

RESOLUTION NO. 95-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR THE
EXPANSION OF THE NIBLICK ROAD BRIDGE AND ADOPTING
A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of El Paso de Robles intends to expand the Niblick Road Bridge from its present configuration consisting of two vehicle lanes to contain four vehicle lanes, two bicycle lanes and a pedestrian path; and

WHEREAS, under the 1987 Federal Aid Highway Act, federal funds have been allocated to assist in the funding of the proposed bridge expansion; and

WHEREAS, the proposed bridge expansion constitutes a "project" as defined by both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA); and

WHEREAS, the proposed bridge expansion is a discretionary action of the City Council of the City of Paso Robles, and the City is defined under CEQA as the "lead agency" for the project; and

WHEREAS, the allocation of federal funds is a discretionary action of the federal government, and the Federal Highways Administration is defined under NEPA as the "lead agency" for the project; and

WHEREAS, in conformance with CEQA and NEPA, the City has prepared an Initial Study/Environmental Assessment (IS/EA) of the potential environmental effects of the proposed bridge expansion; and

WHEREAS, a draft of the IS/EA on the proposed bridge expansion was circulated, for a period of more than forty-five (45) days beginning on September 28, 1994 and concluding November 17, 1994, for public review including distribution to all responsible agencies, to other interested agencies, organizations, and individuals, and to the general public via placement of copies for public inspection and review at City Hall and the public library; and

WHEREAS, The City of Paso Robles received six (6) letters commenting on the Draft IS/EA within the review period described above and two letters shortly after the close of said review period; and

WHEREAS, on November 7, 1994, the Planning Commission of the City of Paso Robles conducted a public hearing and took testimony from one person on the proposed bridge expansion; and

WHEREAS, the IS/EA has been revised to respond to all comments received, both written and oral; and

WHEREAS, the Discussion of the Environmental Evaluation in the IS/EA concluded that each potentially-significant impacts identified in the Environmental Evaluation checklist could be mitigated to a point of non-significance via the incorporation of twenty-four (24) mitigation measures as identified in Exhibit A of this resolution; and

WHEREAS, in accordance with CEQA, a Negative Declaration was prepared for this project; a copy of which is on file in the Community Development Department with the IS/EA; and

WHEREAS, in accordance with NEPA, the Federal Highways Administration will be requested to approve a "Finding of No Significant Impact" for this project; and

WHEREAS, public notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, CEQA further requires that the City of Paso Robles find, in taking any action to approve the proposed bridge expansion, that changes or alterations will be incorporated into the project in order to avoid or substantially lessens the project's potentially significant environmental effects as identified in the IS/EA; and

WHEREAS, Public Resources Code Section 21081.6 requires that the City adopt a reporting or monitoring program for all mitigation measures included within the IS/EA; and

NOW, THEREFORE, BE IT FOUND by the City Council of the City of Paso Robles that, subject to incorporation of all twenty-four (24) mitigation measures listed in Appendix A, there was no substantial evidence that the proposed bridge expansion would have significant adverse effects on the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso De Robles to approve a Negative Declaration for the Expansion of the Niblick Road Bridge in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Paso Robles to adopt and implement, all of the twenty-four (24) mitigation measures listed in Appendix A, by incorporating them into the bridge expansion project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Paso Robles that the mitigation reporting or monitoring program be adopted as required by Public Resources Code Section 21081.6 as follows:

1. Method of Reporting or Monitoring:

- a. Appendix B contains a listing of all mitigation measures (with abbreviated descriptions), responsible department and deadlines for completion for each mitigation measure.
- b. Reports of the status of implementation of all mitigation measures shall be prepared and submitted to the City Council as follows:
 - (1) Prior to approval of the final design and construction plans for the proposed bridge expansion and prior to authorizing construction to proceed;
 - (2) Upon completion of construction activities;
 - (3) Upon completion of all mitigation measures (5 years following completion of construction).

2. Responsibility for Reporting or Monitoring: The Public Works Director shall prepare documentation within the respective project files of the projects' compliance with all mitigation measures broken down on a phase by phase basis both in conjunction with issuance of building permits and issuance of certificates of occupancy for buildings. Such documentation and reporting is to ensure that relevant mitigation measures of the project are being implemented.

PASSED AND ADOPTED THIS 7th day of February, 1995 by the following roll call vote:

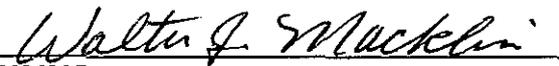
AYES: Heggarty, Iversen, Martin, Picanco, and Macklin

NOES: None

ABSENT: None

ATTEST:


CANDACE ASCHLE, DEPUTY CITY CLERK


MAYOR WALTER J. MACKLIN

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EXHIBIT A

**TEXT OF MITIGATION MEASURES
(Pages 31-48 of IS/EA)**

5.0 DISCUSSION OF ENVIRONMENTAL EVALUATION

The following text provides a discussion of impacts and proposed mitigation for those items noted on the Environmental Significance Checklist as areas of potential concern. The technical studies available at the City of El Paso de Robles provide detailed evaluations of the resource areas that are summarized below.

5.1 Change in Topography (Question 1)

The proposed bridge widening project would involve modifications to the existing topography for construction of new embankments and fill slopes needed to construct the eastern approach to the new portion of the bridge. Approximately 10,000 cubic yards of soil would be placed adjacent to the eastern terrace of the Salinas River drainage, providing approximately 150 linear meters (500 linear feet) of embankment that would be 11 meters (36 feet) wide and average 4.5 meters (15 feet) in depth, covering a surface area of about 1,670 square meters (0.4 acres). Because the area of fill will be placed adjacent to the existing embankment, the change in local topography proposed for this project is considered to be less than significant.

5.2 Soil Erosion or Sedimentation (Question 4)

Land disturbance associated with the modification of the eastern abutment, construction of the eastern fill embankment, and disturbance associated with the construction staging area have the greatest potential to create increased erosion within the project corridor. Because of topographic features and the distance from the western abutment to the river channel, erosion originating at this location is not expected to present a significant problem. However, the potential for a substantial degradation of water quality arising from the intrusion of eroded soils/sediments into the riparian habitat, tributaries to the river, or river proper, is considered a potentially significant impact. This impact will be mitigated to a less-than-significant level through implementation of a comprehensive and detailed erosion control/revegetation program. ^① Rigorous and comprehensive erosion control will be implemented wherever erosion is likely. This program will be done by a team consisting of a

certified civil engineer with experience in erosion control work and a revegetation specialist with experience using native plants.

