Without the ramp improvement, no development in the area would be possible today.

The 46W-101 PAED was recognized and incorporated into the 2011 Circulation Element of the General Plan. The City received a grant from the Federal American Recovery Act to realign Theatre Drive in accordance with the PAED. The City has since received an application for annexation of lands surrounding the applicant's property to the west and north. The annexation application brings the potential of completing the South Vine Street realignment.

The annexation proposes alternative alignments for South Vine Street. One alignment matches the PAED. The other wraps South Vine Street entirely around the west side of the applicant's property. Both alignments accomplish the goals of the PAED. Both alignments will provide full access to the remainder parcel. Both will be compared and evaluated in a full environmental impact report.

Additional frontage improvements on South Vine Street, including sidewalk, were considered for this project. With the bike lanes in place, existing South Vine Street meets the standards established by the Circulation Element of the General Plan and the Bike Master Plan. Extension

of sidewalk would be premature. We cannot complete sidewalk connections across the signalized intersection controlled by Caltrans at SR 46W. Sidewalk connections will have to be completed as part of future South Vine Street alignment improvements.

Grading, Drainage and Storm Water Quality

On July 12, 2013, the Regional Water Quality Control Board adopted storm water management requirements for development projects in the Central Coast region. Upon the Board's direction, the City has adopted a Storm Water Ordinance requiring all projects to implement low impact development best management practices to mitigate impacts to the quality of storm water run-off and to limit the increase in the rate and volume of storm water run-off to the maximum extent practical.

The applicant has prepared a storm water control plan offering a site assessment of constraints and opportunities and corresponding storm water management strategies in compliance with the new regulations.

Sewer and Water

The nearest public sewer is an 10-inch sanitary sewer main in SR 46W.

There is a 16-inch water main in South Vine Street available to the project.

Conditions

Prior to occupancy, the applicant shall extend an 8-inch sewer line in South Vine Street from SR 46W north to serve the project.

Low impact development best management practices as outlined in the project submittals shall be incorporated into the project grading and drainage plans.

RESOLUTION NO. 14-xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING
AND REPORTING PROGRAM FOR THE MARRIOTT RESIDENCE INN
121 WILMAR PLACE, APN: 009-631-011
APPLICANT – EXCEL PASO ROBLES, LP**

WHEREAS, an application for Planned Development 13-005, Tentative Parcel Map PR 13-0109, and an Oak Tree Removal OTR 13-008 has been filed by Excel Paso Robles, LP; and

WHEREAS, Planned Development 13-005, Tentative Parcel Map PR 13-0109, and Oak Tree Removal OTR 13-008 were filed for development of a Marriott Residence Inn hotel with 128 rooms and ancillary site improvements (the “project”); and

WHEREAS, the project is consistent with the applicable policy and regulatory documents of the City, including the following:

- **General Plan Regional Commercial (RC) land use designation** – the project would “*provide services that serve the region as a whole*”; and
- **Zoning District of Highway Commercial/Planned Development (C2-PD)** – the project is a “*permitted*” use in the C2-PD District, and it can be shown to be consistent with the Planned Development provisions to allow a height limit exception, as determined through specific considerations and findings in Chapter 21.16A.070, and it is in compliance with applicable Zoning Code Standards for site development (e.g. setbacks, parking, etc.); and
- **Gateway Design Standards** – the project is designed with the T2 design standards, including building orientation, setbacks, landscaping and fencing materials; and
- **Economic Strategy** – the project advances tourism and employment goals of the Economic Strategy to, “*Improve quality of place to attract investment and knowledge workers stimulate investment by establishing distinctive, quality, stable, safe and sustainable physical improvements and attractions that welcome industry, commerce, tourism, employment, and wealth necessary to maintain and enhance quality of life.*”

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City’s Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared and circulated for a 30-day public review period beginning on February 24, 2014 and concluding March 25, 2014. Comments were received, and the MND was modified to include clarifications on several topics, such as aesthetics, transportation, water resources, and others. Subsequently, the Draft MND was re-circulated for an additional 30-day public review period beginning on April 28, 2014 and concluding on May 27, 2014. The Draft MND/Initial Study dated April 28, 2014 is incorporated by reference into this Resolution, and is on file at the Paso Robles Community Development Department and available on line at <http://www.prcity.com/government/departments/commdev/>; and

WHEREAS, mitigation measures have been incorporated into the MND and will be imposed on the project through the City’s adoption of a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guideline 15074(d). These mitigation measures are imposed on the project to address potential environmental effects from: aesthetics; air quality; traffic; biological resources, greenhouse gas emissions; and noise. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. The “Mitigation Measures Summary” Exhibit A to this Resolution, and the “Mitigation Monitoring and Reporting Program,” Exhibit B to this Resolution, are hereby incorporated herein by reference; and

WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

WHEREAS, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

WHEREAS, the applicant has executed a Mitigation Agreement whereby the applicant has agreed to incorporate all of the mitigation measures listed in Exhibit B into the project. A copy of the executed Mitigation Agreement is on file in the Community Development Department; and

WHEREAS, public notice of the proposed Draft MND was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on March 25, 2014, April 8, 2014 and May 27, 2014, to consider the Initial Study and the draft MND prepared for the proposed project, and to accept public testimony on the Planned Development, Tentative Parcel Map, Oak Tree Removal, and environmental determination. At the close of this public hearing, the Planning Commission recommended adoption of the MND and approval of the proposed project to the City Council; and

WHEREAS, a public hearing was conducted by the City Council on June 17, 2014, to consider the Initial Study and the draft MND prepared for the proposed project, and to accept public testimony on the Planned Development, Tentative Parcel Map, Oak Tree Removal, 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 supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the project; and

WHEREAS, pursuant to CEQA the City Council has independently reviewed the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record before it finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The recitals above are true and correct and incorporated herein in this Resolution.

Section 2. The City Council of the City of El Paso de Robles, based on its independent judgment and analysis, adopts the Mitigated Negative Declaration for the Marriot Residence Inn Project, adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and imposes each mitigation measure as a condition of approval, 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 THIS 17th day of June, 2014, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

EXHIBIT A

Mitigation Measures Summary Marriott Residence Inn

Aesthetics:

MM AES-1:

The applicant shall install site landscaping prior to operation of the project and in accordance with the City approved Landscape Plan. The Landscape Plan shall require the planting of landscaping and trees of various sizes and species around the periphery of the site and parking lot to help reduce the visual impacts of building massing to the satisfaction of the Community Development Director, or his/her

Air Quality and Greenhouse Gas Emissions:

MM AQ-1

The applicant shall implement the following measures to reduce construction-generated fugitive dust emissions:

- a. The applicant shall limit the amount of the disturbed area to the maximum extent feasible;
- b. The applicant shall make use of water trucks or sprinkler systems, in sufficient quantities, to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. The applicant shall spray water on all dirt stock pile areas on an as needed basis;
- d. The applicant shall implement all permanent dust control measures identified in the approved project revegetation and landscape plans as soon as possible immediately following completion of any soil disturbing activities, including but not limited to installation of permanent revegetation of the site;
- e. The applicant shall ensure that exposed ground areas, that are planned to be reworked at dates greater than one month after initial grading, are sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. The applicant shall ensure that all disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. The applicant shall ensure that all roadways, driveways, sidewalks, etc. to be paved are completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. The applicant shall ensure that construction vehicles not exceed 15 mph on any unpaved surface at the construction site;
- i. The applicant shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. The applicant shall install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and equipment leaving the site;
- k. The applicant shall sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
- l. All fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

MM AQ-2

The applicant shall reduce emissions through encouraging the use of alternative forms of transportation, providing increased pedestrian access and accessibility to community services and local destinations, reducing vehicle miles traveled within the County, and promoting congestion management efforts through participation in and implementation of the following measures:

- Voluntary Trip Reduction Program (e.g. provide informational materials to employees on trip reduction measures such as ride-sharing, park and ride lots, etc.)
- Local and Regional Transit System Improvements (e.g. installation of the transit stop along project frontage on South Vine Street)
- Bicycling and Bikeway Enhancements (e.g. bike parking racks and storage lockers)
- Hotel shuttle service for hotel guests

MM AQ-3

Prior to any grading activities the applicant shall conduct a geologic evaluation to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:

- a. An Asbestos Dust Mitigation Plan shall be submitted to and approved by the SLOAPCD and submitted with building permits before operations begin, and,
- b. Development and approval of an Asbestos Health and Safety Program (required for some projects). If NOA is not present, an exemption request must be filed with the SLOAPCD. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.asp>.
- c. Demolition of onsite structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to implement the Federal Asbestos NESHAP. Prior to demolition of onsite structures, the SLOAPCD shall be notified, per NESHAP requirements.

MM-AQ-4

The applicant shall ensure that, per the air pollution emissions modeling assumptions, 52 % of exterior building materials used are pre-painted prior to installation. Documentation of pre-painted material shall be submitted to the City Planning Department prior to approval of certificate of occupancy.

MM-AQ-5

The applicant shall coordinate with APCD, prior to demolition activities on the project site, to determine if lead removal is required and if a permit is required in order to conduct demolition activities. The applicant shall comply with all requirements of any APCD permit that is required.

MM-AQ-6

The applicant shall comply with all requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP), , prior to any demolition activities on the project site, including but not limited to: 1) providing written notification to APCD, within at least 10 business days of activities commencing that could expose or release asbestos; 2) conducting an asbestos survey to be performed by a Certified Asbestos Inspector; and, 3) complying with all requirements identified by APCD to remove and dispose of any asbestos materials.

MM-AQ-7

The applicant shall not burn any vegetative material on the project site as required by APCD regulations prohibiting developmental burning of vegetative material within San Luis Obispo County.

MM-AQ-8

The applicant shall ensure that all portable equipment, 50 horsepower (hp) or greater, used during construction activities, satisfies California statewide portable equipment registration requirements (issued by the California Air

Resources Board) or APCD permit requirements. The following types of equipment may require registration or permitting from the California Air Resources Board or APCD.

For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

MM-AQ-9

The applicant shall ensure that all operational type equipment has all required APCD permits and meets any applicable permitting requirements of APCD. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Public utility facilities;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, shall be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment.

Greenhouse Gas Emissions

MM GHG-1

The following mitigation measures shall be implemented to reduce project-generated GHG emissions:

- a. The proposed project shall demonstrate compliance with the City of Paso Robles' Climate Action Plan. To assist with this determination, the CAP includes a worksheet that identifies various "mandatory", as well as, "voluntary" measures. All "mandatory" actions must be incorporated as binding and enforceable components of the project to be considered consistent with the CAP. If a project cannot meet one or more of the "mandatory" actions, substitutions may be allowed provided equivalent reductions can be achieved. A copy of the City's CAP consistency worksheet is included in Appendix C of the project GHG emissions analysis.
- b. The project applicant shall implement onsite mitigation measures and payment of an offsite mitigation fees sufficient to reduce project-generated emissions to below 1,150 MTCO₂e/year. GHG emissions may be mitigated by the purchase of carbon offsets provided by other agencies/organizations, with prior approval by SLOAPCD. The applicant shall submit proof of the purchase of any carbon offsets to the Paso Robles Community Development Department Director for his review and approval. At a minimum, the onsite GHG-reduction measures to be implemented shall include the following:

1. Use low-VOC cleaning supplies. This requirement shall be reflected in the operational procedures manual for the proposed project.
2. Use low-VOC paint having a VOC content of 100 grams per liter, or less. This requirement shall be reflected in the operational procedures manual for the proposed project.
3. A shuttle shall be provided for hotel guests to provide transportation to and from the Amtrak transit station.
4. The project proponent shall demonstrate that the project-wide lighting efficiency shall be improved by at least 16% relative to current conventional lighting methods through the installation of energy-efficient lighting, (e.g., metal halide, high-pressure sodium, LEDs) for interior and exterior lighting areas. Unnecessary exterior lighting shall be reduced, to the extent practical and where reductions in lighting would not pose a risk to public safety.
5. Utilize low-flow faucets and toilets and water-efficient irrigation systems to reduce energy demands associated with water use.
6. Proposed onsite occupied buildings shall exceed baseline Title 24 Building Envelope Energy Efficiency Standards by a minimum of 10 percent. The baseline GHG emissions from electricity and natural gas usage shall reflect 2008 Title 24 standards with no energy-efficient appliances.
7. Install energy-efficient appliances (i.e., Energy Star rated).
8. Incorporate water-reducing features into building and landscape design, including use of drought-tolerant landscaping, minimizing turf areas, and installation of water-efficient irrigation systems in accordance with the City of Paso Robles Zoning Code, Chapter 21.22B, Landscape and Irrigation Ordinance.

