

RESOLUTION NO. 96-99

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES DENYING THE APPEAL
AND UPHOLDING THE PLANNING COMMISSION CERTIFICATION
OF THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR PLANNED DEVELOPMENT 95009
OAK TREE PLAZA/TARGET PROJECT
(APPLICANT: ELLIS PARTNERS, INC.)

WHEREAS, an Environmental Impact Report (the "EIR") for Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 also known as the Oak Tree Plaza/Target Project (the "Project") was prepared by Interface-Dudek (the "Consultant") for the City of El Paso de Robles (the "City") pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq., hereinafter the "State CEQA Guidelines") and local procedures adopted by the City pursuant thereto; and

WHEREAS, copies of the Draft EIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, the Draft EIR was thereafter revised and supplemented to adopt changes suggested and to incorporate comments received and the City's response to said comments, and as so revised and supplemented, a Final EIR was prepared and submitted to the Planning Commission of the City of El Paso de Robles for review and consideration in conjunction with consideration of approval and adoption of Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066; and

WHEREAS, a public hearing was held by the Planning Commission on Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 and the Final EIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

WHEREAS, the Final EIR consists of the Draft EIR, as revised and supplemented, incorporating all comments received and the response of the City and the Planning Commission thereto as of the date hereof; and

WHEREAS, on July 22, 1996, the Planning Commission certified the Final EIR and approved the project applications on 6-1 vote; and

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

The intersection operation shall be monitored by the City and a signal installed if required. Although the existing + Phases I & II traffic volumes meet daily and peak hour signal warrants, it is noted that the Caltrans warrants are guidelines to establish when traffic signals should be considered, not when traffic signal must be installed. Also, the installation of a traffic signal at the SR 46W/Theater Drive intersection would improve operations at this location by creating additional gaps in the traffic stream. Further, the timing of tenants occupying Phase I is unknown, which could postpone the traffic impacts. The LOS cannot be determined until such time Phase I is occupied and the signal at SR 46W/Theater Drive is installed. Therefore, prior to implementation of traffic signals, formal 8-hour signal warrant criteria should be applied to traffic conditions at this location as future volumes are realized (after the project is completed and occupied) to ensure that signal installation is indeed warranted based on criteria established in Chapter 9 of the Caltrans Traffic Manual and that the intersection's stop-sign controlled operation would exceed the City's LOS C standard.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

TRAFFIC - SHORT TERM CUMULATIVE IMPACTS

1. **Description of significant impact:**

Development of the proposed project would contribute to short term (ten year period) cumulative impacts to area roadways and intersections as described in the EIR.

2. **Mitigations:**

This impact will be mitigated by implementing all the previous traffic mitigation measures discussed in this Exhibit and the following required mitigation measure identified in the EIR:

- a. Theater Drive shall be widened to a four-lane arterial from SR 46 to the southerly City limits on Theater Drive to accommodate the estimated short-term cumulative plus project traffic. The project would be responsible for widening the section of Theater Drive adjacent to its frontage and the section immediately south of SR 46. The remaining parcels located between SR 46 to the southerly City limits would be responsible for widening the section of Theater Drive adjacent to their frontage. The City will monitor the operation of Theater Drive in this area to determine the timing for implementation of these improvements (by assuring that the remaining parcels will provide for their fair share of the widening). The improvements would either occur as other properties develop along Theater Drive or by an appropriate financing mechanism.

While the project would incrementally contribute to the ultimate need to widen Theater Drive, construction of the project specific improvements, discussed in this Exhibit and incorporated into the project, would mitigate the project's traffic additions to the short-term cumulative impacts to less than significant. Therefore, by implementing all the required mitigation measures, the project will have installed its fair share of the short-term cumulative project improvements.

- b. Implementation of the project-specific improvements identified previously for the intersection of Theater Drive/SR 46 would produce a LOS C, thereby mitigating short-term cumulative impacts. No additional improvements would be required at this location.
- c. Implementation of the project-specific improvements identified previously for the U.S. Highway 101 SB Ramps/SR 46 intersection would produce a LOS C, thereby mitigating short-term cumulative impacts. No additional improvements would be required at this location.
- d. Implementation of the project-specific improvements identified previously for the U.S. Highway 101 NB Ramps/SR 46 intersection would produce a LOS B, thereby mitigating short-term cumulative impacts. No additional improvements would be required at this location.
- e. Implementation of the project-specific improvements identified previously to monitor the operation of the Theater Drive/Gahan Place intersection and install signals, if necessary, would produce an acceptable LOS, thereby mitigating short-term cumulative impacts. No additional improvements would be required at this location.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

TRAFFIC - LONG TERM CUMULATIVE IMPACTS

1. **Description of significant impact:**

Development of the proposed project would contribute to long term (twenty year period) cumulative impacts to area roadways and intersections as described in the EIR.