The standard erosion control techniques listed below will form the basis of a formalized erosion control plan that will assure that impacts from soil erosion or siltation are reduced to a less-than-significant level.

5.2.1 Erosion Control Techniques:

- a) During construction, placement of fill directly into drainage channels will be avoided whenever possible.
- b) To the extent possible, the project will be scheduled so that land disturbance and grading is done during a time of low erosion potential (April through October). If the construction site will be active during the rainy season, it will be "winterized" by placing temporary sediment barriers (e.g., straw bales, filter fences) to control runoff and trap sediment. In addition, disturbed areas will be stabilized as soon as possible after construction, construction debris will be cleaned up and removed, and all stockpiled soil will be protected by sediment barriers and covered by an impervious material.
- c) Specific erosion control measures will be implemented as soon after land disturbance as possible, and before the start of the next rainy season.
- d) Existing vegetation will be retained wherever feasible, particularly in those areas which will receive drainage runoff.
- e) Netting, erosion control fabrics, and/or mulching will be used to attain a rapid but temporary stability on the steep embankments.
- f) Properly sized and adequate numbers of drainage aprons and drop inlets will be installed to prevent scouring and erosion as a result of excessive water flow. Where necessary, rip rap will be placed immediately downslope of these structures.
- g) A roadside system will collect drainage water from the roadway surface and will disperse runoff to avoid scouring.
- h) Temporary and permanent sediment barriers (e.g., straw bales, filter fences, earthen berms) will be installed, as necessary, to prevent soil from directly entering the drainage channels. Temporary sediment barriers are intended to intercept and detain small amounts of sediment from small disturbed and unprotected areas, particularly during construction. Permanent, artificial berms or swales can be used to direct water laterally to areas where vegetation can reduce water velocity and trap sediments. At a minimum,

temporary barriers will be placed at the toe of the embankment, and on both sides of the unnamed creek channel (both north and south of Niblick Road). These temporary barriers will extend at least 6 meters (20 feet) along the channel and longer if sediment movement is especially problematic. Proper installation will be followed to avoid sediment movement under the barrier. These structures require inspection and maintenance at least once per week during rainy periods.

- i) After construction and before the next rainy season, all exposed slopes will be revegetated ~~using grasses and other native species to provide for long term stabilization~~ with native seed mixtures to provide slope stabilization. Annual grasses should not be used for erosion control on disturbed slopes within the project area.
- j) To the extent possible, all construction equipment and vehicles will be kept out of drainage channels. Fifty-foot-wide buffers will be established to protect drainages, wetlands, and riparian habitats that do not have to be directly impacted by construction activities. Prior to project implementation, these Environmentally Sensitive Areas (ESA's) will be delineated on construction plans and drawings. During construction, these buffers will be clearly marked with fences and identified as area where construction-related activities are prohibited.
- k) Pathways for construction vehicle traffic within the job site will be clearly marked and enforced to prevent unnecessary land disturbance.
- l) All erosion control measures will be monitored on a routine basis for at least one year following implementation to check for efficiency and stability. Monitoring reports will be submitted to the Regional Water Quality Control Board on an annual basis.

5.3 Stream Channels, Floodplains, Water Quality, and Wetlands (Questions 9, 10, 11, and 13)

The proposed project will involve the placement of fill and supporting piers within the Salinas River channel and the 100-year flood plain associated with it. According to the conclusions drawn by the 100-year flood analyses for the proposed project, the Niblick Road Bridge expansion project will be well within the Federal Insurance Administration's limits for increases in flood height (limit is increase of 1.0 foot) and increases in flow velocity (limit is 0.5 cubic foot per second). No significant impact to the existing 3.6 feet of clearance between the bridge and 100-year flood levels would occur, and there would be no danger to the existing or proposed structures during a 100-year flood event. A summary of flood plain encroachment issues is presented in Appendix B.

All roadways are considered to be point sources of pollution because of auto-related pollutants (e.g., oil and gas). Runoff and sedimentation serve as the most likely sources of potential water quality impacts (refer to above discussion provided for Question 4). The erosion control techniques provided previously for soil sedimentation will be supplemented with the measures outlined below to assure that impacts to water quality resulting from the construction and operation of the proposed bridge expansion will be less than significant.

The most effective means of avoiding the potentially significant water quality impacts associated with placement of supporting piers in the river is to require that construction be done when flow is minimal to nonexistent. In a normal year, this would include the months of June through November, although initiation of construction in May of a dry year may also be feasible. ②

When pier construction is carried out during the dry period, prudent building/engineering practices ③ will be followed to keep water quality and flood plain impacts to a less-than-significant level. These include:

- a) Disturbance of the river bed will be kept to a minimum by establishing marked and restricted access corridors for equipment.
- b) River sediment removed during excavation of pier foundations will be disposed of off-site and out of the flood plain, excavated/graded material will not be placed either in the river channel or the adjacent riparian habitat.
- c) All building materials, liquid construction waste (e.g., petroleum products and cement water) and other by-products will be removed from the river channel immediately following construction. Petroleum-based compounds will be contained and removed to an acceptable off-site disposal location.
- d) The construction site will be inspected daily for leaks or inadvertent spills of petrochemical products; if found, the contaminated river sediment will be removed and properly disposed.
- e) Except in the case of emergency, all equipment repair will be done outside the river channel, flood plain and/or riparian zones. Washing of construction vehicles and routine equipment maintenance will be prohibited within the river channel and adjacent riparian vegetation.

- f) A detailed plan for cleanup of an accidental spill of petroleum-based products, cement, or other construction pollutants should be approved by water resource agencies and kept on site with the General Contractor or Resident Engineer.

