

RESOLUTION NO. 96-148

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES CERTIFYING THE COMPLETION OF
AND MAKING FINDINGS AS TO THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR GENERAL PLAN
AMENDMENT 96002 AND REZONE 96001
HUERHUERO GOLF COURSE PROJECT
(APPLICANT: HUNTER LIVING TRUST)

WHEREAS, an Environmental Impact Report (the "EIR") for General Plan Amendment 96002 and Rezone 96001, in conjunction with Planned Development 96002 and Conditional Use Permit 96004, also known as the Huerhuero Golf Course 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 recommendations, approval and adoption of General Plan Amendment 96002, Rezone 96001, Planned Development 96002, and Conditional Use Permit 96004; and

WHEREAS, a public hearing was held by the Planning Commission on General Plan Amendment 96002, Rezone 96001, Planned Development 96002, and Conditional Use Permit 96004 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 were considered; and

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

RIMC CODE:	Community Development Department
DATE:	December 3, 1996
FILE PLAN/GE CAT.:	Current Planning/Planned Developments
SUBJECT:	Huerhuero Golf Course - 12/03/96 EIR Certification Resolution by CC
LOCATION:	Development Services File Room
RETENTION:	Permanent

SHORT TERM AIR QUALITY

1. Description of significant impact:

The construction of 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.
- 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, except those areas included in the approved landscaping plan, or as otherwise approved by the City Engineer.
- g. All disturbed areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods in advance as determined to be appropriate by the City Engineer. D.

- 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 as needed to control dust as required by the City Engineer.

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.

EXHIBIT B

MITIGATION MONITORING PLAN

Mitigation Measure	Time Frame	Monitoring Agency
AQ-1: Air Quality Construction Mitigation: water excavated material, cease grading in high winds, secure exported material, maximize dust suppression, implement permanent dust control, re-vegetate site, stabilize soil, pave quickly, maintain equipment, limit on-site speed to 15 mph, and sweep adjacent streets twice daily.	Monitor during construction	Public Works (PW) Dept.
AQ-2: All material excavated or graded shall be sufficiently watered as needed to prevent excessive amounts of dust.	Monitor during construction	PW Dept.
AQ-3: All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph) to prevent excessive amounts of dust unless additional watering trucks are employed.	Monitor during construction	PW Dept.
AQ-4: All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	Monitor during construction	PW Dept.
AQ-5: The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust.	Monitor during construction	PW Dept.
AQ-6: 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.	Monitor during construction	PW / Planning Division
AQ-7: Exposed ground area 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, except in those areas included in the approved landscaping plan, or as otherwise approved by the City Engineer.	Monitor during construction	PW Dept.
AQ-8: All disturbed areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the City Engineer.	Monitor during construction	PW Dept.

Mitigation Measure	Time Frame	Monitoring Agency
AQ-9: All roadways, driveways, sidewalks, etc. Shall be paved as soon as possible. In addition, structural foundations shall be completed as soon as possible following building pad construction.	Monitor during construction	PW Dept.
AQ-10: On-site vehicle speed shall be limited to 15 mph for any unpaved surface.	Monitor during construction	PW Dept.
AQ-11: All unpaved areas shall be watered as needed to control dust as required by the City Engineer.	Monitor during construction	PW Dept.
AQ-12. The developer shall identify at least one of every ten employee parking spaces for use by employee. carpools and locate these in preferential locations.	Detailed site plan submitted and approved prior to construction	Planning Division
AQ-13. Provide employer-subsidized transit passes to encourage the use of alternate modes of transportation	Verify prior to certificate of occupancy	Planning Division
AQ-14. The developer shall construct a bus stop or shelter in the project vicinity.	Detailed plan submitted and approved prior to construction	Planning Division
AQ-15. Insulate all hot water pipes and hot water heaters.	Detailed on construction plans prior to issuance of permits/verify on-site.	Building Division
AQ-16. Buildings shall be designed to incorporate passive solar design features.	Verify on plans.	Planning/ Building Divisions
AQ-17. Provide electric powered vs. gas powered golf carts.	Verify on-site.	Planning Division
GEO-1: All manufactured slopes within the project shall be stabilized with suitable ground cover vegetation as soon as practical upon completion of grading activities. All areas of the site subject to disturbance from grading should be stabilized with vegetation or paving, as indicated on the conceptual plans.	Final grading and landscaping plans submitted and approved prior to construction. Monitor during construction.	PW/ Planning Division
GEO-2: Drainage control on the cart paths shall be provided in the form of curb, cross-ridges, runnels, drain pipe, or other appropriate design features.	Plan to be submitted and approved prior to construction	PW Dept.