Biological Resources

MM BIO-1

Migratory Bird Protection.

To the maximum extent possible, the applicant shall conduct site preparation, ground-disturbing, and construction activities outside of the migratory bird breeding season. If such activities are required during this period, the applicant shall retain a qualified biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures shall be implemented:

- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- b. The qualified biologist shall determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- c. The qualified biologist shall document all active nests and submit a letter report to the City documenting project compliance with the MBTA.

MM BIO-2

San Joaquin Kit Fox Protection.

- a. Prior to construction, a qualified biologist shall conduct a pre-activity survey to identify known or potential dens or any other sign of the species, no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the City. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.
- b. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they shall be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- c. During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- d. Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- e. During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and the CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CDFW for care, analysis, or disposition.
- f. Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - If a more solid wire mesh fence is used, 8×12-inch openings near the ground shall be provided every 100 yards.

- g. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

MM BIO-3

Oak Tree Protection.

- a. Prior to site disturbance, the critical root zone (CRZ) of all oak trees with a DBH of 6 inches or greater must be fenced to protect from construction activities.
- b. During the site disturbance and/or construction phase, grading, cutting, or filling within 5 feet of a CRZ of all oak trees with a DBH of 6 inches or greater must be supervised by a certified arborist approved by the City. Such activities beyond 5 feet of a CRZ must be monitored to insure that activities are in accordance with approved plans. Root pruning outside of the CRZ must be done by hand.
- c. Oil, gasoline, chemicals, or other construction materials potentially harmful to oak trees may not be stored in the CRZ of any oak tree with a DBH of 6 inches or greater.
- d. Drains shall be installed according to city specification so as to avoid harm by excessive watering to oak trees with a DBH of 6 inches or greater.
- e. Landscaping within the CRZ of any oak tree with a DBH of 6 inches or greater is limited to indigenous plant species or non-plant material, such as cobbles or wood chips.
- f. Wires, signs, or other similar items shall not be attached to oak trees with a DBH of 6 inches or greater.
- g. For each oak tree removed (DBH of 6 inches or greater), a tree or trees of the same species must be planted with a combined DBH of 25% of the removed tree's DBH within the property's boundary.

Noise

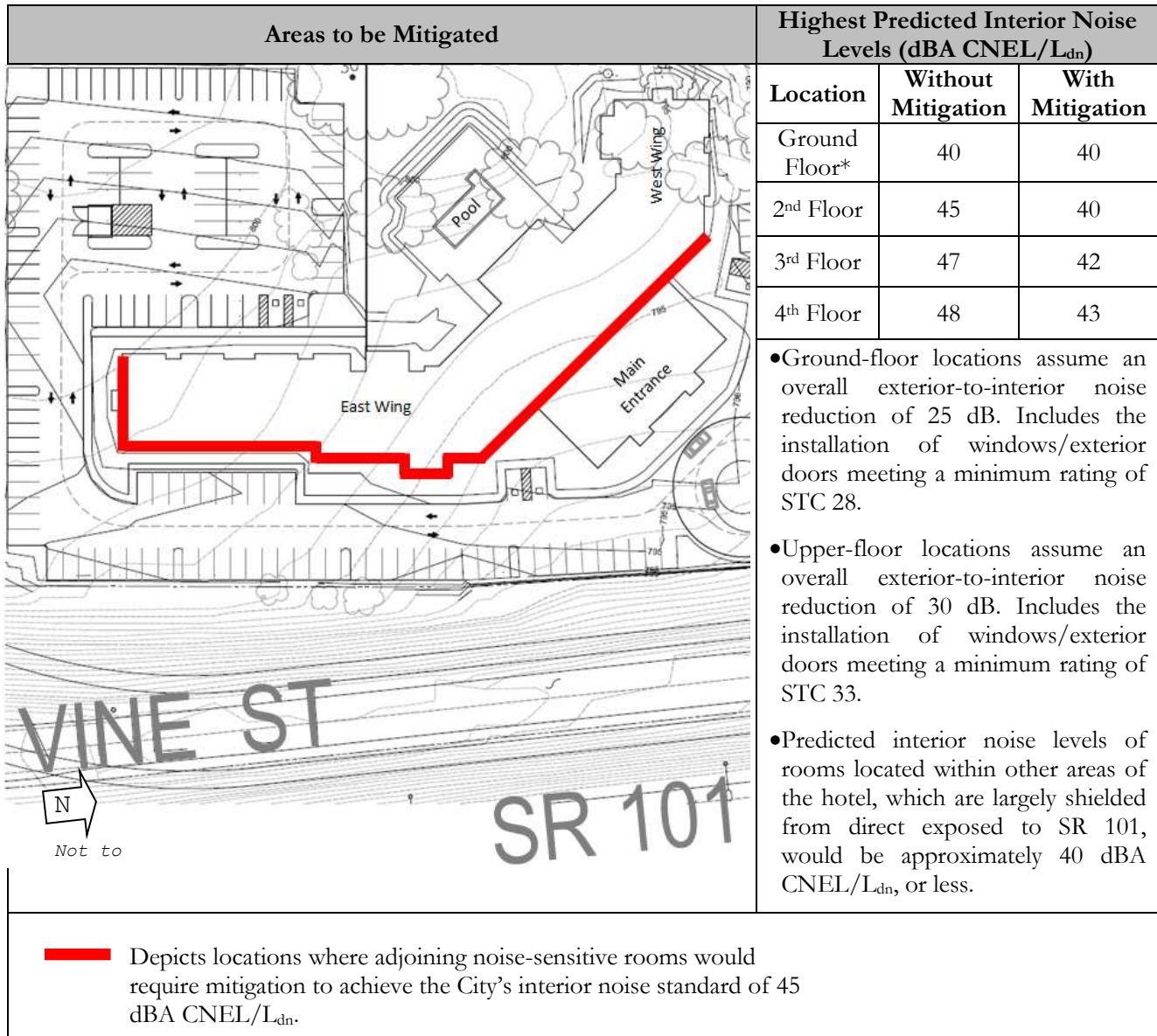
MM N-1

The following measures shall be implemented for noise-sensitive rooms (e.g., guest rooms, meeting rooms, etc.) located along the eastern, northeastern, and southern-most facades of the hotel, within line-of-sight of SR 101 (Recommended areas of mitigation are depicted in **Figure 7**):

- a. To ensure an overall exterior-to-interior noise reductions of 25 dB, windows and exterior doors of noise-sensitive rooms located on the ground floor shall have a minimum sound transmission class (STC) rating of STC 28. This requirement is also required for any noise-sensitive rooms to be located along the eastern and northern building facades of the hotel's main entrance area.
- b. Windows and exterior doors of noise-sensitive rooms located on the 2nd-4th floors shall have a minimum STC 33 rating.
- c. The total window area of noise-sensitive rooms shall not exceed 20 percent of the room's exterior wall area.
- d. The perimeter of window and exterior door frames shall be caulked and sealed airtight to the exterior wall construction.
- e. Any penetrations of the exterior walls (e.g., ducts, pipes, conduit, etc.) shall be minimized to the extent possible and sealed with caulked or filled with mortar.

- f. The installation of appliances (e.g., fireplaces, ventilation units, etc.) requiring venting to exterior walls located along building facades with direct line-of-sight of SR 101 shall be prohibited.
- g. Exterior walls shall have a minimum STC rating of 35. The construction of exterior walls with siding-on-sheathing, stucco, or brick; and, compliance with current Title 24 building standards is typically sufficient to achieve a minimum STC 35 for exterior walls.

**FIGURE 7
PREDICTED INTERIOR NOISE LEVELS**



MM N-2

- a. Noise-generating construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities shall not occur on Sundays or city holidays.
- b. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.

MM TR-1

The Marriott Residence Inn Project shall be required to contribute to the estimated costs of the improvements planned at the U.S. 101/SR 46W interchange through payment of \$330,496, or such other amount consistent with the City's Development Impact Fee Justification Study, and the Engineering News Record price index adjusted every July 1st. This amount, as adjusted, represents the applicant's fair share contribution under the City's Development Impact Fee Program (DIF) in accordance with Council Resolution No. 14-035. Exhibit "B" to Resolution No. 14-035 provides the Justification Study for the impact fees which includes the Needs List. The Needs List includes, as improvement facility #30, on page 26, the future phases for the improvement of the interchange of Highways 101-46W.

EXHIBIT B

Mitigation Monitoring and Reporting Plan

Project File No./Name: PD 13-005, TPM PR 13-0109, OTR 13-008/Marriott Residence Inn – Excel Paso Robles, L.P.

Approving Resolution No.: _____ by: ☐ Planning Commission ☐ City Council Date: _____