During the preparation of the Natural Environment Study Report (NESR) for this project, a formal jurisdictional wetland delineation was completed. The United States Army Corps of Engineers (ACOE) will be reviewing this Initial Study/Environmental Assessment and the technical wetlands information contained in the NESR during the public review period. The technical investigation indicated that a total of 3.51 acres of jurisdictional wetlands occurs within the project corridor. These wetlands are associated with the Salinas River corridor and are slightly degraded due to the use of off-road vehicles in the area. Despite this impact, wetlands within the project corridor are generally of moderate value, and impacts should be avoided or minimized where possible due to the relative scarcity of these habitats in the semi-arid Paso Robles region.

Assuming that each of the three pier footings needed within delineated wetlands will consist of a cast-in-place concrete block covering an area of approximately 60 square meters (650 square feet), there will be a permanent loss of about 180 square meters (1,950 square feet - less than 0.05 acres) of jurisdictional wetlands. This preliminary estimate is based on a "best-case" scenario which assumes no permanent loss of wetlands resulting from construction activities (other than the pier footings). Temporary impacts to the wetlands within the project area will occur as a result of the construction of an access road, the placement of falsework, and other activities that will take place within the river channel. Although the exact location and nature of these temporary activities has not yet been defined, the "worst-case" scenario is that the entire 3.51-acre wetland area within the project corridor will be subject to project-related disturbance during construction.

In order to assure that permanent and temporary impacts to wetlands are held to a less-than-significant level, the following hierarchy of protection measures will be followed: 1) avoid impacts to wetland habitat; 2) minimize impacts to wetlands; 3) replace impacted wetlands on-site and in-kind, and 4) replace impacted wetlands off-site and in-kind. Specific mitigation measures aimed at assuring that impacts to wetlands are less than significant include:

- ④ a) Fifty-foot-wide buffers will be established to protect existing wetlands and riparian habitats that do not have to be directly impacted by construction activities. Buffers will extend from the edges of the wetlands as delineated in the NESR. Prior to project implementation, these ESA's will be delineated on construction plans and drawings. During construction, these buffers will be clearly marked with fences and identified as area where construction-related activities are prohibited.
- ⑤ b) Impacted wetlands and riparian habitat will be replaced at a 2:1 replacement ratio in conjunction with CDFG 1601/1603 permits and ACOE Section 404 Nationwide Permits. Compensatory wetlands should have the same beneficial functions, at equal or superior values, as the wetlands currently in the project impact area. It is expected that the wetlands which will be impacted by the proposed project can be replaced on-site, assuming that project impacts to wetlands are minimized as noted above. Replacement will be in-kind and may result in an increase in habitat values. CDFG and ACOE may require replacement ratios of greater than 2:1 if wetlands are replaced off-site.
- ⑥ c) Detailed plans for mitigating project impacts to wetlands will be compiled as part of the required revegetation plan for the project. Eliminated wetland trees and shrubs will be replaced in-kind, at a 1:1 or greater replacement ratio, preferably on the project site. In order to compensate for the problems of replacing wetlands within the bed of the Salinas River (e.g., variable microtopography and changes in vegetation/habitat resulting from natural fluctuations in the stream bed), the City will negotiate with CDFG to determine if greater replacement ratios for lost vegetation will be necessary.
- ⑦ d) All vegetated areas impacted by planned grading and filling (i.e., areas within "cut-and-fill" lines) will be revegetated with native plant species presently found in those areas. These plantings will be a component of the standard revegetation plan designed to minimize project-related erosion into the Salinas River and enhance the native plant community. The revegetation plan will include the following elements:
- a description of the site, including the soil types and existing vegetation;
 - a list of plant species to be used and a map showing where they will be planted;
 - the number and size of shrubs and trees to be planted;
 - a description of the extent and method of irrigation, if any;
 - specifications and schedule for on-site care, including amount and application method of fertilizers (if necessary) and use of anti-herbivore netting;
 - a description of the mulches or tackifiers to be used; and
 - specifications for long-term plant care and monitoring, including guidelines for replacing plants that fail to establish during the monitoring period.
- ⑧ e) A pre-construction meeting between the City, Caltrans, CDFG, and the contractor will be arranged to discuss the implementation of mitigation measures specified in the Streambed Alteration Agreement (SAA) required for the 1601/1603 permit issued by CDFG. The contractor should meet with CDFG before construction begins so they can ask for clarification of the mitigation measures outlined in the SAA.

5.3.1 Permits. Potential impacts to the Salinas River will require that a CDFG 1601/1603 Streambed Alteration Agreement and ACOE permits needed for compliance with Section 404 of the Clean Water Act must be secured prior to the onset of construction. The ACOE authorizations for the permanent and temporary project impacts within the jurisdictional wetlands of the Salinas River channel are expected to take the form of Nationwide Permits 25 and 33, combined with a Pre-discharge Notification. A permit from the National Pollution Discharge Elimination System (NPDES) will be needed as a result of the proposed disturbance to more than five acres within the project area. All mitigation measures⁹ specified as conditions of these permits will be implemented.

5.4 Air Quality (Question 16)

The expansion of the Niblick Road Bridge to four lanes was described in the EIR for the City's General Plan as a measure needed to reduce significant traffic and air quality impacts generated by recently constructed, planned, and reasonably foreseeable residential and commercial development. This ongoing development has led to adverse air quality conditions that are worsened by operational deficiencies along Niblick Road in the project area. The proposed project and Alternative B would improve these operational characteristics and reduce vehicle idling time, would not generate new traffic, and would not have a significant impact on local or regional emission levels of carbon monoxide, nitrous oxide, reactive organic gases, sulfur dioxide, or particulate matter.

In addition to the consistency with the City's General Plan, the project incorporates several Transportation Control Measures (TCM's) and Land Use Planning Strategies listed by the local Air Pollution Control District (APCD). These are: T-3 Bicycling and Bikeway Enhancement; T-6 Traffic Flow Improvements; and L-4 Circulation Management. Bicycle pathways and roadway widenings are noted in Chapter 6 of the Clean Air Plan as supporting the TCM's listed above.

Bicycle paths would be built under Alternatives B and C, but it appears that this pathway will function better with Alternative C, the preferred alternative. The proposed Class 1 bikeway configuration under Alternative B poses operational and safety concerns. The 12-foot-wide bikeway along the northern edge of the new bridge would accommodate bicycle travel in both directions,

creating a potential conflict between east- and west-bound bike traffic. In addition, the proposed bikeway must be looped under the bridge to prevent bicycles from crossing vehicle lanes (see map in Appendix A). Because of the convoluted route and significant grade along these looped ramps, there is a concern that bicyclists may ignore the designated pathway in favor of a more direct route onto the bridge, creating the potential for conflict between vehicles and bicycles.