Mitigation Measure	Time Frame	Monitoring Agency
GEO-3: The public Structures shall be designed to drain to the service drive, where drainage can then be delivered to the parking lot.	Monitor during construction	PW Dept.
GEO-4: A foundation exploration study shall be performed for the proposed building locations by a registered civil engineer (RCE) with appropriate soils experience or by a California certified engineering geologist (CEG). The study shall address site preparation activities and/or construction techniques to avoid identified soils hazards.	Study submitted and approved prior to issuance of grading permits.	Building Division
GEO-5: Design of each creek crossing and associated protection shall be accomplished by a qualified RCE using input from a detailed surface hydrologic study of the Huerhuero Creek, and in consultation with a CEG.	Plan to be submitted and approved prior to issuance of grading permits.	Public Works
GEO-6: Design of the support buttresses and slope protection for the Huerhuero Creek bridge shall be accomplished by a qualified RCE using input from a detailed surface hydrologic study of the Huerhuero Creek, and in consultation with a CEG.	Plan to be submitted and approved prior to issuance of grading permits.	Public Works
BIO-1: Biological monitoring of the site during construction activities to ensure that there are no additional inadvertent impacts to mature trees.	Biology. Monitor to be retained by Applicant to monitor construction.	Planning Division
BIO-2: Replacement planting at a ratio of 5:1 by tree for impacts to blue oak and cottonwood. Hence, a minimum of 90 oak trees and 10 Fremont cottonwood trees shall be planted throughout the site.	Biology. Monitor to be retained by Applicant to monitor construction.	Planning Division
BIO-3: Monitoring the replacement plantings for 5 years to assess the success of the mitigation effort. Monitoring of the replacement trees should consist of a five-year plan during which a single annual visit will be conducted to assess survivorship of the planted trees. Any trees that die before the end of the five-year monitoring period shall be replaced at a ratio of 1:1. Monitoring reports shall be submitted to the City annually.	Monitoring plan to be submitted to Planning Division prior to issuance of certificates of 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 decision maker 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 VII of the Final EIR.

A. Alternatives Rejected as Infeasible or Not Accomplishing Project Objectives

Three alternatives are rejected as financially infeasible or not accomplishing project objectives: (1) no project alternative, (2) alternative project design, and (3) reduced project. All three alternatives are rejected as not accomplishing the Project's objectives. The objective of the proposed project is to develop a high quality public golf course in a natural, open space setting. The applicant has indicated in his development statement that his intent is to provide a golf course of such quality that would attract potential LPGA golf tournament play. To meet this level of quality potential, a clubhouse amenity and minimum of 18 holes of play would be necessary. This cannot be accomplished by any of the alternatives which all propose significantly less recreational and amenity development.

The Project objectives are based in General Plan Policies ENV-9 and AG-1 as follows:

Policy ENV-9: Aesthetic Resources:

Enhance and upgrade the visual appearance of the City as a whole, but paying special attention to the aesthetic quality of development at "Gateway", along highway and arterial streets, in the downtown, and in industrial parks. Focus on preserving the City's architectural heritage via use of compatible styles and materials.

Policy AG-1: Scope

To provide for new and continuing agricultural uses, including maintaining open space for aesthetic purposes or to protect airport operations from conflicting land uses.

The Project objectives are further based in the City's Economic Strategy Tourism Goals as follows:

Implementation Program 1-V:

Encourage and support the development of a "resort-quality" golf course in Paso Robles.

B. No Project Alternative

1. **Description:** The "No Project" alternative represents the "status quo", maintaining the project site in its current state with both the existing agriculture designation and cattle grazing activity. No new environmental effects would directly result from the selection of this project alternative. As currently designated, it would be possible in the future for an application for very low density residential (1 unit / 3 acres) to be requested, or more intensive and irrigated farming to occur (e.g. vineyards).
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 ENV-9 because the additional vegetation and visual enhancements associated with the project would not occur and accomplish appearance upgrades along this arterial road which is a gateway to the industrial business park area of the Municipal Airport.
 - b. The alternative would not be consistent with General Plan Policy AG-1 whereby the introduction of additional housing in the vicinity of the airport area would potential conflict with airport operations by creating non-transient neighbors concerned with aircraft fly-over noise and safety.
 - c. The alternative would not be consistent with the Tourism goals of the City's Economic Strategy to make Paso Robles an end-destination tourist location with quality recreational amenities.