2. **Mitigations:**

This impact will be mitigated by implementing all the previous traffic mitigation measures discussed in this Exhibit and the following required mitigation measure identified in the EIR:

- a. Implementation of the project-specific improvements identified previously for the widening of Theater Drive would produce an acceptable LOS, thereby mitigating long-term cumulative impacts. No additional improvements would be required at this location.
- b. The addition of buildout traffic to this Highway 101/46W interchange would require major reconstruction of the facility. Further, realignment of the frontage roads and widening of 46W would also be required in the area of the interchange.

While the project would incrementally contribute to the ultimate need for major reconstruction of the Highway 101/46W intersection, construction of the project specific improvements, discussed in this Exhibit and incorporated into the project, would mitigate the project's traffic additions to the long-term cumulative impacts to less than significant.

Therefore, by implementing all the required mitigation measures, the project will have installed its fair share of the long-term cumulative project improvements. However, a condition has been added requiring the project applicant to agree not to protest the formation of an Assessment District to

construct any future improvements. Although not required, this assessment condition will ensure that the project's long term cumulative traffic impacts would be reduced to a level of insignificance.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

BIOLOGICAL RESOURCES

1. **Description of significant impact:**

The proposed project could result in significant impacts to Oak trees.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

- a. A temporary chain link fence should be placed around each tree to be preserved at the edge of the canopy until construction is completed.
- b. If feasible, realign the proposed road improvements along Gahan Plan to avoid the rooting zone of trees 8-14.
- c. If cutting or filling outside the dripline but in close proximity to tree roots is proposed, retaining walls shall be constructed prior to construction to protect the trees and to reduce soil erosion.
- d. Ensure that there is no significant change in drainage around the oak trees. This would be especially important if there are changes in grade near the trees or the need to construct retaining walls because of fill or cut slopes near the trees. If fill areas are needed, a drainage system may be necessary to assure proper drainage from under the oaks.
- e. Trenching in the root zone shall be avoided. An alternative to trenching is to place utilities in a conduit that is bored through the soil. If trenching is

unavoidable, try to place all utilities in one trench to avoid digging multiple trenches. Any trenching that is required in the root zone may require some judicious pruning of the canopy in proportion to the root damage. See Appendix 5 for additional information if trenching in the root zone cannot be avoided.

- f. Paving under oaks or in their root zone shall be avoided if possible especially if it is an impervious material like asphalt or concrete. Impervious paving prevents water percolation and gas exchange into the soil and would result in the early death of the oak tree. If paving is unavoidable, the developer shall use a paving material that is porous, such as bricks with sand joints, open bricks, gravel, cobbles, etc. This would allow some water penetration and gas exchange. Also, proper drainage must be maintained, and water must not be allowed to pool around the tree.
- g. Tree #1, the 24" live oak that is designated "to be relocated" on the site plan shall be removed. Four boxed oak trees shall be planted instead of moving this tree.
- h. Relocate the trees identified as 5 and 6 on the Tree Inventory Plan. A certified arborist shall plan and supervise relocation procedures. If these trees are not relocated, they shall be replaced at a 2:1 ratio by boxed trees or at a 4:1 ratio by gallon container trees.
- i. Project-related construction may require the removal of tree 7 which is currently in poor condition. If tree 7 is removed, it shall be replaced at a 4:1 ratio with gallon size valley oak trees planted on site.
- j. To lessen potential tree damage during construction, the applicant shall insure that all contractors are made familiar with the Paso Robles Ordinance number 553 that covers the safeguarding of trees during construction. Construction contractors shall be informed by the applicant about all of the necessary requirements, which are explained in detail in Appendix 5.
- k. After development, restrict landscaping under the oaks to plants that do not require summer irrigation. Watering soil under these oaks in the summer would eventually result in root rot and death of the trees. A list of plants to be considered for landscaping is provided in Appendix 5.
- l. Include valley oaks in the Landscape Plan, in addition to Coast Live oak.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the

impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

DRAINAGE

1. **Description of significant impact:**

The proposed project would result in potentially significant drainage impacts.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

- a. The final grading and improvement plans shall include detention basins of adequate design and size to attenuate the post development peak runoff from the 10-year storm to levels that existed prior to development. A storm drainage report shall be prepared by a registered Civil Engineer, and submitted to the City Engineer for approval. The report shall include necessary calculations for each basin including hydrology, hydraulics, sizing of outletting works to achieve necessary detention of storm water, spillway capacity and freeboard.
- b. The onsite drainage system and onsite grading shall be designed to convey all storm water during the 100-year storm to the detention basins. Prior to issuance of a grading permit, a plan or report shall be provided to and approved by the City Engineer showing that onsite facilities will not be inundated during the 100-year storm.
- c. The parking lot sweeping program proposed by the applicant shall be implemented to reduce the build up of sand and oil on the surface, and subsequent transport into the storm drain system. Sweeping shall be done with high grade equipment operating at a slow speed to maximize the amount of silt collected. The frequency of sweeping shall be no greater than weekly during the rainy season (September through May) and monthly thereafter.
- d. The detention basin shall be monitored at least twice annually for adequate storage capacity of the facility, at the start and end of the rainy season. The applicant shall monitor the basin during the rainy season and clean it out whenever silt accumulates more than an average depth of 6 inches. Silt and other pollutants captured shall be removed completely and brought to an approved offsite location. In addition, riparian vegetation shall be prevented

from growing in the basin, allowing cleaning without requiring special permits in the future.