Although significant adverse impacts to air quality are not anticipated, the proposed project provides enhanced capacity that could allow more vehicles to use the bridge in the future. It was expected that localized concentrations of carbon monoxide might occur, and an analysis of carbon monoxide concentrations near the Niblick Road/Spring Street intersection at the west end of the bridge was conducted. This analysis, as documented in the Air Quality Analysis for the project, indicated that carbon monoxide concentrations currently exceed the 1-hour and 8-hour standards at most of the modeled receptors (located between 50 and 90 feet from the center of the intersection). By the design year of 2015, there would be an overall decrease in carbon monoxide emissions resulting from vehicle fleet improvements and new regulations governing carbon monoxide emissions. In 2015, only one receptor (50 feet northeast of the intersection) indicates an exceedance of the 8-hour standard under the "No Project" alternative. However, if the preferred alternative is constructed, all calculated carbon monoxide emissions levels would be lower than the "No Project" alternative, and no 1-hour or 8-hour exceedances are expected.

As a result of heavy equipment use, extensive earth-moving, and the presence of workers commuting to the project site, the proposed widening would result in temporarily increased levels of both particulate matter and ozone precursors during construction. The local Air Pollution Control District has established thresholds for the generation of construction-related particulate matter and ozone precursors that are based on the area of grading (two acre threshold) and the amount of soil to be moved (125,000 cubic yard threshold) per three-month period. The area to be graded under the preferred alternative would be approximately 0.5 acres, and an estimated 15,000 cubic yards of soil will be disturbed over the duration of project construction (expected to last approximately 8.5 months). Therefore, neither of these construction-related thresholds would be exceeded under the proposed project and fugitive dust impacts are considered to be less than significant.

Estimates of construction equipment exhaust based on a list of construction vehicles, vehicle types, and duration of use were also found to be less than significant. Grading operations would occur eight hours per day for approximately eight weeks, and structure construction would occur for approximately eight hours per day for an additional 25 to 30 weeks. Emissions associated with this amount of construction do not exceed the levels established by the local APCD.

Although air quality impacts associated with the proposed project would be less than significant, the project will contribute to the regional pollutant load, at least during the short-term construction period. Implementation of the following measures will reduce the impacts that would result from construction-related and operational emissions:

- ⑩ a) If feasible, construction equipment will be selected with regard to emission factors and energy efficiency. All equipment will be properly tuned and maintained.
- ⑩ b) Diesel-powered, low sulfur fuel, or electric equipment will be used, ~~wherever possible and feasible, in lieu of gasoline-powered engines~~. Electrify equipment where feasible, and substitute gasoline-powered for diesel-powered equipment, where feasible.
- ⑪ c) Ridesharing and transit incentives for construction crews will be encouraged.
- ⑪ d) Grading and construction efforts will include the implementation of the following dust suppression techniques: 1) periodic watering of all disturbed sites with water (minimum 2 times per day), and 2) use of chemical soil binders and/or revegetative materials.
- ⑪ e) Grading activities will cease during periods of high winds, as determined by the APCD.
- ⑩ f) To provide a safe alternative to vehicle use, the City will ensure that the east- and west-bound bicycle paths, which are to be constructed as part of the project, will each be six feet wide, that the pedestrian walkway will vary between 4.25 feet (on the bridge) and six feet (approaching the bridge), and that safety railings will be provided as needed.
- ⑪ g) As prescribed by the APCD for road widening projects, the project will maintain a projected LOS D or better for a period of ten years (the proposed project will result in an LOS of B through design year 2015).
- ⑫ h) Future residential and commercial/retail development projects, whose associated traffic creates the need for the Niblick Bridge expansion, will be conditioned by the City to implement mitigation measures to offset their vehicular emissions.

- ⑫ i) The City will implement all General Plan Policies and Programs intended to improve air quality conditions as soon as feasibly possible.

5.5 Noise (Question 19 and 20)

Ambient noise readings were used in conjunction with the FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108) to describe both existing and projected noise levels. The FHWA model was developed to predict hourly equivalent sound level and day/night average sound values for free-flowing traffic conditions.

Existing exterior day/night average noise levels measured at two receptor locations at the Grandview Apartments were 62.3 and 64.1 decibels (see "Affected Environment" discussion provided in Section 3.0). A computer model was then used in combination with traffic volume predictions to estimate noise levels for 20 years into the future (design year 2015). Depending on the exact location and the influence of topography and existing non-residential structures, the exterior noise readings at the Grandview and Clifton Apartments along Spring Street are expected to be between 58 and 68 decibels L_{dn}^2 and between 59 and 69 decibels L_{eq} . These future noise levels (occurring gradually over a 20-year period as a result of regional traffic growth) represent increases of 2 to 3 decibels over existing conditions, and would not be perceptible to the adjoining residents. The impact to the noise environment is therefore considered to be less than significant.

Nevertheless, some of these future noise levels would exceed the City's current criteria of 65 decibels L_{dn}^3 and the Caltrans/FHWA criteria of 65 decibels L_{eq} , respectively. Therefore, possible mitigative measures aimed at reducing future noise levels were considered (e.g., sound barriers, modifying the road alignment, restricting truck traffic, sound-proofing of buildings). Because there is a row of 12-foot-high garages along Niblick Road, these exceedances from current standards are

² This measurement represents daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the average noise exposure for a shorter time period, typically one hour.

³The Noise Element of the City's General Plan specifies 68 dB L_{dn} as an acceptable exterior noise level for residential properties if the practical application of the best-available noise reduction measures do not result in a reduction of noise levels in outdoor activity areas to 65 dB L_{dn} or less.

expected to arise primarily along Spring Street, affecting units from the Grandview Apartment complex.