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed. A description of each measure is provided in Exhibit A, attached to this document.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
AES-1 The applicant shall install site landscaping prior to operation of the project and in accordance with the City approved Landscape Plan. The Landscape Plan shall require the planting of landscaping and trees of various sizes and species around the periphery of the site and parking lot to help reduce the visual impacts of building massing to the satisfaction of the Community Development Director, or his/her	Project	CDD			Prior to certificate of occupancy.
AQ-1 The applicant shall implement the following measures to reduce construction-generated fugitive dust emissions: <ol style="list-style-type: none"> The applicant shall limit the amount of the disturbed area to the maximum extent feasible; The applicant shall make use of water trucks or sprinkler systems, in sufficient quantities, to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible; The applicant shall spray water on all dirt stock pile areas on an as needed basis; The applicant shall implement all permanent dust control measures identified in the approved project revegetation and landscape plans as soon as possible immediately following completion of any soil disturbing activities, including but not limited to installation of permanent revegetation of the site; The applicant shall ensure that exposed ground areas, that are planned to be reworked at dates greater than one month after initial grading, are sown with a fast germinating, non-invasive grass seed and watered until vegetation is established; The applicant shall ensure that all disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD; 	Project, ongoing	CDD			Written description, prior to certificate of occupancy.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>g. The applicant shall ensure that all roadways, driveways, sidewalks, etc. to be paved are completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>h. The applicant shall ensure that construction vehicles not exceed 15 mph on any unpaved surface at the construction site;</p> <p>i. The applicant shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</p> <p>j. The applicant shall install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and equipment leaving the site;</p> <p>k. The applicant shall sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.</p> <p>l. All fugitive dust mitigation measures shall be shown on grading and building plans; and</p> <p>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.</p>					
<p>AQ-2</p> <p>The applicant shall reduce emissions through encouraging the use of alternative forms of transportation, providing increased pedestrian access and accessibility to community services and local destinations, reducing vehicle miles traveled within the County, and promoting congestion management efforts through participation in and implementation of the following measures:</p> <ul style="list-style-type: none"> • Voluntary Trip Reduction Program (e.g. provide informational materials to employees on trip reduction measures such as ride-sharing, park and ride lots, etc.) • Local and Regional Transit System Improvements (e.g. installation of the transit stop along project frontage on South Vine Street) • Bicycling and Bikeway Enhancements (e.g. bike parking racks and storage lockers) • Hotel shuttle service for hotel guests 	Project	Building Dept			Prior to issuance of grading permit
<p>AQ-3</p> <p>Prior to any grading activities the applicant shall conduct a geologic evaluation to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the</p>	Project	Building Dept			Prior to issuance of grading permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:</p> <p>a. An Asbestos Dust Mitigation Plan shall be submitted to and approved by the SLOAPCD and submitted with building permits before operations begin, and,</p> <p>b. Development and approval of an Asbestos Health and Safety Program (required for some projects). If NOA is not present, an exemption request must be filed with the SLOAPCD. More information on NOA can be found at http://www.slocleanair.org/business/asbestos.asp.</p> <p>c. Demolition of onsite structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to implement the Federal Asbestos NESHAP. Prior to demolition of onsite structures, the SLOAPCD shall be notified, per NESHAP requirements.</p>					
<p>AQ-4</p> <p>The applicant shall ensure that, per the air pollution emissions modeling assumptions, 52 % of exterior building materials used are pre-painted prior to installation. Documentation of pre-painted material shall be submitted to the City Planning Department prior to approval of certificate of occupancy.</p>	Project	Building Dept			Prior to approval of certificate of occupancy
<p>AQ-5</p> <p>The applicant shall coordinate with APCD, prior to demolition activities on the project site, to determine if lead removal is required and if a permit is required in order to conduct demolition activities. The applicant shall comply with all requirements of any APCD permit that is required.</p>	Project	Building Dept			Prior to issuance of building permit
<p>AQ-6</p> <p>The applicant shall comply with all requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP), prior to any demolition activities on the project site, including but not limited to: 1) providing written notification to APCD, within at least 10 business days of activities commencing that could expose or release asbestos; 2) conducting an asbestos survey to be performed by a Certified Asbestos Inspector; and, 3) complying with all requirements identified by APCD to remove and dispose of any asbestos materials.</p>	Project	Building Dept			Prior to issuance of building permit
<p>AQ-7</p> <p>The applicant shall not burn any vegetative material on the project site as required by APCD regulations prohibiting developmental burning of vegetative material within San Luis Obispo County.</p>	Project	Building Dept			Prior to issuance of building permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>AQ-8 The applicant shall ensure that all portable equipment, 50 horsepower (hp) or greater, used during construction activities, satisfies California statewide portable equipment registration requirements (issued by the California Air Resources Board) or APCD permit requirements. The following types of equipment may require registration or permitting from the California Air Resources Board or APCD.</p> <p>For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.</p> <p>Power screens, conveyors, diesel engines, and/or crushers; Portable generators and equipment with engines that are 50 hp or greater; Electrical generation plants or the use of standby generator; Internal combustion engines; Rock and pavement crushing; Unconfined abrasive blasting operations; Tub grinders; Trommel screens; and, Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).</p>	Project	Building Dept			Prior to issuance of building permit
<p>AQ-9 The applicant shall ensure that all operational type equipment has all required APCD permits and meets any applicable permitting requirements of APCD. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.</p> <p>Portable generators and equipment with engines that are 50 hp or greater; Electrical generation plants or the use of standby generator; Public utility facilities; Boilers; Internal combustion engines; and Cogeneration facilities.</p> <p>Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, shall be prioritized or screened for facility wide health risk impact. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment.</p>	Project	Building Dept			Prior to issuance of building permit
<p>GHG-1 The following mitigation measures shall be implemented to reduce project-generated GHG emissions:</p> <p>a. The proposed project shall demonstrate compliance with the City of Paso Robles' Climate Action Plan. To assist with this determination, the CAP includes a worksheet that identifies various "mandatory", as well as, "voluntary" measures. All</p>	Project	CDD, Building Dept.			Prior to issuance of building permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>“mandatory” actions must be incorporated as binding and enforceable components of the project to be considered consistent with the CAP. If a project cannot meet one or more of the “mandatory” actions, substitutions may be allowed provided equivalent reductions can be achieved. A copy of the City’s CAP consistency worksheet is included in Appendix C of the project GHG emissions analysis.</p> <p>b. The project applicant shall implement onsite mitigation measures and payment of an offsite mitigation fees sufficient to reduce project-generated emissions to below 1,150 MTCO₂e/year. GHG emissions may be mitigated by the purchase of carbon offsets provided by other agencies/organizations, with prior approval by SLOAPCD. The applicant shall submit proof of the purchase of any carbon offsets to the Paso Robles Community Development Department Director for his review and approval. At a minimum, the onsite GHG-reduction measures to be implemented shall include the following:</p> <ol style="list-style-type: none"> 9. Use low-VOC cleaning supplies. This requirement shall be reflected in the operational procedures manual for the proposed project. 10. Use low-VOC paint having a VOC content of 100 grams per liter, or less. This requirement shall be reflected in the operational procedures manual for the proposed project. 11. A shuttle shall be provided for hotel guests to provide transportation to and from the Amtrak transit station. 12. The project proponent shall demonstrate that the project-wide lighting efficiency shall be improved by at least 16% relative to current conventional lighting methods through the installation of energy-efficient lighting, (e.g., metal halide, high-pressure sodium, LEDs) for interior and exterior lighting areas. Unnecessary exterior lighting shall be reduced, to the extent practical and where reductions in lighting would not pose a risk to public safety. 13. Utilize low-flow faucets and toilets and water-efficient irrigation systems to reduce energy demands associated with water use. 14. Proposed onsite occupied buildings shall exceed baseline Title 24 Building Envelope Energy Efficiency Standards by a minimum of 10 percent. The baseline GHG emissions from electricity and natural gas usage shall reflect 2008 Title 24 standards with no energy-efficient appliances. 15. Install energy-efficient appliances (i.e., Energy Star rated). 					

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
16. Incorporate water-reducing features into building and landscape design, including use of drought-tolerant landscaping, minimizing turfed areas, and installation of water-efficient irrigation systems in accordance with the City of Paso Robles Zoning Code, Chapter 21.22B, Landscape and Irrigation Ordinance.					
BIO-1 To the maximum extent possible, the applicant shall conduct site preparation, ground-disturbing, and construction activities outside of the migratory bird breeding season. If such activities are required during this period, the applicant shall retain a qualified biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures shall be implemented: <ul style="list-style-type: none"> d. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA; e. The qualified biologist shall determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and, f. The qualified biologist shall document all active nests and submit a letter report to the City documenting project compliance with the MBTA. 	Project	CDD			Prior to issuance of grading permit
BIO-2 Prior to construction, a qualified biologist shall conduct a pre-activity survey to identify known or potential dens or any other sign of the species, no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the City. The report will include, at a minimum, survey dates, field personnel, field	Project	CDD			Prior to issuance of grading permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>conditions, survey methodology, and survey results.</p> <p>b. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they shall be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.</p> <p>c. During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.</p> <p>d. Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.</p> <p>e. During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and the CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CDFW for care, analysis, or disposition.</p> <p>f. Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the</p>					

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>following to provide for kit fox passage:</p> <ul style="list-style-type: none"> If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches. If a more solid wire mesh fence is used, 8×12-inch openings near the ground shall be provided every 100 yards. <p>g. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.</p>					
<p>BIO 3</p> <p>a. Prior to site disturbance, the critical root zone (CRZ) of all oak trees with a DBH of 6 inches or greater must be fenced to protect from construction activities.</p> <p>b. During the site disturbance and/or construction phase, grading, cutting, or filling within 5 feet of a CRZ of all oak trees with a DBH of 6 inches or greater must be supervised by a certified arborist approved by the City. Such activities beyond 5 feet of a CRZ must be monitored to insure that activities are in accordance with approved plans. Root pruning outside of the CRZ must be done by hand.</p> <p>c. Oil, gasoline, chemicals, or other construction materials potentially harmful to oak trees may not be stored in the CRZ of any oak tree with a DBH of 6 inches or greater.</p> <p>d. Drains shall be installed according to city specification so as to avoid harm by excessive watering to oak trees with a DBH of 6 inches or greater.</p> <p>e. Landscaping within the CRZ of any oak tree with a DBH of 6 inches or greater is limited to indigenous plant species or non-plant material, such as cobbles or wood chips.</p> <p>f. Wires, signs, or other similar items shall not be attached to oak trees with a DBH of 6 inches or greater.</p> <p>g. For each oak tree removed (DBH of 6 inches or greater), a tree or trees of the same species must be planted with a combined DBH of 25% of the removed tree's DBH within the property's boundary.</p>	Project	CDD			Prior to issuance of grading permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>N-1</p> <p>The following measures shall be implemented for noise-sensitive rooms (e.g., guest rooms, meeting rooms, etc.) located along the eastern, northeastern, and southern-most facades of the hotel, within line-of-sight of SR 101 (Recommended areas of mitigation are depicted in Figure 7 below):</p> <ul style="list-style-type: none"> h. To ensure an overall exterior-to-interior noise reductions of 25 dB, windows and exterior doors of noise-sensitive rooms located on the ground floor shall have a minimum sound transmission class (STC) rating of STC 28. This requirement is also required for any noise-sensitive rooms to be located along the eastern and northern building facades of the hotel's main entrance area. i. Windows and exterior doors of noise-sensitive rooms located on the 2nd-4th floors shall have a minimum STC 33 rating. j. The total window area of noise-sensitive rooms shall not exceed 20 percent of the room's exterior wall area. k. The perimeter of window and exterior door frames shall be caulked and sealed airtight to the exterior wall construction. l. Any penetrations of the exterior walls (e.g., ducts, pipes, conduit, etc.) shall be minimized to the extent possible and sealed with caulked or filled with mortar. m. The installation of appliances (e.g., fireplaces, ventilation units, etc.) requiring venting to exterior walls located along building facades with direct line-of-sight of SR 101 shall be prohibited. n. Exterior walls shall have a minimum STC rating of 35. The construction of exterior walls with siding-on-sheathing, stucco, or brick; and, compliance with current Title 24 building standards is typically sufficient to achieve a minimum STC 35 for exterior walls. 	Project	Building Dept			Prior to issuance of building permit
<p>N-2</p> <ul style="list-style-type: none"> c. Noise-generating construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities shall not occur on Sundays or city holidays. d. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, 	Project	CDD, Building Dept			Prior to issuance of building permit

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.					
<p>TR-1</p> <p>The Marriott Residence Inn Project shall be required to contribute to the estimated costs of the improvements planned at the U.S. 101/SR 46W interchange through payment of \$330,496, or such other amount consistent with the City's Development Impact Fee Justification Study, and the Engineering News Record price index adjusted every July 1st. This amount, as adjusted, represents the applicant's fair share contribution under the City's Development Impact Fee Program (DIF) in accordance with Council Resolution No. 14-035. Exhibit "B" to Resolution No. 14-035 provides the Justification Study for the impact fees which includes the Needs List. The Needs List includes, as improvement facility #30, on page 26, the future phases for the improvement of the interchange of Highways 101-46W.</p>	Project	CDD			Prior to certificate of occupancy

Explanation of Headings:

Type: Project, ongoing, cumulative

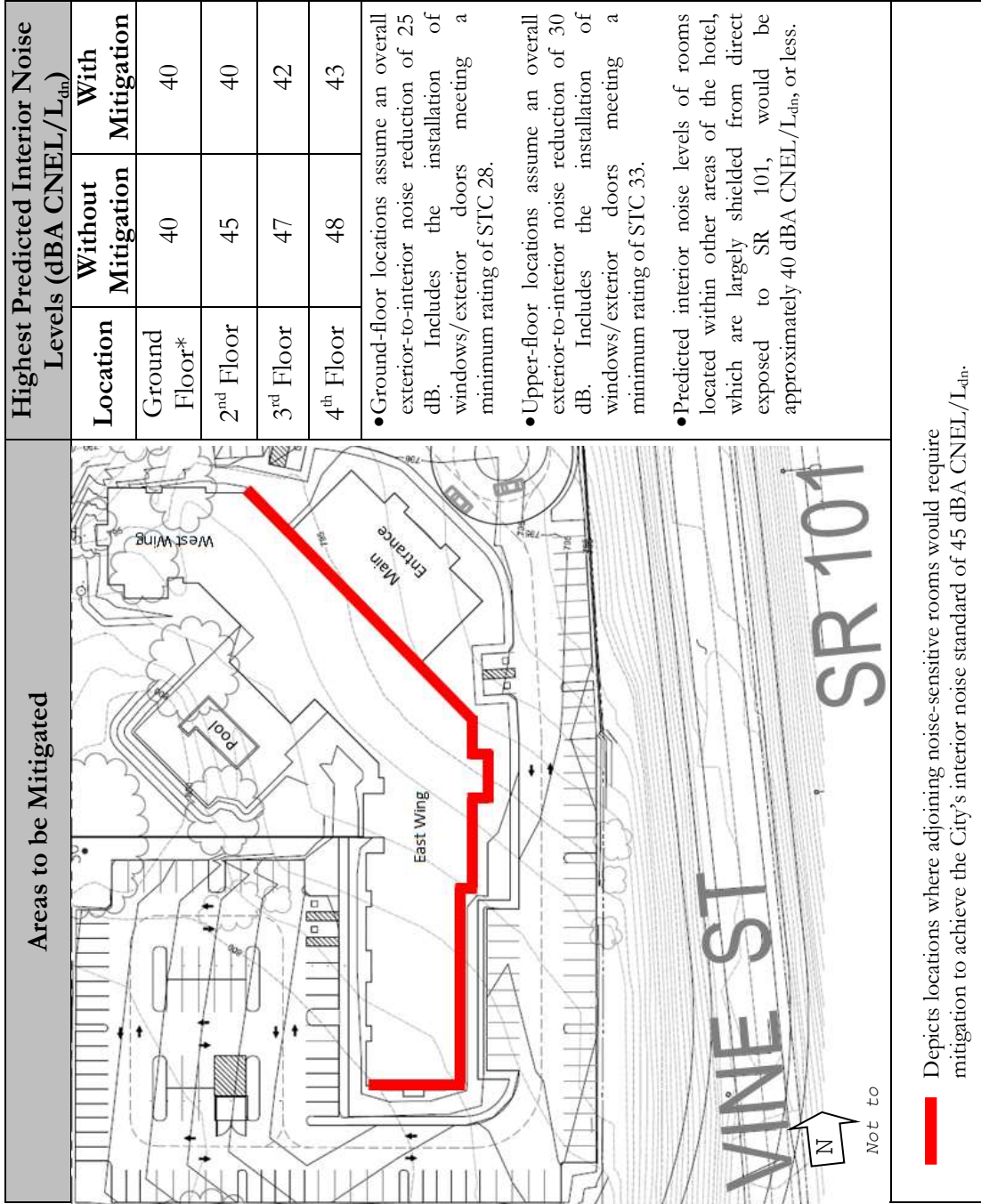
Monitoring Department or Agency: Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans: When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks: Area for describing status of ongoing mitigation measure, or for other information.

FIGURE 7
PREDICTED INTERIOR NOISE LEVELS



RESOLUTION NO. 14-xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 13-005 AND TENTATIVE PARCEL MAP PR 13-0109
121 WILMAR PLACE, APN 09-631-011
APPLICANT – EXCEL PASO ROBLES, LP
MARRIOTT RESIDENCE INN**

WHEREAS, Planned Development 13-005 and Tentative Parcel Map PR 13-0109 have been filed by Excel Paso Robles, LP for development of a Marriott Residence Inn hotel with 128 rooms and ancillary site improvements (the “project”); and

WHEREAS, the City’s Zoning Code at Section 21.16A.070 requires that the City Council in approving a project in the Planned Development Zone, make the following findings: (a) the project will not adversely affect the policies, spirit and intent of the general plan, applicable specific plans, the zoning code and all other adopted codes, policies and plans of the city; (b) the proposed project maintains and enhances significant natural resources on the site; (c) the proposed project is designed to be sensitive to, and blend in with, the character of the site and surround area, and would not have an adverse effect on the public views from nearby roads and other public vantage points; (d) the proposed project’s design and density of the developed portion of the site is compatible with the established character and scale of surrounding development and would not be a disharmonious or disruptive element to the neighborhood; (e) the development would be consistent with the purpose and intent of the City’s Zoning Ordinance and would not be contrary to the public health, safety, and welfare; and (f) for projects that are seeking an increase in allowable building heights, the proportion, scale, and nature of the project is such that the modifications would not create an adverse visual impact nor compromise the safety of occupants; and

WHEREAS, the City’s Subdivision Ordinance and the California Subdivision Map Act at Government Code Section 66473.5 requires that any tentative parcel map be consistent with the City’s General Plan and any applicable Specific Plan; 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 was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review in full compliance with CEQA; and

WHEREAS, duly noticed public hearings were conducted by the Planning Commission on March 25, 2014, April 8, 2014 and May 27, 2014 on this project to accept public testimony on the Mitigated Negative Declaration and the project; and

WHEREAS, at the conclusion of the May 27, 2014 Planning Commission meeting, the Commission recommended that the City Council adopt the Mitigated Negative Declaration and approve Planned Development 13-005 and Tentative Parcel Map PR 13-0109; and

WHEREAS, any oak tree removals requested to accommodate the proposed development site plan shall be approved by the City Council at a future meeting, with oak tree replacements established in compliance with the City’s Oak Tree Preservation Ordinance; and

WHEREAS, on June 17, 2014, a duly noticed public hearing was conducted by the City Council to consider adoption of the Mitigated Negative Declaration, Planned Development 13-005, and Tentative Parcel Map PR 13-0109, and to take public testimony on the Mitigated Negative Declaration and the Project; and

WHEREAS, the City Council considered, in its independent judgment and analysis, the Mitigated Negative Declaration, and adopted it, and a Mitigation Monitoring and Reporting Program in full compliance with CEQA and the CEQA Guidelines pursuant to Resolution No. 14-006.

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the City Council makes the following findings:

- 1) Pursuant to Zoning Code Section 21.16A.070, in approving a project in the Planned Development Overlay Zone, the City Council finds:
 - a) The project will not adversely affect the policies, spirit and intent of the general plan, applicable specific plans, the zoning code and all other adopted codes, policies and plans of the city. In particular, the project is:
 - i) consistent with the General Plan land use designation of Regional Commercial (RC) and Zoning of Highway Commercial/Planned Development (C2-PD).
 - ii) consistent with Gateway Design Standards in that it includes landscaping and frontage improvements, and locates the majority of parking on the side and to the rear of the site. The project also incorporates articulated building facades and rooflines, and the project does not include significant grading of hillsides in an effort to preserve the hillsides.
 - iii) consistent with the following General Plan Land Use and Conservation Element goals, policies, and action items:
 - (1) POLICY LU-2B: Visual Identity. Promote architectural and design excellence by imposing stringent design and construction standards for commercial, industrial, mixed-use, and multi-family projects. In particular, the project meets this policy because it includes a Mediterranean architectural building design that incorporates use of authentic materials that express excellence in the overall design theme, and is consistent with local architectural themes in Paso Robles and the region.
 - (2) POLICY LU-2D: Neighborhoods. Strive to maintain and create livable, vibrant neighborhoods and districts with: Attractive streetscapes, a pedestrian friendly setting, coordinated site design, architecture, and amenities, adequate public and private spaces; and, recognizable and high quality design aesthetic. In particular, the project meets this policy because the project Site Plan and Landscape Plan both incorporate a well-designed streetscape along South Vine Street to provide an attractive City entrance, utilizing a range of drought-resistant plant materials with differing colors, textures, and blooming seasons. The project incorporates sidewalks, walkways, the existing bike lane, bike parking facilities to ensure this project is pedestrian- and bike-friendly. The Site Plan incorporates attractive entry features with the front porte-cochere, rear patio area and site flatwork and landscaping. The project also incorporates high-quality architectural design and materials.
 - (3) GOAL C-2: Air Quality. Seek to maintain air quality by taking actions to reduce traffic congestion, vehicle miles traveled (VMT), and air pollutant emissions. In particular, the project will be consistent with this goal as the project is providing a voluntary trip reduction program, local transit system improvements (e.g. bus stop along project frontage), regional transit improvements, bicycling and bikeway enhancements, and a hotel shuttle service for hotel guests, all in an effort to reduce traffic congestion. Further, the project will also be required to pay transportation development impact fees to offset project congestion impacts to infrastructure.
 - (4) POLICY C-2A: Traffic Congestion Reduction. Implement circulation systems improvements to reduce congestion and associated air contaminant emissions. In particular, the project meets this policy because it includes bicycle and bikeway enhancements in an effort to improve the circulation system in and around the project and in the City as a whole. These improvements will aid in reducing traffic congestion.
 - (5) POLICY C-2B: VMT Reduction. Implement programs to reduce the number of vehicle miles traveled (VMT), especially by single-occupant vehicles, including providing opportunities for mixed-use projects. The project meets this policy as it includes measures to reduce the number of vehicle miles traveled by reducing reliance on the vehicle overall. As articulated above, the project includes a voluntary trip reduction program, local transit system improvements (e.g. bus stop along project frontage), regional transit improvements, bicycling and bikeway enhancements, and a hotel shuttle service for hotel guests.
 - (6) Action Item 1. Provide bikeways, pedestrian paths, and transit turn-outs/stops as requirements of development applications. The project also meets this action item as it will be including bicycling and bikeway enhancements.
 - (7) Action Item 2. Encourage the development of transit facilities. The project will also meet this action item as it includes local transit improvements in the form of a bus stop along the project frontage.
 - (8) Action Item 3. Strive to recruit new industry as part of on-going efforts to create a balanced community where the majority of residents can live, work, shop and play, thereby reducing the commute lengths for some City residents. The project would meet this action item by expanding the City's inventory of transient lodging, which supports local employment, and increased tourism.