- e. Sand-Oil Interceptors shall be incorporated in the storm drain system to collect silt and other pollutants, during periods of low flow. Design and placement of these facilities shall be done to allow safe conveyance of the 100-year storm through the system. Inclusion of these items may reduce the frequency of maintenance on the detention basins. The interceptors require an adequate maintenance program to remove silt and debris prior to flushing by heavy rains. Maintenance shall occur at the start and end of the rainy season, as well as after runoff producing rains.
- f. Where practical, site grading should occur during the dry season. If grading occurs during the rainy season, the project shall incorporate temporary erosion control measures (sand bags, hay bales, temporary berms, silt fences, etc.), as necessary to reduce the amount of silt escaping from the site. It should be noted that the applicant must obtain and comply with the conditions in the NPDES storm water permit.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

NOISE

1. **Description of significant impact:**

The proposed project would result in potentially significant noise impacts.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

- a. The potential delivery truck and loading dock noise impact at the residences adjacent to the western boundary of the site shall be mitigated by constructing a six to nine foot high sound wall along the western property line. The sound wall would mitigate both the delivery truck drive-by noise and the loading dock

activity noise. The height and location of the proposed sound wall is depicted in Figure 24 of the Final EIR. The height of the proposed sound wall at the southwestern portion of the site would vary due to the proposed grading and sloping topography. The top of the sound wall at this location should be at an elevation of 813 feet above mean sea level (amsl).

- b. Deliveries shall only be allowed between the hours of 8:00 AM to 6:00 PM, Monday through Saturday.
- c. The noise impact assessment and barrier location and heights are based on the preliminary site plan and conceptual grading plan. If changes are made to the elevations, setbacks, or delivery access route, they shall be reviewed by a qualified acoustician to ensure that the revisions comply with the City's noise criteria.
- d. All mechanical equipment shall be located and selected to comply with the City's Noise Element stationary source noise standards.

3. **Finding:**

The City finds that the above stated mitigation measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

B. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL BUT FOR WHICH THE MAGNITUDE OF THE IMPACT CAN BE REDUCED:

Finding: The City finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project which reduce the significant environmental impacts listed below as identified in the EIR. However, specific economic, social or other considerations make infeasible mitigation measures to reduce the following impacts to a less than significant level. In other instances, changes or alterations are within the responsibility or jurisdiction of another public agency. These findings are supported by evidence in the record of the proceedings before the City, including but not limited to the Final EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of impact. Nonetheless, where feasible mitigation measures exist to reduce the magnitude of the impact, even if the reduction is not to a less than significant level, the City has agreed to employ such mitigation measures to the extent feasible.

SHORT TERM AIR QUALITY

1. **Description of significant impact:**

The project would result in significant dust emissions (PM10) from site preparation activities.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

Standard mitigations for control of fugitive dust emissions during construction:

- a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is finished for the day.
- b. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust, unless additional watering trucks are employed.
- c. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- d. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust.

Standard mitigations for control of dust in disturbed areas following active construction:

- e. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with fast-germinating native grass seed and watered until vegetation becomes established.
- g. All disturbed areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods in advance by the APCD.

- h. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, structural foundations shall be completed as soon as possible following building pad construction.

Standard mitigations for control of dust from vehicular operations during construction:

- i. On-site vehicle speed shall be limited to 15 mph for any unpaved surface.
- j. All unpaved areas with vehicle traffic shall be watered at least twice per day.
- k. Streets adjacent to the project site shall be swept daily to remove silt which may have accumulated from construction activities so as to prevent excessive amounts of dust from leaving the site.

3. **Finding:**

While the above mitigation measures could reduce project impacts to dust emissions (PM10) during construction, there is currently no practical way to reduce impacts below the SLOAPCD significance thresholds. Therefore, the significant impact identified above cannot be avoided or lessened to a less than significant level and is a significant unavoidable adverse impact. In such event, the impact identified above is a significant unavoidable adverse impact. The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations support the approval of the Project despite unavoidable adverse impacts.

LONG TERM AIR QUALITY

1. **Description of significant impact:**

New emissions generated by the Project would add to the regional burden of air pollutants. The effect of development would be primarily indirect, i.e., related to vehicle trips attracted to or generated by residential, visitor serving commercial, and other land uses.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

WHEREAS, appeals were filed by Geneen Whitaker et al and the Halferty Development Company; and

WHEREAS, a public hearing was held by the City Council to consider the appeals on Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 and the Final EIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby certifies that the Final EIR for Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures adopted by the Agency pursuant thereto. The Agency hereby finds that the Final EIR reflects the independent judgment of the Agency, as required by Public Resources Code Section 21082.1.