Modifying the road alignment, either horizontally or vertically, is not realistic because of the location of the existing surface streets, topographic features, and other engineering design conflicts. Restricting truck traffic is not feasible because the Spring Street/Niblick Road intersection serves as a transportation hub providing access in and out of the southern portion of Paso Robles, as well as providing one of only three crossings of the Salinas River. Restricting truck traffic would present a substantial impact on commercial trucking, and if implemented would only serve to route trucks and attendant noise impacts to another part of the City. Sound-proofing of the apartments would be extremely expensive, and although it may alleviate interior noise impacts, it would not solve exterior noise problems.

The technical noise assessment prepared for this project indicates that improvements to an existing sound wall could be used to bring future noise levels into compliance with the above-cited criteria. In order to achieve this objective, the existing block wall in front of the Grandview Apartments would have to be raised from 6 to 8 feet in height, and an extension would be needed along Spring Street for the northern portion of the complex. A wall of this height would reduce exterior noise levels within this apartment complex to 60 decibels L_{dn} , bringing the level into compliance with the current City standard. Predicted noise readings with an 8-foot wall would also be within the state and federal criterion of 67 decibels L_{eq} . Because of the 12-foot-high garages on the southern edge of the complex, no wall is needed along Niblick Road.

Future noise levels within the Clifton Apartment complex are predicted to be 64 decibels L_{eq} and 63 decibels L_{dn} . These levels would fall within the confines of the city, state, and federal standards, and no sound wall is warranted along the west side of Spring Street in this area.

It has been decided that construction of sound walls along Spring Street would not be appropriate for the following reasons: 1) as noted above, noise levels would only increase 2 or 3 decibels over a 20-year period (a virtually imperceptible change); 2) new and expanded sound walls

at this location could represent an adverse aesthetic impact, particularly inappropriate at the southern "gateway" to the community; 3) the expanded wall in front of the Grandview Apartments could impact mature oaks and other trees which provide beneficial aesthetic and biological values; and 4) the existing entrance/exit points to the Grandview Apartments present breaks in the sound wall that limit their efficiency and pose potential safety issues with vehicles entering Spring Street. Therefore, no mitigation measures for noise impacts resulting from the anticipated regional increase in traffic volumes are planned in conjunction with this project.

Project-related construction activities would generate noise levels in the 85 to 90 decibel range at a distance of 50 feet. This temporary noise increase will be held to an insignificant level by using the standard specifications found in the Caltrans "Sound Control Requirements" (Section 7-1.01I). ^(B) These specifications state that noise levels generated during construction shall comply with applicable local, state, and federal regulations, and that all equipment shall be fitted with adequate mufflers according to the manufacturers' specifications. Impacts will be further limited by the location of the planned construction staging area in an undeveloped portion of the City, as well as confining the use of heavy equipment to daytime work hours, to the extent feasible. (Note that nighttime construction of falsework spanning State Route 101 will be necessary to minimize closure of this highway).

5.6 Biological Resources (Questions 22, 23, 26, and 28)

A Natural Environment Study Report (NESR) has been completed for this project, and the California Department of Fish and Game and the U.S. Fish and Wildlife Service will be consulted on the adequacy of this study and the project-related impacts that have been identified. Information generated during this investigation revealed that under a "worst-case" scenario and without any mitigation to reduce impacts, the proposed project could involve the removal of 11 valley oaks and 2 coast live oak trees with diameters ranging from 12 to 48 inches, result in the temporary or permanent destruction of nearly one acre of oak woodlands, disrupt about 4.19 acres of riparian habitat, and eliminate or adversely affect associated nesting habitat for special-status birds and reptiles. In addition, locally unusual populations of musk and hairy monkeyflowers were identified

in the NESR, and these plants could also be impacted by the proposed project. Because the Salinas River drainage in this area is thought to serve as a dispersal corridor for San Joaquin kit foxes, and may still be valuable for nesting populations of the least Bell's vireo and other special-status birds (e.g., Cooper's hawk, yellow warbler), impacts to the biological values of the project area are potentially significant. In addition to the measures outlined above for the protection of wetlands (see Question 13), the following mitigation measures are proposed for the reduction of impacts to biological resources to a less-than-significant level:

⑭ a) Special efforts will be made toward preserving valley and coast live oaks in the project corridor. The Plans and Specifications for the project will delineate Environmentally Sensitive Areas (ESA's) and clearly state protection procedures for oak trees and their driplines within the project area. During construction, driplines of oaks not scheduled for removal will be delineated with temporary orange plastic construction fencing and posted as ESA's). The Plans and Specifications will include a provision for penalties if oak trees marked for retention (protected oaks) are damaged.

⑮ b) Soil surface removal greater than one foot in depth will not occur within five feet of the trunks of protected oaks. No earthen fill will be placed within the driplines of protected oaks. All paving will occur outside the driplines of these oaks. Vehicles, construction equipment, and materials will not be parked within their driplines, although an exception to this standard will be allowed within a proposed staging area at the northeast corner of the bridge. In this area, an artificial flat area ("plateau") encompasses about 10 to 15 percent of the area beneath the driplines of two valley oaks. The trunks of these trees are approximately 10 feet downslope from the top of the flat parking area and there are not likely to be adverse impacts resulting from the proposed parking of construction vehicles on this plateau, although standard precautions for the prevention of fuel and oil spills in this area must be implemented. No more than 20 percent of the roots of a protected oak will be cut without recovery time (one to three months). Large roots will be severed cleanly and the cut ends wrapped securely in black plastic.