- (9) GOAL C-5: Visual Resources. Enhance/upgrade the City's appearance - Action Item 2. Coordinated/Complementary Design Standards: Establish and implement site design, landscaping, architecture, and sign design standards in order to ensure that gateways, corridors, major arterials, and natural areas are identifiable. The project will meet this goal as it incorporates authentic, quality building materials in the Mediterranean architectural design, and will present well-articulated elevations toward the adjacent public right-of-ways and views. The site is well designed with outdoor use areas that take advantage of the solar orientation of the site and natural landscape.
- The hotel project is a permitted use in the C2-PD Zoning District. The project complies with all applicable development standards, including setbacks, parking, and landscaping. The application includes a request to for an exception to exceed the 50 foot height limit and demonstrates that the project would result in a better design and greater public benefit, and that the criteria established in Section 21.16A.010 have been considered.
- b) The project maintains and enhances significant natural resources on the site. The project does this by being compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc. Further, the project will be consistent with the City's Oak Tree Ordinance requiring oak tree replacements for proposed removals. The project also incorporates the large, "heritage" oak trees on the site as focal points in the project design. Finally, the project is also designed so that the development is set deep into the site which helps reduce visual impacts of the building massing on views.
- c) The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area, and would not have an adverse effect on the public views from nearby roads and other public vantage points. The project provides an appropriate visual appearance since it is similar to and complements existing hotel development in the nearby area. Further, as discussed in the Mitigated Negative Declaration prepared for the Project, no adverse aesthetic impacts are anticipated from the project and no viewpoints will be impacted with the significant setbacks planned for the project. Further, the proposed Landscaping Plan will ensure all development impacts are screened with trees and other natural foliage so the project blends in with the immediate environment. Finally, the project will be visible from Highway 101 and State Route 46 West as a "gateway" to the City; its design represents a positive addition to the City's gateway.
- d) The proposed project's design and density of the developed portion of the site is compatible with the established character and scale of surrounding hotel development in the vicinity (e.g. La Bella Serra and Hampton Inn), and would not be a disharmonious or disruptive element to the neighborhood.
- e) The development would be consistent with the purpose and intent of the City's Zoning Ordinance and would not be contrary to the public health, safety, and welfare. In particular, the project is fully consistent with the zoning designation for the site. Further, the project complies with all requirements of the Zoning Code, and it would not be contrary to the public health, safety and welfare. This is true, because the public and City residents will benefit from a new gateway project. Further, all potentially significant environmental effects will be reduced to a less than significant level with the incorporation of mitigation into the project. Further, the project will add to public safety and welfare by incorporating local transit system improvements (e.g. bus stop along project frontage), regional transit improvements, bicycling and bikeway enhancements, and a hotel shuttle service for hotel guests.
- f) With regard to the requested building height exception, the proportion, scale, and nature of the project is such that the modifications would not create an adverse visual impact nor compromise the safety of occupants. In particular, the proposed project will have varying building heights in some portions of the roofline (between 53 to 66 feet in height). This variation in building height would not make the building appear as high as 66 feet and would create interesting design and variation and overall appear to reduce the building massing. Further, the roofing materials will be quality tile which will add to the positive aesthetics of the project. Finally, granting the exception would not create any adverse visual impacts as articulated in the Mitigated Negative Declaration prepared for the project.
- 2) In approving a tentative parcel map, the City's Subdivision Ordinance and the California Subdivision Map Act at Government Code Section 66473.5 requires the subdivision to be consistent with the General Plan. For all the reasons articulated in finding 1 above, the project is consistent with various goals, policies and action items in the City's General Plan.

- 3) The proposed Planned Development and Tentative Parcel Map contribute to the orderly development of the City as a whole since the project would use existing infrastructure for water, sewer and other utilities
- 4) The proposed Planned Development and Tentative Parcel Map for the Marriott Residence Inn project is consistent with, and supports implementation of the Economic Strategy by providing local and regional tourism and employment opportunities within the City of Paso Robles.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve Planned Development 13-005 and Tentative Parcel Map PR 13-0109, subject to the following conditions:

STANDARD CONDITIONS:

1. This project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit “A” and incorporated herein by reference.

SITE SPECIFIC CONDITIONS:

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

Planning Division Conditions:

2. The project shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
A	Standard Conditions of Approval
B	Site Plan, Landscape Plan, Elevations, and Preliminary Grading Plan
C	Vesting Tentative Parcel Map

3. The project shall be designed and constructed to be in substantial conformance with the site plan, landscape plan, elevations, and preliminary grading plan approved with this resolution. The tentative parcel map shall be designed in compliance with Exhibit C of this resolution.
4. Approval of this project is valid for a period of two (2) years from date of approval. Unless permits have been issued and site work has begun, the approval of Planned Development 13-005 and Tentative Parcel Map PR 13-0109 shall expire on May 27, 2016. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
5. Prior to issuance of certificates of use and occupancy, the property owner or authorized agent is required to pay the City’s Development Impact Fees.
6. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
7. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
8. Temporary construction noise levels in excess of 60 decibels shall be restricted to the daylight hours of 7am to 6pm. Noise levels shall be measured or monitored from site boundaries or the nearest adjoining residential use to determine compliance.
9. Use and operation of the project and its appurtenances shall be conducted in compliance with the City’s General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City’s Zoning Ordinance).

10. Prior to occupancy, the applicant shall extend an 8-inch sewer line in South Vine Street from SR 46W north to serve the project.
11. Low impact development best management practices as outlined in the project submittals shall be incorporated into the project grading and drainage plans.
12. The applicant shall install site landscaping per approved Landscape Plan, including parking lot and site trees to help reduce the visual impacts of building massing.
13. Reduce emissions through encouraging the use of alternative forms of transportation, increase pedestrian access and accessibility to community services and local destinations, reduce vehicle miles traveled within the County, and promote congestion management efforts through participation in implementation of the following measures:
 - Voluntary Trip Reduction Program
 - Local Transit System Improvements (e.g. bus stop along project frontage)
 - Regional Transit Improvements
 - Bicycling and Bikeway Enhancements
 - Park and Ride Lots
 - Hotel shuttle service for hotel guests
14. The applicant shall implement the following measures to reduce construction-generated fugitive dust emissions:
 - a. The applicant shall limit the amount of the disturbed area to the maximum extent feasible;
 - b. The applicant shall make use of water trucks or sprinkler systems, in sufficient quantities, to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - c. The applicant shall spray water on all dirt stock pile areas on an as needed basis;
 - d. The applicant shall implement all permanent dust control measures identified in the approved project revegetation and landscape plans as soon as possible immediately following completion of any soil disturbing activities, including but not limited to installation of permanent revegetation of the site;
 - e. The applicant shall ensure that exposed ground areas, that are planned to be reworked at dates greater than one month after initial grading, are sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. The applicant shall ensure that all disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. The applicant shall ensure that all roadways, driveways, sidewalks, etc. to be paved are completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. The applicant shall ensure that construction vehicles not exceed 15 mph on any unpaved surface at the construction site;
 - i. The applicant shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. The applicant shall install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and equipment leaving the site;
 - k. The applicant shall sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
 - l. All fugitive dust mitigation measures shall be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
15. The applicant shall reduce emissions through encouraging the use of alternative forms of transportation, providing increased pedestrian access and accessibility to community services and local destinations, reducing vehicle miles traveled within the County, and promoting congestion management efforts through participation in and implementation of the following measures:

- Voluntary Trip Reduction Program (e.g. provide informational materials to employees on trip reduction measures such as ride-sharing, park and ride lots, etc.)
 - Local and Regional Transit System Improvements (e.g. installation of the transit stop along project frontage on South Vine Street)
 - Bicycling and Bikeway Enhancements (e.g. bike parking racks and storage lockers)
 - Hotel shuttle service for hotel guests
16. Prior to any grading activities the applicant shall conduct a geologic evaluation to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:
 - a. An Asbestos Dust Mitigation Plan shall be submitted to and approved by the SLOAPCD and submitted with building permits before operations begin, and,
 - b. Development and approval of an Asbestos Health and Safety Program (required for some projects). If NOA is not present, an exemption request must be filed with the SLOAPCD. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.asp>.
 - c. Demolition of onsite structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to implement the Federal Asbestos NESHAP. Prior to demolition of onsite structures, the SLOAPCD shall be notified, per NESHAP requirements.
 17. The applicant shall ensure that, per the air pollution emissions modeling assumptions, 52% of exterior building materials used are pre-painted prior to installation. Documentation of pre-painted material shall be submitted to the City Planning Department prior to approval of certificate of occupancy.
 18. The applicant shall coordinate with APCD, prior to demolition activities on the project site, to determine if lead removal is required and if a permit is required in order to conduct demolition activities. The applicant shall comply with all requirements of any APCD permit that is required.
 19. The applicant shall comply with all requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP), , prior to any demolition activities on the project site, including but not limited to: 1) providing written notification to APCD, within at least 10 business days of activities commencing that could expose or release asbestos; 2) conducting an asbestos survey to be performed by a Certified Asbestos Inspector; and, 3) complying with all requirements identified by APCD to remove and dispose of any asbestos materials.
 20. The applicant shall not burn any vegetative material on the project site as required by APCD regulations prohibiting developmental burning of vegetative material within San Luis Obispo County.
 21. The applicant shall ensure that all portable equipment, 50 horsepower (hp) or greater, used during construction activities, satisfies California statewide portable equipment registration requirements (issued by the California Air Resources Board) or APCD permit requirements. The following types of equipment may require registration or permitting from the California Air Resources Board or APCD.

For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

22. The applicant shall ensure that all operational type equipment has all required APCD permits and meets any applicable permitting requirements of APCD. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.
- Portable generators and equipment with engines that are 50 hp or greater;
 - Electrical generation plants or the use of standby generator;
 - Public utility facilities;
 - Boilers;
 - Internal combustion engines; and
 - Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, shall be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment.

23. The following measures shall be implemented to minimize nuisance impacts associated with construction-generated fugitive dust emissions:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
24. Prior to any grading activities a geologic evaluation shall be conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:
- a. Development of an Asbestos Dust Mitigation Plan which must be approved by the SLOAPCD before operations begin, and,
 - b. Development and approval of an Asbestos Health and Safety Program (required for some projects). If NOA is not present, an exemption request must be filed with the SLOAPCD. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.asp>.
 - c. Demolition of onsite structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to