Section 2. The City Council has independently reviewed and analyzed the Final EIR and considered the information contained therein and all comments, written and oral, received at the public hearing on the Final EIR prior to approving this resolution and acting on the proposed Project.

Section 3. The City Council hereby adopts the Findings of Fact Concerning Mitigation Measures, Exhibit A; the Mitigation Monitoring Program, Exhibit B; the Findings of Fact Concerning Alternatives, Exhibit C; and the Statement of Overriding Considerations, Exhibit D, all of which are attached hereto and incorporated herein by reference.

Section 4. Upon approval of Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 by the City Council, the Secretary of the Planning Commission is hereby directed to file a Notice of Determination with the County Clerk of San Luis Obispo County and the Office of Planning and Research pursuant to the provisions of Section 15094 of the State CEQA Guidelines.

- a. The developer shall identify at least one of every ten employee parking spaces for use by employee carpools and locate these in preferential locations.
- b. Post carpool information in the shopping center office and in the employee area of individual stores.
- c. Covered, secure bicycle parking shall be constructed on-site at a minimum rate of 1 bike space per 10 employee car spaces.
- d. Provide employer-subsidized transit passes to encourage the use of alternate modes of transportation.
- e. The developer shall construct a bus stop or shelter in the project vicinity.
- f. The developer shall install a Class II bikeway on Theater Drive.

3. **Finding:**

While the above mitigation measures could reduce project impacts to regional air quality, there is currently no practical way to reduce impacts below the SLOAPCD significance thresholds. Therefore, the significant impact identified above cannot be avoided or lessened to a less than significant level and is a significant unavoidable adverse impact. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic social or other considerations identified in the Statement of Overriding Considerations support the approval of the Project despite unavoidable impacts.

HISTORICAL RESOURCES

1. **Description of significant impact:**

Development of the Project would result in the removal or demolition of a historic structure (the former Richfield service station building).

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

- a. If feasible, relocate the building to a nearby site that maintains the orientation and proximity to Highway 101.

- b. The applicant shall provide full documentation of the building and settings according to the standards of the Historic American Building Survey/Historic American Record.

3. **Finding:**

The above referenced mitigation measures would document the building and settings but would not maintain the Richfield building in its current location, and therefore, the impact identified above is a significant unavoidable adverse impact. The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations support the approval of the Project despite unavoidable adverse impacts.

EXHIBIT B

MITIGATION MONITORING PLAN

Mitigation Measure	Time Frame	Monitoring Agency
Traffic Mitigation (Project-specific): Widen Theater Drive to 4-lane arterial standards, install interim center left-turn lane on Theater Drive, and widen western-most driveway on Gahan Place from 30 to 40 feet.	Building Plan Review/ Public Improvement Plan Review	Public Works Dept.
Traffic Mitigation (Project-specific): Improve Theater Drive/SR 46 as specified, improve Highway 101 SB and NB Ramps/SR 46 as specified, and monitor need for a signal at Theater Drive and Gahan Place.	Public Improvement Plan Review	Public Works Dept.
Traffic Mitigation (Short-term cumulative): Widen Theater Drive to a four-lane arterial from SR 46 to the City limit on Theater Drive and monitor need for a signal at Theater Drive and Gahan Place.	Public Improvement Plan Review	Public Works Dept.
Traffic Mitigation (Long-term cumulative): Widen Theater Drive to four-lanes and construct SR 46 / Highway 101 interchange.	Public Improvement Plan Review	Public Works Dept
Air Quality Construction Mitigation: water excavated material, cease grading in high winds, secure exported material, maximize dust suppression, implement permanent dust control, revegetate site, stabilize soil, pave quickly, maintain equipment, limit on-site speed to 15 mph, and sweep adjacent streets twice daily.	Development Plan Review/ During construction	PW Dept/ Planning Division/ APCD

Mitigation Measure	Time Frame	Monitoring Agency
Air Quality Mitigations: create employee carpool spaces, post carpool information, provide bicycle parking, subsidize employee transit passes, construct bus stop or shelter and install bikeway along Theater Drive.	Development Plan Review/ before occupancy of Phase I	PW Dept/ Planning Division/ APCD
Historic Resource Mitigation: Relocate Richfield Building to a nearby site or provide full documentation of the setting according to HABS standards	Development Plan Review	Planning Division
Biological Resource Mitigation: Implement oak tree protection measures	Development Plan Review	PW Dept/ Planning Division
Drainage Mitigation: Install detention basin, create on-site storm drain system including sand-oil receptors, create parking lot sweeping program, and monitor detention basin, issue NPDES permit.	Building Permit Review	PW Dept/ Building/ Planning Division/ RWQCB
Noise Mitigation: Construct sound wall along western property boundary, limit delivery hours, placement of mechanical equipment shall comply with City Noise Element.	Building Permit Review	Planning Division
Light and Glare Mitigation: Provide side shields that extend to a level at or below the light source on all lights along the western boundary. Limit the light level along the western boundary to a maximum lighting value of 0.5 footcandles at a distance of 25 feet behind the lights.	Development Plan Review/ Site inspection prior to occupancy	Planning Division