~~e) Once the project plans are finalized, oak trees likely to be impacted by the proposed highway widening project will be mapped. All oak trees that will be eliminated or impacted in ways likely to result in eventual death as a result of construction of the proposed project will be replaced in kind and on-site using liner stock. The oak restoration criteria will be inch for an inch replacement of a diameter (e.g., 30 sapling valley oaks will be planted within the project corridor as mitigation for an impacted valley oak with a 30 inch diameter at breast height [DBH]).~~

~~Replacement oaks will be planted in densities such that the functions and values of oak woodland habitat will eventually be established. This is particularly important at the~~

~~eastern end of the project corridor, where some oak woodland habitat will be lost as a result of project impacts.~~

~~d) Replacement oaks will be cared for in an appropriate manner. In conjunction with the required revegetation plan for the project, a qualified botanist with experience in the management of native oaks will establish an irrigation program and will address other needs of young replacement oaks. All sapling oaks will be protected from browsing wildlife and livestock until they are well established.~~

16 c) Once the project plans are finalized and the oak trees slated for removal are identified, an Oak Woodland Revegetation Plan (Plan) should be created by an oak revegetation specialist with input from a wildlife ecologist. The objective of the Plan should be to restore or exceed the functional value of the lost oak woodland upon maturity of the plantings. The Plan would include the following elements:

- Establish criteria to determine the ecosystem function of the existing oak trees, recognizing that size and location of oak trees with respect to adjacent habitat types will affect wildlife use and other aspects of ecosystem functioning. The criteria developed for the existing oak woodland would guide the location and spacing of plantings for the replacement trees.
- Select an appropriate location(s) for the oak woodland revegetation site(s), using criteria discussed above. Another important criteria for locating the revegetation site is suitability of the site for supporting oaks (i.e. soils, hydrology and topography should be hospitable to newly planted oaks). A wildlife ecologist should have input regarding the location of the site, and an experienced oak revegetation specialist should determine suitability of the site for sustaining oak trees.
- Determine the number and densities of oaks to be replaced at replanting locations. In recognition of the fact that years will be required before the young, newly planted oak trees can functionally replace the mature trees which were lost, the oak revegetation will consist of "inch-for-an-inch" replacement (e.g. 30 sapling valley oaks will be planted for the loss of one 30 inch diameter at breast height (DBH) tree. The larger number of trees is intended to compensate for the years required to grow young oak trees to a size that is useful to wildlife.
- Establish a care and monitoring program to ensure that the newly planted oaks are watered and protected from insect and wildlife browsers. A qualified revegetation specialist should be responsible for implementing the care and monitoring program. Criteria should also be created to determine what constitutes successful revegetation, and over what period of time the success will be monitored. Provisions should be made to replace young oak trees which die.

- (17) d) Buffers should be established around colonies of locally unusual musk and hairy monkeyflowers in the project area. These protected zones will be designated as ESA's which will be delineated on construction plans and drawings, and will be marked clearly on the ground with fences during construction.
- (18) e) The underside of the existing bridge will be shrouded with netting in late February or early March, prior to the onset of construction, to ensure that swallows and other birds protected under the Migratory Bird Treaty Act are not nesting under the bridge during construction. The netting will also ensure that nursery colonies of special-status bats are not established under or inside the existing bridge. The netting will remain in place until bridge construction is complete. It will be of sufficiently small gauge (one-half to three-fourth inches) and rigidity to ensure that birds and bats will not become entangled.
- (19) f) Trees in and adjacent to the project corridor will be checked periodically during each year of construction between March 1 and August 15. If a raptor or other special-status bird is found nesting in a tree, initiation of construction activities (including removal of trees) within a buffer zone surrounding the nest will be delayed until young have fledged. The buffer zone's radius will be appropriate to the nesting species and will be established in consultation with a CDFG-approved ornithologist.

If protected birds begin to nest in an area where construction has already begun, monitoring by a qualified ornithologist is recommended throughout the duration of construction activities until the nesting season is complete. Construction activities within the one-half mile buffer zone shall be curtailed if, in the judgement of the biologist, these activities threaten to cause nest abandonment or premature fledging of young. If construction activities cannot be curtailed and will unavoidably result in the destruction of a nest, nest abandonment, or early fledging of a protected species, take permits from USFWS and CDFG will be necessary.

- (20) g) To protect nesting birds, all necessary tree removal activities will be conducted outside the primary nesting season for birds (i.e., between March 1 and August 15).
- (21) h) All reasonable efforts to preserve potential nesting trees, such as large oaks within the project corridor, will be an implicit goal of subsequent project plans.
- (22) i) Construction activities during the expansion of Niblick Bridge will have negative impacts on wildlife dispersal within the riparian corridors. These impacts will increase substantially if barriers in the form of equipment and falsework are extensive enough to prevent terrestrial mammals, particularly kit foxes, from moving through the area. Dispersal would be further hindered if around-the-clock construction activities are implemented. Kit foxes disperse mainly in the fall months. Impacts to terrestrial dispersal can be substantially reduced by minimizing physical barriers to dispersal, and by minimizing nocturnal construction activities between September and November. If construction in these habitats during the fall is unavoidable, then minimizing physical barriers to dispersal in the river channel and adjacent riparian habitats will greatly reduce

the potential for project impacts to kit foxes. Minimizing nocturnal construction activities in the Salinas River channel and adjacent to State Route 101 is not necessary, since this ruderal habitat is not considered part of the Salinas River corridor.

- ②③ j) The CDFG and USFWS have recommended pre-construction surveys for least Bell's vireo at the Niblick Bridge Expansion project site (i.e., spring surveys during the year(s) in which construction activities occur). These surveys will be conducted by a qualified ornithologist in the appropriate season, and according to the survey protocol approved by CDFG and the USFWS. Concurrently, the biologist will conduct surveys for nesting raptors and other special-status birds in the project area.
- ②④ k) A 50-foot buffer zone should be established to protect wetlands and riparian habitat that will not be directly impacted by construction. During construction, these buffers should be clearly marked with fences and identified as Environmentally Sensitive Areas (ESAs). Activities prohibited in such ESAs include parking of vehicles or heavy equipment, storage of construction materials, and any actions which might disrupt the vegetation or soils.

5.6.1 Mitigation Monitoring. A mitigation monitoring program ^{②⑤} will be developed by qualified biologists, and monitoring activities should occur annually for five years, beginning with the completion of mitigation activities (e.g., revegetation and restoration). Monitoring should include four site visits during the first year following revegetation, two visits during the second year, and yearly visits during each of the final three years. If mitigation measures appear to be failing to meet the success criteria during the first five years, the City should take corrective and replacement measures.