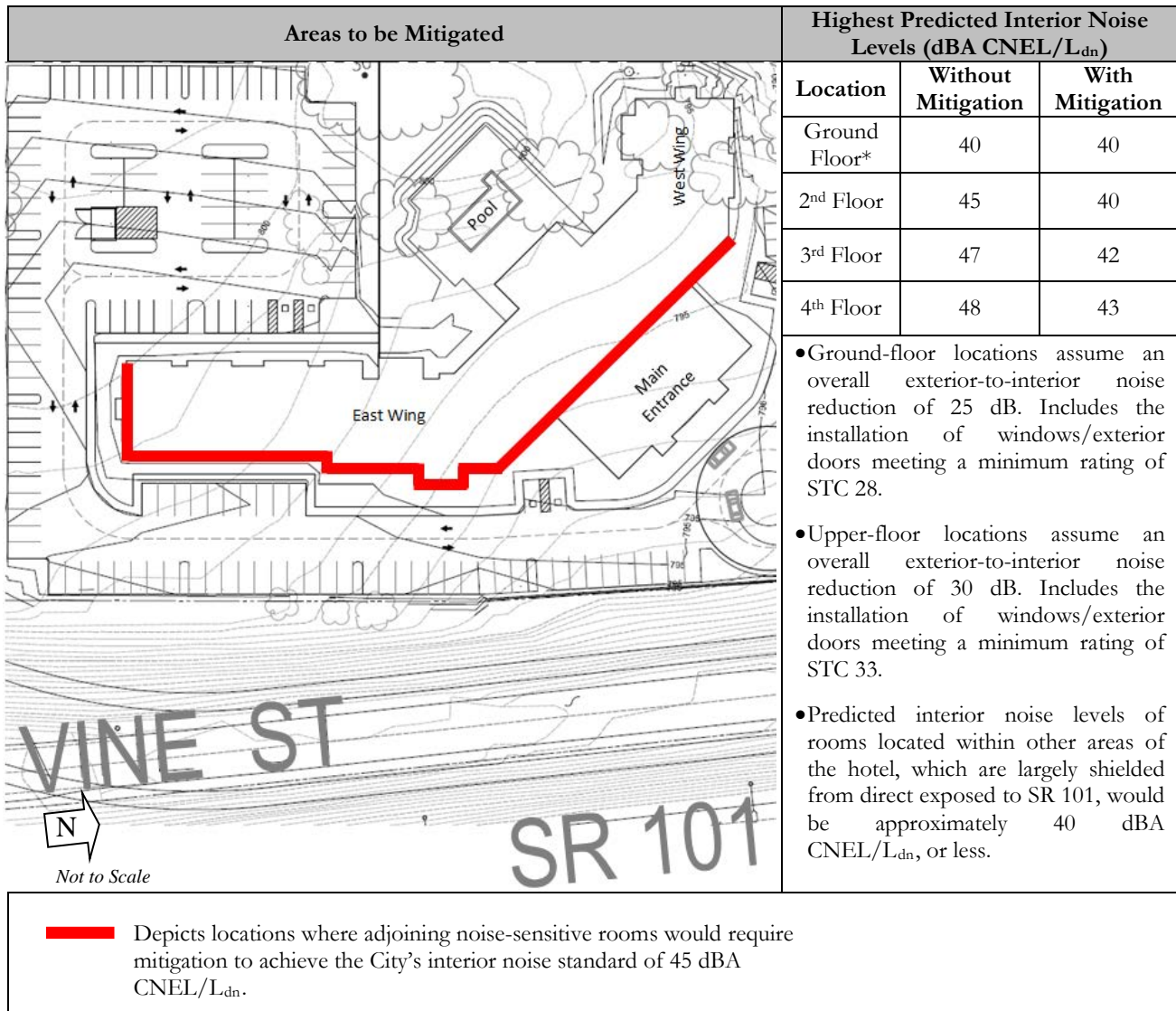
implement the Federal Asbestos NESHAP. Prior to demolition of onsite structures, the SLOAPCD shall be notified, per NESHAP requirements.

25. The following mitigation measures shall be implemented to reduce project-generated GHG emissions:
 - a. The proposed project shall demonstrate compliance with the City of Paso Robles' Climate Action Plan. To assist with this determination, the CAP includes a worksheet that identifies various "mandatory", as well as, "voluntary" measures. All "mandatory" actions must be incorporated as binding and enforceable components of the project to be considered consistent with the CAP. If a project cannot meet one or more of the "mandatory" actions, substitutions may be allowed provided equivalent reductions can be achieved. A copy of the City's CAP consistency worksheet is included in Appendix C of the project GHG emissions analysis.
 - b. The project applicant shall implement onsite mitigation measures and payment of an offsite mitigation fees sufficient to reduce project-generated emissions to below 1,150 MTCO₂e/year. GHG emissions may be mitigated by the purchase of carbon offsets provided by other agencies/organizations, with prior approval by SLOAPCD. The applicant shall submit proof of the purchase of any carbon offsets to the Paso Robles Community Development Department Director for his review and approval. At a minimum, the onsite GHG-reduction measures to be implemented shall include the following:
 1. Use low-VOC cleaning supplies. This requirement shall be reflected in the operational procedures manual for the proposed project.
 2. Use low-VOC paint having a VOC content of 100 grams per liter, or less. This requirement shall be reflected in the operational procedures manual for the proposed project.
 3. A shuttle shall be provided for hotel guests to provide transportation to and from the Amtrak transit station.
 4. The project proponent shall demonstrate that the project-wide lighting efficiency shall be improved by at least 16% relative to current conventional lighting methods through the installation of energy-efficient lighting, (e.g., metal halide, high-pressure sodium, LEDs) for interior and exterior lighting areas. Unnecessary exterior lighting shall be reduced, to the extent practical and where reductions in lighting would not pose a risk to public safety.
 5. Utilize low-flow faucets and toilets and water-efficient irrigation systems to reduce energy demands associated with water use.
 6. Proposed onsite occupied buildings shall exceed baseline Title 24 Building Envelope Energy Efficiency Standards by a minimum of 10 percent. The baseline GHG emissions from electricity and natural gas usage shall reflect 2008 Title 24 standards with no energy-efficient appliances.
 7. Install energy-efficient appliances (i.e., Energy Star rated).
 8. Incorporate water-reducing features into building and landscape design, including use of drought-tolerant landscaping, minimizing turfed areas, and installation of water-efficient irrigation systems in accordance with the City of Paso Robles Zoning Code, Chapter 21.22B, Landscape and Irrigation Ordinance.
26. To the maximum extent possible, the applicant shall conduct site preparation, ground-disturbing, and construction activities outside of the migratory bird breeding season. If such activities are required during this period, the applicant shall retain a qualified biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures shall be implemented:
 - a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
 - b. The qualified biologist shall determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
 - c. The qualified biologist shall document all active nests and submit a letter report to the City documenting project compliance with the MBTA.
27. San Joaquin Kit Fox Protection.

- a. Prior to construction, a qualified biologist shall conduct a pre-activity survey to identify known or potential dens or any other sign of the species, no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the City. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.
 - b. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they shall be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
 - c. During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
 - d. Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
 - e. During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and the CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CDFW for care, analysis, or disposition.
 - f. Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - If a more solid wire mesh fence is used, 8×12-inch openings near the ground shall be provided every 100 yards.
 - g. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
28. Oak Tree Protection.
- a. Prior to site disturbance, the critical root zone (CRZ) of all oak trees with a DBH of 6 inches or greater must be fenced to protect from construction activities.
 - b. During the site disturbance and/or construction phase, grading, cutting, or filling within 5 feet of a CRZ of all oak trees with a DBH of 6 inches or greater must be supervised by a certified arborist approved by the City. Such activities beyond 5 feet of a CRZ must be monitored to insure that activities are in accordance with approved plans. Root pruning outside of the CRZ must be done by hand.

- c. Oil, gasoline, chemicals, or other construction materials potentially harmful to oak trees may not be stored in the CRZ of any oak tree with a DBH of 6 inches or greater.
 - d. Drains shall be installed according to city specification so as to avoid harm by excessive watering to oak trees with a DBH of 6 inches or greater.
 - e. Landscaping within the CRZ of any oak tree with a DBH of 6 inches or greater is limited to indigenous plant species or non-plant material, such as cobbles or wood chips.
 - f. Wires, signs, or other similar items shall not be attached to oak trees with a DBH of 6 inches or greater.
 - g. For each oak tree removed (DBH of 6 inches or greater), a tree or trees of the same species must be planted with a combined DBH of 25% of the removed tree's DBH within the property's boundary.
29. The following measures shall be implemented for noise-sensitive rooms (e.g., guest rooms, meeting rooms, etc.) located along the eastern, northeastern, and southern-most facades of the hotel, within line-of-sight of SR 101 (Recommended areas of mitigation are depicted in Figure 7):
- a. To ensure an overall exterior-to-interior noise reductions of 25 dB, windows and exterior doors of noise-sensitive rooms located on the ground floor shall have a minimum sound transmission class (STC) rating of STC 28. This requirement is also required for any noise-sensitive rooms to be located along the eastern and northern building facades of the hotel's main entrance area.
 - b. Windows and exterior doors of noise-sensitive rooms located on the 2nd-4th floors shall have a minimum STC 33 rating.
 - c. The total window area of noise-sensitive rooms shall not exceed 20 percent of the room's exterior wall area.
 - d. The perimeter of window and exterior door frames shall be caulked and sealed airtight to the exterior wall construction.
 - e. Any penetrations of the exterior walls (e.g., ducts, pipes, conduit, etc.) shall be minimized to the extent possible and sealed with caulked or filled with mortar.
 - f. The installation of appliances (e.g., fireplaces, ventilation units, etc.) requiring venting to exterior walls located along building facades with direct line-of-sight of SR 101 shall be prohibited.
 - g. Exterior walls shall have a minimum STC rating of 35. The construction of exterior walls with siding-on-sheathing, stucco, or brick; and, compliance with current Title 24 building standards is typically sufficient to achieve a minimum STC 35 for exterior walls.
 - h. The above measures should be implemented unless it can be shown, to the acceptance of the Paso Robles Community Development Department Staff, that alternative mitigation would achieve equivalent reductions sufficient to reduce interior noise levels within noise-sensitive locations to below the City's interior noise level of 45 dBA CNEL/L_{dn}.
 - i. Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities should be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or city holidays.
 - j. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation.

**FIGURE 7
PREDICTED INTERIOR NOISE LEVELS**



30. The Marriott Residence Inn Project shall be required to contribute to the estimated costs of the improvements planned at the U.S. 101/SR 46W interchange through payment of \$330,496, or such other amount consistent with the City's Development Impact Fee Justification Study, and the Engineering News Record price index adjusted every July 1st. This amount, as adjusted, represents the applicant's fair share contribution under the City's Development Impact Fee Program (DIF) in accordance with Council Resolution No. 14-035. Exhibit "B" to Resolution No. 14-035 provides the Justification Study for the impact fees which includes the Needs List. The Needs List includes, as improvement facility #30, on page 26, the future phases for the improvement of the interchange of Highways 101-46W.
31. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Community Development Director shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Director so that proper disposition may be accomplished.
32. All proposed oak tree removals are subject to approval by the City Council. If the City Council does not allow removal of the oak trees, the project will need to be redesigned to accommodate the trees. The project revisions would need to be presented to the Development Review Committee (DRC) for approval.

PASSED AND ADOPTED THIS 17th day of June, 2014 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

EXHIBIT A OF RESOLUTION
CITY OF EL PASO DE ROBLES
STANDARD DEVELOPMENT CONDITIONS

<input checked="" type="checkbox"/> <u>Planned Development</u>	<input type="checkbox"/> <u>Conditional Use Permit</u>
<input type="checkbox"/> <u>Tentative Parcel Map</u>	<input checked="" type="checkbox"/> <u>Tentative Tract Map</u>
<u>Approval Body: Planning Commission</u>	<u>Date of Approval: May 27, 2014</u>
<u>Applicant: Marriott Residence Inn</u>	<u>Location: S. Vine Street</u>
<u>APN: 009-631-011</u>	

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

COMMUNITY DEVELOPMENT DEPARTMENT - The applicant shall contact the Community Development Department, (805) 237-3970, for compliance with the following conditions:

A. GENERAL CONDITIONS – PD/CUP:

- ☒ 1. This project approval shall expire on May 27, 2016 unless a time extension request is filed with the Community Development Department, or a State mandated automatic time extension is applied prior to expiration.
- ☒ 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- ☒ 3. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney's fees, incurred by City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
- ☒ 4. Any site specific condition imposed by the Planning Commission in approving this project (**Conditional Use Permit**) may be modified or eliminated, or new conditions

may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

- ☒ 5. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- ☒ 6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- ☒ 7. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- ☒ 8. Prior to the issuance of a Building Permit a landscape and irrigation plan consistent with the Landscape and Irrigation Ordinance, shall be submitted for City review and approval. The plan needs to be designed in a manner that utilizes drought tolerant plants, trees and ground covers and minimizes, if not eliminates the use of [turf](#). The irrigation plan shall utilize drip irrigation and limit the use of spray [irrigation](#). All existing and/or new landscaping shall be installed with automatic irrigation systems.
- ☐ 9. A reciprocal parking and access easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space, areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CC&Rs).
- ☒ 10. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- ☒ 11. For commercial, industrial, office or multi-family projects, all refuse enclosures are required to provide adequate space for recycling bins. The enclosure shall be architecturally compatible with the primary building. Gates shall be view obscuring and constructed of durable materials. Check with Paso Robles Waste Disposal to determine the adequate size of enclosure based on the number and size of containers to be stored in the enclosure.
- ☒ 12. For commercial, industrial, office or multi-family projects, all existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community

Development Director or his designee. Details shall be included in the building plans.