EXHIBIT C

FINDINGS OF FACT CONCERNING ALTERNATIVES

I. Introduction

CEQA and the CEQA Guidelines require that an EIR "[d]escribe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project..." CEQA Guidelines § 15126(d). If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decisionmaker should not approve the proposed project unless it determines that specific economic, social or other considerations make the project alternative infeasible. CEQA § 21002, CEQA Guidelines § 15091(3). The findings with respect to the alternatives identified in the EIR are described in this section.

II. Reasonable Range of Alternatives

The Final EIR analyzed a reasonable range of alternatives. These are described in Part IX of the Final EIR.

A. Alternatives Rejected as Infeasible or Not Accomplishing Project Objectives

Five alternatives are rejected as financially infeasible or not accomplishing project objectives: (1) no project alternative, (2) alternative project design, (3) alternative reduced project, (4) alternative project site, and (5) mixed use residential and commercial alternative. All five alternatives are rejected as not accomplishing the Project's objectives. The objective of the proposed project is to expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public. The overall goal for development of the Project is to provide a shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area. This cannot be accomplished by any of the alternatives which all propose significantly less commercial development.

The Project objectives are based on General Plan Policies COM-8 and OA-11 as follows:

Policy COM-8: Regional Commercial:

Pursue development of regional shopping facilities to accommodate major anchor stores and 500,000 square feet of gross leasable space on a site or combination of sites of up to 50 acres that has easy access to and visibility from Highway 101.

Program:

Actively recruit developers for these facilities.

Program:

Investigate and implement appropriate public improvements critical to the development of this center.

Program:

Investigate and implement appropriate incentive mechanisms.

Policy OA-11 : Economic Development

Initiate and support an economic development program to implement the City's goals for development of a business/industrial recruitment program and development of the City as the North County commercial retail center.

Program:

Pursue the development of regional shopping facilities, factory outlet stores, hotel and conference facilities, and an auto mall.

B. No Project Alternative

1. **Description:** The "No Project" alternative represents the "status quo", maintaining the project sites in its current state with both commercial and residential uses. No new environmental effects would directly result from the selection of this project alternative. The fifteen parcels that currently comprise the proposed project site would remain as individual lots and would not be merged as is proposed. Maintenance of the project sites in their present state would allow current uses of the site to continue.
2. **Findings:** This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective and General Plan Policy COM-8 because it does not pursue development of regional shopping facilities to accommodate major anchor stores.
 - b. The alternative would not be consistent with the Project Objective and General Plan Policy OA-11 because it does not initiate and support to implement the City's goals for development of the City as the North County commercial retail center.
 - c. The alternative would not meet the project objectives because it does not (i) provide a shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area, and (ii) expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public.

- d. The alternative would not meet the City's goal of pursuing the development of a regional shopping facility that would significantly increase sales tax, thereby adding to the City's economic base.

C. Alternative Project Design

1. Description: In this alternative, the project site would remain as it currently exists in 15 separate parcels. The scale of development on 15 individual lots is expected to be far less than the proposed project. This assumption is based on the fact that fifteen individual developments each require their own setbacks, parking, and landscaping which uses more land than one larger lot which has only one set of requirements.
2. Findings: This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective and General Plan Policy COM-8 because it does not pursue consolidation of the 15 lots which is necessary to develop a regional shopping center (defined by the industry as a minimum of 200,000 square feet) with major anchor stores (defined by the industry as a minimum of 100,000 square feet).
 - b. The alternative would allow for the piecemeal development of small, freestanding retailers on individual lots which is not consistent with the Project Objectives and General Plan Policies to develop a regional commercial center.
 - c. The alternative would not meet the Project Objectives because it does not (i) provide a regional shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area that are currently being spent in southern San Luis Obispo and northern Santa Barbara Counties, and (ii) expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public.
 - d. The alternative would not meet reasonable needs for new regional commercial development to accommodate population growth in Paso Robles and the surrounding area.

D. Alternative Reduced Project

1. Description: The alternative reduced project entails a reduced version of the proposed regional commercial shopping center. Associated Transportation Engineers (ATE) calculated the approximate size of a regional commercial shopping center that would not create significant, off-site, project-specific adverse impacts. It was determined that the reduced project would be 34% of the proposed project's Phase I for a total of 75,000 square feet of regional commercial use. Under this alternative,

there would be no Phase II construction and the total development would be 75,000 square feet.