5.7 Parking Facilities (Question 44)

Construction of the proposed project will use existing right-of-way for First Street/Niblick Road located immediately south of the Grandview Apartment complex, which has incidentally been used for parking, apparently by residents of that complex. Improvement of this portion of the right-of-way will preclude use of 16 of the complex's garages for vehicle storage. The apartment complex currently consists of 54 dwelling units (one-, two-, and three-bedrooms) and a total of 70 parking spaces (garages, carports, and open spaces). The building was built in the early 1950s, prior to the requirement of any specific provision of parking spaces. Current requirements, as specified in Ordinance 509 N.S. (1985) would require 117 off-street parking spaces, meaning the

building is nonconforming. This situation would be worsened by the planned removal of 16 spaces associated with the garages lining Niblick Road. However, Section 21.08.300 of Ordinance 650 N.S. stipulates that if an increase in a nonconforming parking situation is created by an action of the City, as in this case, the increased deviation shall not be considered an increase in nonconformity. Therefore, the impact to existing parking at the Grandview Apartments is not considered to be a significant impact.

5.8 Archaeological Sites (Question 48)

One historic-era archaeological site (CA-SLO-1605H) consisting of the partial remains of a 1940s-vintage residence and outbuilding, occurs within the project area and may be subject to direct impacts. However, this site is not considered eligible for inclusion in the National Register of Historic Places (NRHP), and impacts to this resource are not considered significant. One prehistoric archaeological site (CA-SLO-993) occurs adjacent to the proposed project. This site is considered eligible for inclusion in the NRHP, and any impacts to this resource would be significant and adverse. ⁽²⁶⁾ Avoidance of any project-related impacts to this site can be assured by designating the area as an Environmentally Sensitive Area (ESA) on construction plans, and placing orange plastic fencing on the ground to ensure that no vehicles enter the site area during construction. A review of the adequacy of the cultural resources investigation and concurrence with the conclusion that no adverse effects will occur is documented by the appended letter from the State Office of Historic Preservation (see Appendix C).

5.9 Construction Impacts (Question 51)

Construction is expected to begin in 1995/1996 and may continue into 1996/1997. Eastbound and westbound traffic flows will be maintained throughout the construction period on the existing structure, with reduced lane widths and shoulders. After completion of the new portion of the bridge, traffic will be routed onto the new bridge and First Street will be closed between Oak Street and Spring Street while seismic retrofitting of the existing bridge and realignment of First Street is accomplished. Westbound traffic from Niblick Road to First Street will be detoured via Spring

Street to Fourth Street to Oak Street to First Street. Individual lanes on Spring Street and the State Route 101 ramps will be closed for short periods (less than one day) for restriping. During construction of the falsework of spans 3 and 4, alternate closure of northbound and southbound lanes on State Route 101 will be needed. These closures will be limited to the hours of 12 midnight and 5 a.m., and traffic will be re-routed onto Spring Street to avoid the closed portion of the highway.

Impacts to vegetation, noise, air quality, and soil erosion generated by construction activities have been discussed above. The Standard Specifications and Special Provisions for the project (including the establishment of ESA's, a sedimentation and erosion control plan, the use of dust abatement techniques, noise level limitations, and day-time-only operation of construction equipment) will result in less-than-significant construction impacts.

5.9.1 Mitigation Monitoring. Assembly Bill 3180 requires that a mitigation monitoring plan be in place to ensure that proposed mitigation to avoid or reduce significant impacts is properly implemented and that the goals of the mitigation measures are met. The mitigation measures detailed above for soil erosion, flood plains, wetlands, water quality, air quality, biological resources, and environmental noise will be covered by the mitigation monitoring plan to be developed during the project design phase.

EXHIBIT B

MITIGATION MONITORING PLAN

11-26

MITIGATION MEASURE	PAGES IN IS/EA	RESPONSIBLE DEPARTMENT	DEADLINE FOR COMPLETION
<p>1. Erosion control/revegetation program prepared and monitored by a certified civil engineer with experience in erosion control work and a revegetation specialist with experience using native plants. Said program shall incorporate the erosion control techniques ("a" - "l") listed on pages 32 and 33 of the IS/EA.</p>	31-33	Public Works	<p>Program shall be prepared prior to commencement of construction.</p> <p>Erosion control technique "b" shall be considered at the time of project scheduling.</p> <p>Erosion control techniques "a" and "c"- "k" shall be completed during or immediately following construction</p> <p>Erosion control technique "l" shall be completed during the year following construction.</p>
<p>2. For water quality protection, schedule construction of piers in the riverbed to occur when flow is minimal or non-existent.</p>	34	Public Works	<p>At the time of project scheduling and prior to commencement of construction.</p>
<p>3. For water quality protection, prudent building/engineering practices to protect water quality "a" - "f" listed on pages 34 and 35 of the IS/EA.</p>	34-35	Public Works	<p>Building/engineering practice "a" shall be completed prior to commencement of construction.</p> <p>Building/engineering practices "b" - "f" shall be completed during construction.</p>

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MITIGATION MEASURE	PAGES IN IS/EA	RESPONSIBLE DEPARTMENT	DEADLINE FOR COMPLETION
4. Wetland mitigation measure "a" on page 36: delineate Environmentally sensitive areas (ESA) on construction plans and on-site.	36	Public Works	Delineate ESA on construction plans prior to plan approval. Delineate ESA on site prior to commencement of construction.
5. Wetland mitigation measure "b" on page 36: replace riparian habitat vegetation at a ratio of 2:1 unless, as a condition of a Streambed Alteration Agreement or ACOE Nationwide or 404 permit a greater ratio is required.	36	Public Works	Replace vegetation upon completion of construction.
6. Wetland mitigation measure "c" on page 36: prepare detailed plan for replacement of displaced wetlands at a 1:1 ratio or greater if required as a condition of a Streambed Alteration Agreement.	36	Public Works	Prepare plan prior to commencement of construction. Complete replacement of wetlands upon completion of construction.
7. Wetland mitigation measure "d" on page 36: revegetate all areas impacted by grading with native plants; prepare a revegetation plan.	36	Public Works	Complete revegetation plan prior to commencement of construction. Revegetate upon completion of construction.