- ☒ 13. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- ☒ 14. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.
- ☒ 15. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.
- ☒ 16. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No.835 N.S., Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
- ☒ 17. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
- ☒ 18. Prior to recordation of the map or prior to occupancy of a project, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- ☒ 19. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.
- ☒ 20. Prior to the issuance of building permits, the
 - ☐ Development Review Committee shall approve the following:
 - ☒ Planning Division Staff shall approve the following:
 - ☒ a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
 - ☒ b. A detailed landscape plan;
 - ☒ c. Detailed building elevations of all structures

- ☐ d. indicating materials, colors, and architectural treatments;
Other:

B. GENERAL CONDITIONS – TRACT/PARCEL MAP:

- ☒ 1. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.
- ☐ 2. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.
- ☐ 3. The owner shall petition to annex residential Tract (or Parcel Map)_____ into the City of Paso Robles Community Facilities District No. 2005-1 for the purposes of mitigation of impacts on the City's Police and Emergency Services Departments.
- ☐ 4. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- ☒ 5. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

South Vine Street property frontage landscaping and irrigation between the applicant's property boundary and the City public right-of-way.

ENGINEERING DIVISION- The applicant shall contact the Engineering Division, (805) 237-3860, for compliance with the following conditions:

All conditions marked are applicable to the above referenced project for the phase indicated.

C. PRIOR TO ANY PLAN CHECK:

- ☒ 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

D. PRIOR TO ISSUANCE OF A GRADING PERMIT:

- ☐ 1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
- ☒ 2. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to its removal.
- ☒ 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
- ☒ 4. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
- ☒ 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- ☒ 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.

- ☐ 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility.
- ☐ 3. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.
- ☐ 4. In a special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM) the owner shall provide an Elevation Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor or civil engineer licensed in the State of California.

F. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR RECORDATION OF THE FINAL MAP:

The Planning Commission has made a finding that the fulfillment of the construction requirements listed below are a necessary prerequisite to the orderly development of the surrounding area.

- ☒ 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services.
- ☒ 2. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- ☐ 3. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:

Street Name	City Standard	Standard Drawing No.

- ☐ 4. If, at the time of approval of the final map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act.

Bonds required and the amount shall be as follows:
 Performance Bond.....100% of improvement costs.
 Labor and Materials Bond.....50% of performance bond.

- ☐ 5. If the existing City street adjacent to the frontage of the project is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall excavate the entire structural section and replace it with a standard half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic.
- ☐ 6. If the existing pavement and structural section of the City street adjacent to the

frontage of the project is adequate, the applicant shall provide a new structural section from the proposed curb to the edge of pavement and shall overlay the existing paving to centerline for a smooth transition.

- ☐ 7. Due to the number of utility trenches required for this project, the City Council adopted Pavement Management Program requires a pavement overlay on Union Road along the frontage of the project.
- ☐ 8. The applicant shall install all utilities. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project.
- ☐ 9. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
 - ☐ a. Public Utilities Easement;
 - ☐ b. Water Line Easement;
 - ☐ c. Sewer Facilities Easement;
 - ☐ d. Landscape Easement;
 - ☐ e. Storm Drain Easement.
- ☐ 10. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:
 - ☐ a. Street lights;
 - ☐ b. Parkway/open space landscaping;
 - ☐ c. Wall maintenance in conjunction with landscaping;
 - ☐ d. Graffiti abatement;
 - ☐ e. Maintenance of open space areas.
- ☐ 11. For a building with a Special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM), the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a lands surveyor or civil engineer licensed in the State of California.
- ☒ 12. All final property corners shall be installed.
- ☐ 13. All areas of the project shall be protected against erosion by hydro seeding or landscaping.
- ☒ 14. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.
- ☒ 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer

of record, shall be provided to the City Engineer prior to the final inspection. An electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

PASO ROBLES DEPARTMENT OF EMERGENCY SERVICES- The applicant shall contact the Department of Emergency Services, (805) 227-7560, for compliance with the following conditions:

G. GENERAL CONDITIONS

1. ☒ Prior to the start of construction:
 - ☒ Plans shall be reviewed, approved and permits issued by Emergency Services for underground fire lines.
 - ☒ Applicant shall provide documentation to Emergency Services that required fire flows can be provided to meet project demands.
 - ☒ Fire hydrants shall be installed and operative to current, adopted edition of the California Fire Code.
 - ☒ A based access road sufficient to support the department's fire apparatus (HS-20 truck loading) shall be constructed and maintained for the duration of the construction phase of the project.
 - ☒ Access road shall be at least twenty (20) feet in width with at least thirteen (13) feet, six (6) inches of vertical clearance.
2. ☒ Provide central station monitored fire sprinkler system for all residential, commercial and industrial buildings that require fire sprinklers in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
 - ☒ Plans shall be reviewed, approved and permits issued by Emergency Services for the installation of fire sprinkler systems.
3. ☒ Provide central station monitored fire alarm system for all residential, commercial and industrial buildings that require fire alarm system in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
4. ☒ If required by the Fire Chief, provide on the address side of the building if applicable:
 - ☒ Fire alarm annunciator panel in weatherproof case.
 - ☒ Knox box key entry box or system.
 - ☒ Fire department connection to fire sprinkler system.
5. ☒ Provide temporary turn-around to current City Engineering Standard for phased construction streets that exceed 150 feet in length.

6. ☒ Project shall comply with all requirements in current, adopted edition of California Fire Code and Paso Robles Municipal Code.
7. ☒ Prior to the issuance of Certificate of Occupancy:
 - ☒ Final inspections shall be completed on all underground fire lines, fire sprinkler systems, fire alarm systems and chemical hood fire suppression systems.
 - ☒ Final inspections shall be completed on all buildings.

RESOLUTION NO. 14-xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF 5 OAK TREES FOR
PLANNED DEVELOPMENT 13-005 AND TENTATIVE PARCEL MAP PR 13-0109
121 WILMAR PLACE, APN 09-631-011
EXCEL PASO ROBLES LP/MARRIOTT RESIDENCE INN**

WHEREAS, Excel Paso Robles, LP/Marriott Residence Inn has submitted a request to remove five oak trees; and

WHEREAS, the request for removal of the trees is in relation to a Mitigated Negative Declaration recommended for approval by the Planning Commission to the City Council on May 27, 2014, for Planned Development 13-005 and Tentative Parcel Map PR 13-0109; and

WHEREAS, with the recommendation to approve the Mitigated Negative Declaration for Planned Development 13-005 and Tentative Parcel Map PR 13-0109 the Planning Commission recommended approval to remove five oak trees; and

WHEREAS, four of the trees are in poor health due to site conditions, with one of the four trees harmed by wire fencing embedded in it. The fifth tree is in good health, but is located in an awkward location in relation to the site plan parking area; and

WHEREAS, the Director could not make the determination that the trees are “clearly dead or diseased beyond correction,” and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the trees “healthy” and require that the City Council make the determination of whether the trees should be allowed to be removed after consideration of the factors listed in Section 10.01.050.D; and

WHEREAS, the City Council considered the factors listed in Section 10.01.050.D and determined that site grading for proposed structures and road access make retention of the trees undesirable; and

WHEREAS, in conjunction with the entitlements noted above, Chip Tamagni of A & T Arborists submitted an Arborist Report analyzing all of the oak trees located within the development area that may be impacted by the project and required tree protection methods. Protection measures were identified for potentially impacted trees that would remain. The report also identified the health of the five trees proposed for removal. The tree removals were rated in terms of their relative health on a scale of 1-10, with 10 being the best health. One of the trees was rated “1”, two of the trees were rated “2”, one was rated a “3”, and the last tree was rated a “4”.

WHEREAS, the project design would necessitate the need to remove healthy oak trees due to grading and construction of the hotel building, access driveway, and parking lot.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of five oak trees based on the trees being in marginal health, minimal environmental and scenic impacts, and that the removals are necessary in order to accommodate the proposed project.
2. Require the planting of 16.5 inches diameter replacement oak trees to be planted on the site at the direction of the arborist to ensure maximum potential for the trees to flourish, and/or off site at a

location at the direction of the Community Development Director. The specific size and number of replacement trees shall be determined by the project arborist provided that the replacement trees equal the required mitigation requirement.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 17th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk



Community Development Dept.

Project Description

Residence Inn by Marriott – Paso Robles, California

Located on South Vine Street, just north of Highway 46, the Residence Inn by Marriott is a 4 story hotel consisting of 128 guestrooms situated on a site of 3.15 acres. The hotel amenities will include a customized Gatehouse lobby/lobby lounge featuring Tuscan decor, breakfast lounge area, meeting rooms, fitness center, business center, wine tasting bar, outdoor terraces, BBQ area, and outdoor swimming pool with lush landscaping within the courtyard area as well as surrounding the site.

Residence Inn by Marriott represents the top brand for an Extended Stay Hotel based on its affiliation with Marriott hotels as well as the level of standards and service the hotel provided to its guest. Furthermore, the hotel provides 136 spaces of on grade-level parking. Wood construction is used for the building's main structural elements and floor. The Residence Inn by Marriott will feature an oversized guestroom and suites with each room designed to have a comfortable living room area and a fully equipped kitchen.

Currently, there are no hotels that cater to extended stay consumers in Paso Robles. Further, the market indicates that there is significant demand for extended stay product and therefor the Residence Inn will fill a void in the current Paso Robles market.

Residence Inn by Marriot is the world's largest and best known hotel brand specifically designed to meet needs of business travelers and families due to the unmatched level of amenities and offerings provided to their guests. As the top brand for an Extended Stay Hotel with more than 630+ locations and 145+ hotels in the pipeline, Residence Inn is poised to extend their leadership as the preferred hotel for guests globally.

The building will provide lodging and entertainment for families as well as business travelers who visit the Paso Robles area. It is located strategically among many vineyards and the downtown business center. The hotel is easily accessible and greatly visible from Highway 101, and the hotel entry is made through a single drive on South Vine Street.

The design of the hotel will be a celebration of the regions' historic winery culture, utilizing materials both old world and of recent years. A substantial base of rich stone veneer grounds the project to the landscaping. Careful attention is being given toward maximizing the preservation of the many beautiful Oak trees in the current landscape, and therefore the current design concepts strive to incorporate, and maintain the integrity of, the trees in the landscape. Stucco finishes of varied colors and shade adorn the façade, with ample trim and cornices throughout. The building is topped off by a Spanish barrel tile roof. Throughout the project are clear glass windows with medium bronze mullions and many recessed openings are accentuated with wrought iron.