C. Alternative Project Design

1. **Description:** In this alternative, the project site development would not include the food service and club house facilities. Parking and trip generation would remain the same for the alternative project design. There would be no reduction in the short term air quality impacts associated with the grading of the project.
2. **Findings:** This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective of providing for a "high quality" golf course development. The elimination of the club house amenity would not make it likely that this course would generate recognition of

users from outside of our local area, such as has occurred with the Hunter Ranch course which is just outside the City limits to the east on Highway 46 and which is designed similarly.

- b. The alternative would not meet the Goal of the Economic Strategy to attract a resort quality golf course to Paso Robles. Elimination of amenities such a club house of high quality architectural design is to eliminate an element crucial to perception of quality.

D. Reduced Density Project

1. **Description:** The alternative reduced project construction to 9 playing holes only. Such an alternative would reduce the grading impacts significantly, but would still not serve to eliminate the only identified Class I impact for the project, of Short Term Air Quality. Other identified impacts to biology, water usage, and geology would be proportionally reduced (even though such impacts have already been identified as impacts capable of being mitigated to a point of being less than significant).
2. **Findings:** This alternative is rejected for the following reasons:
 - a. The alternative would not be consistent with the Project Objective and would likely make the project infeasible for the developer in that a 9 hole course is not marketable in the fashion described in the applicant's objective and as is commonly expected for such a recreational use.
 - b. The alternative would underutilize the unique open-space and rolling terrain characteristics of the site which lends itself so fittingly to golf course contour grading and use.
 - c. The alternative would not meet the Goal of the Economic Strategy to support a resort quality golf course development, since a 9-hole course would not be characteristic of that which is commonly expected of a higher quality golf course - 18 playing holes.

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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) Bring a high quality recreational use to the City, complementing the City's goals to build its tourism base, attracting golf oriented visitors to the area;**
- (b) Introduce a significant amount of landscape planting that is indigenous to the area and drought tolerant, resulting in improved air quality through production of oxygen;**
- (c) Provide landscaping and development design which enhance the visual appearance of the Airport Road corridor, an important entry to the City's Airport where business park industrial development is being marketed;**
- (d) Provide an environment for social and economic growth;**
- (e) Provide a means of implementing General Plan Policy ENV-9 by introducing high quality design and project character;**
- (e) Provide a means of implementing General Plan Policy AG-1 by accommodating uses in the vicinity of the Airport which are complementary to Airport operations;**
- (f) Provide increased property tax revenues that support quality facilities and public services to the community;**
- (g) Provide an estimated 30 full and part-time jobs;**

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WHEREAS, the Planning Commission, at their meeting of November 12, 1996, adopted Resolution 96-068 certifying the Final EIR as being prepared in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures adopted by the Agency pursuant thereto, and within said resolution, adopted 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, regarding the golf course project in its entirety; and

WHEREAS, on November 12, 1996, the Planning Commission recommended that the City Council adopt a resolution approving General Plan Amendment 96002 and to adopt an ordinance approving Rezone 96001; and

WHEREAS, on November 12, 1996, the Planning Commission adopted Resolutions 96-069 and 96-70, which grant approval for the construction and operation of an 18-hole championship golf course with related accessory uses, with said approvals being contingent on the City Council approving General Plan Amendment 96002 and Rezone 96001; and

WHEREAS, on December 3, 1996, a public hearing was held by the City Council on General Plan Amendment 96002 and Rezone 96001 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 were considered; and

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

Section 1. The City Council hereby certifies that the Final EIR for General Plan 96002 and Rezone 96001 (filed in conjunction with Planned Development 96002, and Conditional Use Permit 96004) 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 General Plan Amendment and Rezone Requests.

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. Within 5 days of City Council action on General Plan Amendment 96002 and Rezone 96001, 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.

PASSED AND ADOPTED this 3rd day of December 1996, by the following roll call vote:

AYES: Swanson, Baron, Iversen, Macklin, Picanco

NOES: None

ABSENT: None

ABSTAIN: None



Mayor, Paso Robles City Council - Duane Picanco

ATTEST:



City Clerk - Madelyn Paasch

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EXHIBIT A

FINDINGS OF FACT CONCERNING MITIGATION MEASURES

I. PROJECT DESCRIPTION

The "Project" is the modification of the existing general plan land use designation and zoning for approximately 263 acres of land from Agriculture/R-A,PD to Parks and Open Space (POS), and the development and operation of an 18-hole championship golf course with driving range, man-made lake, clubhouse/pro-shop facility, food service/snack bar facility, maintenance and caretaker's buildings, free-standing restrooms, bridge and at-grade creek crossing and parking areas on approximately 221 acres of land located west of Airport Road, north of Highway 46 East at the Huerhuero Creek.