2. Findings: This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective and General Plan Policy COM-8 because it would not allow the development of a regional shopping center (defined by the industry as a minimum of 200,000 square feet) with major anchor stores (defined by the industry as a minimum of 100,000 square feet).
 - b. The alternative would underutilize the regional commercial site as designated by the General Plan, thus preventing the goal of constructing a regional commercial center consistent with the Project Objectives and General Plan Policies.
 - c. The alternative would not meet the Project Objectives because it does not (i) provide a regional shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area that are currently being spent in southern San Luis Obispo and northern Santa Barbara Counties, and (ii) expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public.
 - d. The alternative would not meet reasonable needs for new regional commercial development to accommodate population growth in Paso Robles and the surrounding area.

E. Alternative Project Site

1. Description: The property, known as the Wilmar site and identified as APN 009-631-011, is 13.40 net acres. It has a Regional Commercial designation although it is currently developed with a single family residence and some accessory buildings. The remainder of the site is undeveloped. The terrain is characterized by small hills and undulating topography. There is a riparian corridor along the southern portion of the site and many large, mature oak trees exist on the site. Given that this alternative site is approximately half the size of the proposed project and the topography is not flat, a project only half the size of the proposed project, at best, could be built. It is realistic to assume that probably 40% or approximately 118, 000 square feet is the maximum that could be built at this location.
2. Findings: This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective and General Plan Policy COM-8 because the site topography and limited site access (South Vine Street only) would not provide a site capable of developing a regional

shopping center (defined by the industry as a minimum of 200,000 square feet) with major anchor stores (defined by the industry as a minimum of 100,000 square feet).

- b. The alternative would preclude the consolidation of the existing 15 lots thus losing the opportunity to develop the proposed project which is consistent with the Project Objectives and General Plan Policies to develop a regional commercial center.
- c. The alternative would not meet the Project Objectives because it does not (i) provide a regional shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area that are currently being spent in southern San Luis Obispo and northern Santa Barbara Counties, and (ii) expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public.
- d. The alternative would not meet reasonable needs for new regional commercial development to accommodate population growth in Paso Robles and the surrounding area.

E. Mixed Use Residential and Commercial Alternative

1. **Description:** In this alternative, the project site would be consolidated into two parcels, one for commercial development and the other for residential use. The first parcel would be approximately 12.5 acres and it is assumed to front Theater Drive along the easterly half of the project site in order to take advantage of the freeway visibility. It is assumed that approximately 100,000 square feet of commercial uses would be constructed on Parcel 1. It is assumed that eight dwelling units per acre would be constructed, which would result in the total development of 100 multi-family dwelling units on Parcel 2. This proposed density would be consistent with the City Zoning Ordinance. The total structural development for Parcel 2 would be 100,000 square feet (100 units X 1,000 square feet each). The total development proposed for Parcels 1 and 2 would be 200,000 square feet (100,000 square feet commercial and 100,000 square feet residential).

2. Findings:

- a. The alternative would not be consistent with the Project Objective and General Plan Policy COM-8 because the residential element would preclude the development of a regional shopping center (defined by the industry as a minimum of 200,000 square feet) with major anchor stores (defined by the industry as a minimum of 100,000 square feet).

- b. The alternative would preclude the development of the proposed project thus losing the opportunity to develop the proposed project which is consistent with the Project Objectives and General Plan Policies to develop a regional commercial center.
- c. The alternative would not meet the Project Objectives because it does not (i) provide a regional shopping center that can satisfy a portion of the current and future retail purchasing needs within the City and surrounding area that are currently being spent in southern San Luis Obispo and northern Santa Barbara Counties, and (ii) expand the retail economic base of the community of Paso Robles, resulting in a variety of additional retail goods and services available to the public.
- d. The alternative would not meet reasonable needs for new regional commercial development to accommodate population growth in Paso Robles and the surrounding area.

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PASSED AND ADOPTED this 20th day of August 1996, by the following roll call vote:

AYES: HEGGARTY, MARTIN, MACKLIN

NOES: PICANCO

ABSENT: IVERSEN



Walter J. Macklin, Mayor

ATTEST:



Richard J. Ramirez, City Manager/City Clerk

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EXHIBIT D

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 et seq., the Planning Commission of the City of El Paso de Robles ("City") adopts and makes the following statement of overriding considerations regarding the unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project. The City finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh all of the significant adverse environmental impacts and is an overriding consideration warranting approval of the Project.