The project will incorporate a number of water saving measures, including low flow fixtures and a roof water recovery system to minimize project irrigation demand. Low Impact Development (LID) measures for storm water quality will also be incorporated, including permeable hardscape for a portion of the parking lot, storm water quality treatment, and percolation facilities for volume reduction

The average occupancy among the 630+ Residence Inn hotels is over 77.7% occupancy (highest among all Marriott branded hotels and all extended stay hotels). The proposed Residence Inn on the subject site is anticipated to perform at 78% occupancy with an average daily rate (ADR) of \$145 upon stabilization. The estimated economic impact to the City of Paso Robles is expected to be significant ranging from job creation to valuable transient occupancy tax (TOT) revenue including:

- Construction jobs being employed within the region – triggering daily expenditures within the local economy (hotel stays by subcontractors, dining expenditures etc.)
- Transient occupancy tax revenue to be over \$600,000 per year at 12% TOT rate based on the anticipated Occupancy and ADR. These funds generated by the hotel will be used to improve the City of Paso Robles community services.
- Upon completion, spending by visitors within the local economy and sales tax generation
- Enhancement to the gateway area of Paso Robles with the hotel's unique design, thus increasing values of overall neighborhood

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

March 24, 2013

SCH# 2014021060
SLO 101 PM 054.23

Ms. Susan DeCarli
City of El Paso de Robles
1000 Spring Street
Paso Robles CA 93446

Dear Ms. DeCarli:

**COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE
MARRIOTT RESIDENCE INN**

Thank you for the request for comments on the Marriott Residence Inn Mitigated Negative Declaration.

Caltrans acknowledges, as stated in the Traffic and Circulation Study (prepared by Associated Transportation Engineers, dated August 14, 2013), that traffic at the State Route 46 West / US 101 interchange during the P.M. under Cumulative + Project conditions would exceed Caltrans standards for Level of Service. Caltrans further acknowledges that the following improvements are planned by the City of Paso Robles which would mitigate for the proposed development:

- 1) A realignment of Theatre Drive and Vine Street frontage roads to the west and a connection with State Route 46 West at a signalized intersection
- 2) Construction of a roundabout at the US 101 SB / State Route 46 West intersection
- 3) Construction of a roundabout at the US 101NB / State Route 46 W / Ramada Drive intersection

If you have any questions or desire further clarification, feel free to contact me at (805) 549-3131 or adam.fukushima@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fukushima".

Adam Fukushima, PTP
Caltrans District 5
Development Review

"Caltrans improves mobility across California"



Air Pollution Control District
San Luis Obispo County

March 24, 2014

Susan DeCarli
City of Paso Robles Community Development Department
1000 Spring Street
Paso Robles, CA 93446

SUBJECT: APCD Comments Regarding the Residence Inn by Marriott Initial
Study/Mitigated Negative Declaration (PD13-005, PR 13-0109)

Dear Mrs. DeCarli,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project at 121 Wilmar Place in Paso Robles that would construct a 4-story, extended-stay hotel with 128 guest rooms, a breakfast lounge, meeting rooms, business and fitness centers, a wine tasting bar, and an outdoor pool with a barbeque and patio. The project site is located on the northwest side of US Highway 101 and State Route (SR) 46 West. The total existing lot area is 12.6 acres that includes an existing single family home that would be removed if the hotel is approved. The proposal includes a tentative parcel map to subdivide the property into a 3.17 acre hotel parcel and a "remainder" lot of 9.44 acres.

The hotel foot print is proposed to be 30,000 square feet (sf) with the combined area for the four floors being 98,500 sf. There are 135 proposed parking spaces where approximately half would be constructed with permeable hardscape. The landscaped area is proposed to be 54,024 sf. The site requires a cut (7,172 cubic yards (cy)) and fill (5,483 cy) with the remainder proposed to be placed on the remainder site.

Potential commercial development on this parcel was included in the 2010 Urban Water Master Plan for Paso Robles and the site would be served by municipal water for both potable and irrigation water needs. An evaluation of a potential realignment of South Vine Street with SR 46 West along the southern-most area of the remainder lot and adjacent to Gahan Place has been considered and approved by Caltrans. However an alternative realignment through a western adjacent property is also being considered.

The City of Paso Robles General Plan 2011 Circulation Element Update includes a hotel trip generation rate (4.72 trips per room per day totaling 590 trips per day) that was used for this project's air emission modeling using the CalEEMod (ver. 2013.2.2) land use model.

The average trip distance for arrival and departure trips (125 per day split between in and out bound trips) was estimated to be 30 miles based on the in-county mileage driven from common home locations of visiting guests. The distance of daily local trips (465 trips per day) for employees and guests was 7.8 miles as determined from an average of distances from the hotel to 108 in-county destinations. Based on this information, the weighted average daily trip length associated with the proposed hotel was determined to be 12.6 miles, however, this was rounded up 13 miles for modeling purposes. This distance was then appropriately refined by the model's default adjustments for a hotel's primary, diverted, and pass-by trips. Note: the air quality and GHG modeling for this project was based on an early project scope using 125 rooms as opposed to 128 rooms. The APCD recommends that this project modeling adequately represents the final project scope.

Though it is not stated, Tables 12, 13 and 14 of the project's Air Quality and Greenhouse Gas Impact Assessment are for the proposed 2015 start year and represent the worst case operational emissions due to the anticipated vehicular emissions reductions over time. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE IMPACTS-Below Threshold

The project's Initial Study/Mitigated Negative Declaration (IS/MND) evaluated the construction impacts of this project using the CalEEMod land use model to estimate construction emissions related to the project development. The APCD has reviewed this information and concurs with the modeling results that indicate that the construction phase impacts will likely be less than the APCD's significance threshold values as identified in Table 2-1 of the CEQA Air Quality Handbook. A key modeling assumption used to ensure insignificant impacts was that much of the exterior will arrive pre-painted thus minimizing construction emissions. Further, as opposed to the model's short default period for architectural coating, this construction process was modeled to take place over the last 3 months of the anticipated 6 month project construction. The GHG impacts from construction were amortized over the life of the project and added to the operational phase GHG emission impacts as per APCD protocol. **With the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.**

Lead During Demolition

Please add the following Air Quality Mitigation Measure for this project:

Demolition of structures coated with lead based paint is a concern for the APCD. Improper demolition can result in the release of lead containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Therefore, proper abatement of lead before demolition of these structures must be performed in order to prevent the release of lead from the site. **Depending on removal**

method, an APCD permit may be required. Contact the APCD Engineering Division at (805) 781-5912 for more information. Approval of a lead work plan by the APCD is required and must be submitted ten days prior to the start of the demolition. For more information, contact the APCD Enforcement Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at <http://www.epa.gov/lead>.

Asbestos / Naturally Occurring Asbestos

This air quality issue is appropriately addressed in Mitigation Measure AQ-3 in Attachment 13, Mitigation Measures Summary to the project's IS/MND.

Demolition of Asbestos Containing Materials

The IS/MND identifies that there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **Therefore, please add the following Air Quality Mitigation Measure for this project: This project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Compliance Division at (805) 781-5912 for further information.

Developmental Burning

Please add the following Air Quality Mitigation Measure for this project:

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

This air quality issue is appropriately addressed in Mitigation Measure AQ-2 in Attachment 13, Mitigation Measures Summary to the project's IS/MND.

Construction Permit Requirements

Please add the following Air Quality Mitigation Measure for this project:

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE IMPACTS - Exceeds Threshold

The project's IS/MND evaluated the operational phase impacts of this project using the CalEEMod land use model to estimate construction emissions related to the project. This computer model is a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase mitigated impacts will likely be below the APCD's thresholds in Table 3-2 in the 2012 CEQA Handbook for criteria air pollutants (i.e. ozone precursors and particulate matter) but will be in excess of the GHG bright line threshold by 9,809 metric tons over the project life.

Addressing the project's GHG impacts are addressed in Mitigation Measure GHG-1a (Paso Robles' Climate Action Plan Consistency) and GHG-1b (On and off-site GHG mitigation) in Attachment 13. Mitigation Measures Summary to the project's IS/MND. The on-site mitigation measures identified in GHG-1b are important conditions to be implemented by the project because they were assumptions used to define the project's GHG impacts. The APCD recommends the implementation of all feasible on-site GHG mitigation measures prior to the consideration of off-site measures as identified in GHG-1b. To ensure that the project's GHG impacts are reduced to a level of insignificance, the APCD recommends that the City, project applicant, and the APCD review and agree upon the implementation of either MM GHG-1a or MM GHG-1b in advance of occupancy permit.

The following are other Operational Phase Mitigation needed for this project:

Operational Permit Requirements

Please add the following Air Quality Mitigation Measure for this project:

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Public utility facilities;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

San Luis Obispo Car Free Program

The APCD recommends that the hotel's participation in SLO Car Free be added to MM GHG-1b. For more information, see www.slocarfree.org. To get signed up for SLO Car Free, please contact Meghan Field in the APCD Planning Division at 805-781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Excel Paso Robles, LP
Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

Attachment 13
Notice Affidavits

**AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Kristen Buxkemper, employee of the City of El Paso de Robles, California, do hereby
certify that the mail notices have been processed as required for Planned Development 13-005 –
Residence Inn Marriott, on this 6th day of June, 2014.

City of El Paso de Robles
Community Development Department
Planning Division

Signed 
Kristen Buxkemper

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 06/06/2014

Meeting Date: 06/17/2014
Planning Commission

Project: Planned Development 13-005,
Tentative Parcel Map 13-0109 and
Oak Tree Removal Permit 13-008

I, Kristen L. Buxkemper, employee of the
Community Development Department, Engineering
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: Kristen L. Buxkemper
Kristen L. Buxkemper

CITY OF EL PASO DE ROBLES

**NOTICE OF PUBLIC HEARING AND
NOTICE OF INTENT OF THE CITY
COUNCIL TO ADOPT A MITIGATED
NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT (PD 13-
005), TENTATIVE PARCEL MAP (PR
13-0109), AND AN OAK TREE
REMOVAL PERMIT (OTR 13-008)**

NOTICE IS HEREBY GIVEN that the
City Council of the City of El Paso de Rob-
les will hold a Public Hearing on Tuesday,
June 17, 2014 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 adopting a Mitiga-
ted Negative Declaration in accordance
with the provisions of the California Envi-
ronmental Quality Act (CEQA) for the fol-
lowing project:

- **Development Plan:** to establish a
128-room, 98,500 s.f., extended-stay
hotel with guest breakfast dining
room, business center and outdoor
patio and pool facilities. The proposal
includes a request to exceed the 50
foot building height limit in the C2-PD
zone.
- **Tentative Parcel Map:** a lot split to
subdivide the existing 12.6 acres into
1 parcel that would be 3.17 acres for
the hotel site, and a "remainder" lot of
9.44 acres.
- **Oak Tree Removal Permit:** to
remove 5 oaks trees.

The 30-day public review period for the
Mitigated Negative Declaration (MND) was
April 28, 2014 through May 27, 2014. The
Planning Commission considered the
MND at their meeting on May 27, 2014,
and made a recommendation that the City
Council adopt the MND and approve the
associated entitlements.

The MND may be reviewed at the Com-
munity Development Department, 1000
Spring Street, Paso Robles, California.
Copies may be purchased for the cost of
reproduction. A copy of the MND is also
available on the City website at:
[http://www.prcity.com/government/
departments/commdev/index.asp](http://www.prcity.com/government/departments/commdev/index.asp).

Written comments on the proposed
project and corresponding MND may be
mailed to the Community Development
Department, 1000 Spring Street, Paso
Robles, CA 93446 or emailed to
sdecari@prcity.com, 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 DeCarli at (805) 237-
3970 or email at sdecari@prcity.com.

If you challenge this 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
City Council at or prior to the public
hearing.

Susan DeCarli, AICP
City Planner
June 6, 2014

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Placeholder page for attorney letters:

- a. Three letters from attorney representative of Quorum Realty, Mr. Sanders
- b. Response letter from City Attorney, Iris Yang at Best, Best & Krieger
- c. Response letter from ATE Transportation Engineers
- d. Letter from applicants attorney, Sabrina Teller at Remy, Moose & Manley

Copies of these letters are on file in the City Council office and the Community Development Department.

They are also available online on the City's website at:

<http://www.prcity.com/cdd>