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 September 23, 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 EIR prepared for the 1991 General Plan Update by ERCE Consultants.
- 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.

AIR QUALITY - SHORT TERM (CONSTRUCTION)

1. Description of significant impact:

During the estimated 6-9 months of project construction, approximately 61 acres of site area would be disturbed to rough grade for tees, fairways, greens, the lake, roads, drainage facilities and structure pads. Such construction work is estimated to generate quarterly emissions for NO_x which would exceed the permissible threshold of 2.5 tons/quarter by 1.95 tons/quarter. NO_x emissions can contribute to the formation of photochemical smog.

2. Mitigations:

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

The project shall be required to implement the BACT (Best Available Construction Technology) package including:

- a. Engine timing retarded by two degrees on construction equipment.
- b. Installation of high pressure injectors on construction equipment.
- c. Use of reformulated diesel fuel.

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.

AIR QUALITY - LONG TERM

1. Description of significant impact:

The project would generate 645 daily trips. Based on this projected trip generation, the project would result in significant long-term air quality emission impacts (14.27 pounds/day of ROG). This would exceed the 10 pounds/day threshold established by the County of San Luis Obispo Air Pollution Control District. ROG (Reactive Organic Gases) are an emittment which contribute to increased levels of ozone in the atmosphere.

2. Mitigations:

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

- 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. Provide employer-subsidized transit passes to encourage the use of alternate modes of transportation.
- c. The developer shall construct a bus stop or shelter in the project vicinity.
- d. Insulate all hot water pipes and hot water heaters.

- e. Buildings shall be to incorporate passive solar design features.
- f. The applicant shall utilize electric powered rather than gas powered golf carts.

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.

GEOLOGY AND SOILS

1. **Description of significant impact:**

The grading (earthwork) involved in the construction of the structure pads, creek crossings, the lake feature, cart paths and road would result in the potential for soil erosion, bank erosion and sedimentation impacts to the Huerhuero Creek.

2. **Mitigations:**

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

- a. All manufactured slopes within the project shall be stabilized with suitable ground cover vegetation as soon as practical upon completion of grading activities. All areas of the site subject to disturbance from grading should be stabilized with vegetation or paving, as indicated on the conceptual plans.
- b. Drainage control on the cart paths shall be provided in the form of a curb, cross-ridges, runnels, drain pipe, or other appropriate design features.
- c. The public structures shall be designed to drain to the service drive, where drainage can then be delivered to the parking lot.
- d. A foundation exploration study shall be performed for the proposed building locations by a registered civil engineer (RCE) with appropriate soils experience or by a California certified engineering geologist (CEG). The study shall address site preparation activities and/or construction techniques to avoid identified soils hazards.

- e. Design of each creek crossing and associated slope protection shall be accomplished by a qualified RCE using input from a detailed surface hydrologic study of the Huerhuero Creek, and in consultation with a CEG.
- f. Design of the support buttresses and slope protection for the Huerhuero Creek bridge shall be accomplished by a qualified RCE using input from a detailed surface hydrologic study of the Huerhuero Creek, and in consultation with a CEG.

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.

BIOLOGICAL RESOURCES

1. Description of significant impact:

The grading and site work would result in the loss of 87.6 acres of vegetative habitat (a loss being defined as "total" to the limits of grading, despite the earthwork mainly occurring in the non-native grassland areas between oaks). Specific impacts to 18 oak trees and 2 cottonwood trees are identified. The potential indirect impact to habitat could result through the inappropriate use of herbicide and pesticide used in the conjunction with the course maintenance.

2. Mitigations:

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

- a. All fertilization and pesticide application shall be done in compliance with State regulated standards established for such uses.
- b. Biological monitoring of the site shall occur during construction activities to ensure that there are no additional inadvertent impacts to mature trees.

- c. Replacement planting at a ratio of 5:1 by tree for impacts to oak trees and cottonwoods. Hence, a minimum of 90 oak trees and 10 cottonwood trees shall be planted throughout the site.
- d. Monitoring of the replacement plantings for 5 years to assess the success of the mitigation effort shall take place. Monitoring of the replacement trees should consist of a five-year plan during which a single annual visit will be conducted to assess survivorship of the planted trees. Any trees that die before the end of the five-year monitoring period shall be replaced at a ratio of 1:1. Monitoring reports shall be submitted to the City annually.
- e. All of the existing oak trees will be retained other than those already identified in the EIR to be removed. Any revision to the plan which would necessitate the removal of additional oak trees (or special habitat related species identified within the Final EIR) would require the developer to obtain approval from the City Council in accordance with the City's Oak Tree Preservation Code.

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.

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.