11-28

<u>MITIGATION MEASURE</u>	<u>PAGES IN IS/EA</u>	<u>RESPONSIBLE DEPARTMENT</u>	<u>DEADLINE FOR COMPLETION</u>
8. Wetland mitigation measure "e" on page 36: conduct a pre-construction meeting with representatives from the City, CalTrans, Calif. Dept. of Fish & Game (CDFG) and the contractor to discuss mitigation measures required as a condition of the Streambed Alteration Agreement.	36	Public Works	Prior to commencement of construction.
9. Mitigation measures that may be required as conditions of Streambed Alteration Agreements, ACOE Nationwide or 404 Permits and National Pollution Discharge Elimination System.	37	Public Works	As specified in the permits' mitigation measures.
10. Air Quality mitigation measures "a", "b" and "f" on page 39.	39	Public Works	Prior to commencement of construction.
11. Air Quality mitigation measures "c", "d", "e" and "g" on page 39.	39	Public Works	During construction.
12. Air Quality mitigation measures "h" and "i" on pages 39 and 40.	39	Community Development	Ongoing: during and post-construction as part of implementing the General Plan.
13. CalTrans' "Sound Control Requirements" (Section 7-1.01I) as referenced on page 42.	42	Public Works	Prior to commencement of and during construction.

11-29

MITIGATION MEASURE	PAGES IN IS/EA	RESPONSIBLE DEPARTMENT	DEADLINE FOR COMPLETION
14. Biological mitigation measure "a" on page 43: delineate the driplines of oaks not scheduled for removal as ESA's.	43	Public Works	Delineate ESA's on construction plans prior to plan approval. Delineate ESA's on site prior to commencement of construction.
15. Biological mitigation measure "b" on page 43: oak protection measures.	43	Public Works	During construction.
16. Biological mitigation measure "c" on page 44: prepare oak revegetation plan and maintain new oaks.	44	Public Works	Prepare plan prior to commencement of construction. Maintain oaks for period determined in plan.
17. Biological mitigation measure "d" on page 45: delineate monkeyflower colonies as ESA's: on construction plans and on site.	45	Public Works	Delineate ESA's on construction plans prior to plan approval. Delineate ESA's on site prior to commencement of construction.
18. Biological mitigation measure "e" on page 45: place netting under existing bridge to prevent nesting birds and bats.	45	Public Works	Late February/early March prior to commencement of construction. Netting to remain until completion of construction.

MITIGATION MEASURE	PAGES IN IS/EA	RESPONSIBLE DEPARTMENT	DEADLINE FOR COMPLETION
19. Biological mitigation measure "f" on page 45: inspect trees in and adjacent to the project between March 1 and August 1 for presence of nesting special status birds (listed on pages 21 and 22 of IS/EA). In the event that such birds are observed to be so nesting, a CDFG-approved ornithologist shall determine whether buffer areas shall be established or construction curtailed until the fledglings have abandoned the nest. "Take" Permits will be necessary if construction activities cannot be curtailed.	45	Public Works	March 1 - August 15 during the peroid of construction.
20. Biological mitigation measure "g" on page 45: all necessary tree removal will be conducted outside of nesting season.	45	Public Works	August 16 to February 28/29 during the period of construction.
21. Biological mitigation measure "h" on page 45: all reasonable efforts to preserve potential nesting trees, such as large oaks, will be an implicit goal.	45	Public Works	Ongoing throughout the period of construction.
22. Biological mitigation measure "i" on page 45: minimize nocturnal construction activities and physical barriers to dispersal on that portion of the bridge over the riverbed (Kit fox).	45	Public Works	September to November during the period of construction.

MITIGATION MEASURE	PAGES IN IS/EA	RESPONSIBLE DEPARTMENT	DEADLINE FOR COMPLETION
23. Biological mitigation measure "j" on page 46: preconstruction survey for Least Bells Vireo and other nesting raptors and special-status birds by a qualified ornithologist.	46	Public Works	Spring in the year that construction activities are to occur.
24. Biological mitigation measure "k" on page 46: delineation of a 50 foot buffer zone/ESA for wetlands and riparian habitat that will not be impacted by construction.	46	Public Works	Delineate ESA's on construction plans prior to plan approval. Delineate ESA's on site prior to commencement of construction.
25. Biological mitigation monitoring by qualified biologist to occur as described in Section 5.6.1 on page 46 of the IS/EA.	46	Public Works	To commence upon completion of biological mitigation measures (generally post-completion of construction).
26. Designate archaeological site CA-SLO-993 (in Woodland Plaza II) as an ESA in the plans and on-site.	46	Public Works	Delineate ESA's on construction plans prior to plan approval. Delineate ESA's on site prior to commencement of construction.

11-32

NEGATIVE DECLARATION (CEQA)

Pursuant to: Division 13, Public Resources Code

Project Description

The City of El Paso de Robles and the U.S. Department of Transportation, Federal Highway Administration proposes to expand the existing Niblick Road Bridge from two lanes to four lanes and add pedestrian/bicycle pathways. Improvements extend easterly from the Spring Street/Niblick Road intersection, across the Southern Pacific Railroad, State Route 101, and the Salinas River, to a point just west of the Woodland Plaza Shopping Center in the City of El Paso de Robles, San Luis Obispo County.

Needed mitigation measures include replacement of impacted wetlands on-site and in-kind, native oaks, riparian habitat, and implementation of standard practices to control erosion during construction.

Determination

An Initial Study/Environmental Assessment has been prepared by the City of El Paso de Robles and Caltrans. On the basis of this study it is determined that the proposed action will not have a significant effect on the environment for the following reasons:

- 1) The project will not have a significant effect on topographic or geologic features, result in seismic exposure, or contribute to soil erosion or siltation. There will be no increased or wasteful use of fuel, energy or natural resources. Air, noise, and water quality will not be significantly affected. Standards relating to hazardous materials and solid waste will be followed.
- 2) The project will include a revegetation plan for mitigating potential and impacted wetlands. Environmental Sensitive Areas (ESA's) will be used to protect native oaks where possible. Oaks that must be removed will be replaced according to the oak restoration criteria (i.e., inch-for-an-inch). Preconstruction surveys for the least Bell's vireo (state and federally listed endangered species) and other nesting raptors, and special-status birds will be developed by qualified biologists. There will be no effect to agriculture or timber.
- 3) The project will not affect land use, growth, business, industry, the economy or employment. There will be no effect to population characteristics, housing, neighborhoods, property values, schools or community facilities, and parking facilities. There will be no effect to cultural resources, parklands, recreation areas or to scenic resources.



Ed Gallagher, City Representative
City of El Paso de Robles

1-12-95

Date