Benefits of the Proposed Project

Approval and implementation of the proposed Project will:

- (a) Eliminate blighting influences and correct environmental deficiencies, including, among others, small and irregular lots of inadequate size and in multiple ownerships, and inadequate public improvements, facilities and utilities;**
- (b) Permit the assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation;**
- (c) Replan, redesign and develop areas which are stagnant or improperly utilized;**
- (d) Provide an environment for social and economic growth;**
- (e) Provide a means of implementing General Plan Policy COM-8 by accommodating major anchor stores;**
- (e) Provide a means of implementing General Plan Policy OA-11 by accommodating additional retail shopping;**
- (f) Provide additional sales tax revenues that support quality facilities and public services to the community;**
- (g) Visually enhance the southern "gateway" to the City by removing several unsightly and uncoordinated buildings and constructing an integrated, cohesive and coordinated center;**

- (h) Provide additional shopping opportunities to the citizens of Paso Robles and the surrounding areas;
- (i) Reducing vehicle miles traveled and auto emissions by capturing shopping trips that would go to southern San Luis Obispo and northern Santa Barbara Counties;
- (j) Provide limited, shared access to the site, thus eliminating multiple ingress/egress points along Theater Drive and Gahan Place;
- (k) Provide an estimated 400-500 full and part-time jobs depending on the season;
- (l) Provide an estimated payroll between \$3,500,000 and \$4,000,000 annually depending on the types of retailers and their success.

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EXHIBIT A

FINDINGS OF FACT CONCERNING MITIGATION MEASURES

I. PROJECT DESCRIPTION

The "Project" is the adjustment of nine existing lot lines, the development of an approximately 300,000 square foot commercial center on 26 acres in two phases located at the southwest corner of Theater Drive and Gahan Place.

II. THE FINAL EIR

The Final EIR consists of the Draft EIR, comments on the accuracy and completeness of the Draft EIR and responses to those comments prepared by the Consultant and City, including revisions or clarifications to the text of the Draft EIR.

III. THE RECORD

The following information is incorporated by reference and made a part of the record supporting these:

- a. The Draft EIR, Final EIR and all documents relied upon or incorporated by reference.
- b. All resolutions adopted certifying the EIR and approving the Project and all exhibits attached thereto.
- c. All testimony and documentary evidence submitted to or delivered to the City in connection with the July 22, 1996, public hearing on the proposed Project.
- d. All staff reports, memoranda, maps, slides, letters, minutes or other documents relied upon or prepared by City staff or the Consultant relating to the Project.
- e. The General Plan of the City, including all of its constituent elements.
- f. The City's Economic Strategy.
- g. The City's Municipal Code/Zoning Code.

IV. FINDINGS AND STATEMENTS OF FACTS SUPPORTING THE FINDINGS

The Environmental Impact Report for the Project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts which could result from adoption of the Project. Pursuant to California Code of Regulations Section 15091, the Agency is required to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the Project. Each of the potentially significant and significant impacts is considered acceptable by the Agency based on a determination that the benefits of the Project (listed in the Statement of Overriding Considerations (Exhibit D)) outweigh the risks of the potentially significant and significant environmental effects of the project.

A. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED AND MITIGATED TO A LESS THAN SIGNIFICANT LEVEL.

Finding: As authorized by Public Resources Code Section 21081 and Title 14, California Code of Regulations Sections 15091, 15092 and 15093, the Agency finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental impacts listed below, as identified in the EIR. These findings are supported by substantial evidence in the record of the proceedings before the City as stated below. Each significant impact which can be reduced to a less than significant level is discussed below, along with the appropriate mitigation measure stated and adopted for implementation by approval of these Findings of Fact.

TRAFFIC - THEATER DRIVE

1. Description of significant impact:

The proposed project would add approximately 12,750 Average Daily Trips (ADT) to the section of Theater Drive between SR 46W and Gahan Place, resulting in a traffic volume of 15,600 ADT and poor operations, particularly at intersections.

2. Mitigations:

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

Theater Drive shall be widened along the project frontage to a modified 4-lane arterial standard of 77 feet (64 feet curb to curb). The 64 foot curb to curb width shall accommodate four 11-foot through lanes, a 10-foot left turn lane, and 5-foot bike lanes. This section shall initially be striped to provide a continuous southbound right-turn lane along the project frontage, a through lane in each direction, and a

left-turn lane. Appropriate taper lengths should be provided as needed to match the existing unimproved roadway sections north and south of the site. When further development occurs along Theater Drive, the street shall be restriped to accommodate the four-lane standard as described in the preceding text.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

TRAFFIC - GAHAN PLACE

1. **Description of significant impact:**

The westerly driveway into the project site on Gahan Place would be used by trucks delivering products to the major retail buildings. The 30 foot width could be difficult for trucks with large turning radii to negotiate.

2. **Mitigations:**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

The western-most driveway on Gahan Place shall be widened from 30 feet to 40 feet.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

TRAFFIC - INTERSECTION OF SR 46W AT THEATER DRIVE, U.S. HIGHWAY 101 SB RAMPS AND U.S. HIGHWAY 101 NB RAMPS

1. Description of significant impact:

The existing + project traffic volumes would produce unacceptable levels of service at the SR 46W intersections with Theater Drive (would deteriorate from LOS B to LOS E during peak hours), U.S. Highway 101 Southbound Ramps (would deteriorate from LOS A to LOS C during peak hours), and U.S. Highway 101 Northbound Ramps (would deteriorate from LOS A to LOS F during peak hours). The existing + project traffic volumes forecast for these three intersections would meet both daily and peak hour traffic signal warrants. Due to the close proximity of the three intersections, the intersections should be linked and synchronized for coordinated traffic.

2. Mitigations:

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

(It is noted that the following mitigation measures provide a general description of the areas adjacent to the intersections where right-of-way acquisition may be required. The ultimate need for additional right-of-way would be determined at the time engineering drawings are completed for the improvements. Please see the attached Figure 20 illustrating the following lane geometries).

Theater Drive/SR 46

- a. Northbound Approach: Theater Drive shall be widened to provide a shared left-through lane and a separate right turn lane. Also, the southbound departing lanes shall be widened to accept two lanes of turning traffic from SR 46W westbound. This improvement would essentially widen the section of Theater Drive south of SR 46 to four lanes, and should therefore be constructed to match the ultimate 4-lane section required by the City on Theater Drive (see preceding text for Theater Drive mitigation). This would require a taper back down to one through lane in each direction approximately 300 feet downstream from SR 46W. This widening may require minor right-of-way acquisition along the west side of Theater Drive for the length of the widening (approximately 300 feet).
- b. Southbound Approach: Theater Drive shall be widened to provide a separate left-turn lane and a shared through-right lane. This improvement would require minor roadway widening and may require right-of-way acquisition along the west side of Theater Drive.

- c. Eastbound Approach: SR 46W shall be widened to provide a separate left-turn lane and one shared through-right lane. This improvement would require minor roadway widening and may require additional right-of-way acquisition on the north and south sides of SR 46W adjacent to the intersection.
- d. Westbound Approach: SR 46W shall be widened to provide a separate left-turn lane and one left-through-right-turn lane. This improvement would require minor roadway widening within the existing right-of-way.
- e. Intersection Control: The intersection shall be signalized and the operation "coupled" with the adjacent Southbound Ramps intersection due to the close spacing.

Highway 101 SB Ramps/SR 46W

- f. Eastbound Approach: SR 46W shall be widened to provide one through lane and a separate right turn lane. Also, the westbound departing lanes shall be widened to two lanes to accept the westbound traffic demand on SR 46W. This improvement would require minor roadway widening within the existing right-of-way.
- g. Westbound Approach: SR 46W shall be restriped at the Highway 101 undercrossing to provide a separate left-turn lane and one through lane. This improvement would implement back-to-back left-turn lanes at both the northbound and southbound ramps.
- h. Southbound Approach: The off-ramp shall be widened to provide a separate right turn lane and one left-through-right lane. This improvement would require minor widening on the off-ramp.
- i. Intersection Control: The intersection shall be signalized and the operation "coupled" with the adjacent Theater Drive intersection due to the close spacing.

Highway 101 NB Ramps/SR 46

- j. Eastbound Approach: SR 46W shall be restriped at the undercrossing to provide a separate left-turn lane and one through lane. As noted above, this improvement would implement back-to-back left-turn lanes at both the northbound and southbound ramps.
- k. Westbound Approach: SR 46W shall be widened to provide a separate right turn lane and one through lane. This improvement would require minor roadway widening within the existing right-of-way.

- l. Northbound approach: Widen to provide a separate left-turn lane and one shared through-right turn lane. This improvement would require minor widening on the off-ramp.
- m. Intersection Control: The intersection shall be signalized and the operation coordinated with the adjacent southbound ramps intersection.

3. **Finding:**

The City finds that the above stated mitigations measures are incorporated into the Project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will substantially lessen or avoid the impact described above. To the extent that the above stated mitigation measure does not avoid or substantially lessen the impact described above, the environmental, economic, social and other benefits of the Project override any such remaining impacts, as more fully stated in the Statement of Overriding Considerations.

Further, in determining potential mitigation measures, the feasibility of realigning Theater Drive to the west was ruled out due to both topographical and environmental constraints. There are high embankments in the northwest and southwest quadrants. Also, a box culvert runs under the interchange southeast to northwest and comes out in the northwest quadrant, where large oak trees also exist. The location of the existing motel in the southwest quadrant also constrains movement of the road to a reasonable distance.

One potential measure considered was a round-a-bout design at the Theater Drive/Southbound Ramps/SR 46 couplet. This also was determined to be infeasible based on the above referenced constraints. Therefore, the proposed lane additions together with the installation of traffic signals, as discussed, were determined the best solution, considering the constraints cited above.

TRAFFIC INTERSECTION - THEATER DRIVE & GAHAN PLACE

1. **Description of significant impact:**

The computer analysis of existing + project (Phase I and II) traffic volumes indicates a potential for unacceptable levels of service at the intersection of Theater Drive and Gahan Place (would deteriorate from LOS A to LOS F during peak hours).