RESOLUTION NO. 12-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT 12-001, REZONE 12-001, TENTATIVE PARCEL MAP 12-004, BORKEY SPECIFIC PLAN AMENDMENT 12-001, PLANNED DEVELOPMENT 12-001, CONDITIONAL USE PERMIT 12-003 (Ayres Paso Robles, Ltd.)
APN: 025-391-014

WHEREAS, PD 12-001, CUP 12-003, GPA 12-001, RZ 12-001, PR 12-004, BSPA 12-001 (The Project), has been submitted by Doug Ayres on behalf of Ayres Paso Robles, LTD. to establish a 225 room resort hotel; and

WHEREAS, the resort would also include a wellness/spa facility, conference room, restaurant, extended stay units (included in the 225 rooms proposed), wine tasting/retail boutique, and ancillary parking, gardens, orchards and vineyards; and

WHEREAS, the project is proposed to be located on the 20-acre site at the northeast corner of Buena Vista Drive and Experimental Station Road; and

WHEREAS, the project entitlements needed to establish the project include the following:

General Plan Amendment: to change the existing RMF-8 (Residential Multi-Family, 8-units per acre) to Parks and Open Space (POS) with a Resort Lodging Overlay (R/L) land use designation;

Rezone: to change the existing R2 (Residential Multi-Family duplex/triplex) zoning designation to Parks and Open Space (POS) with a Resort Lodging Overlay (R/L) zoning;

Specific Plan Amendment: to amend the Borkey Area Specific Plan to allow for the project which introduces a different land use than that originally approved by the plan, establish updated Specific Plan fees, and adopt a new rural street standard for Experimental Station Road;

Development Plan: development plan to review the project site planning, architectural design and details, mixture of land uses, and landscaping;

Conditional Use Permit: to allow for resort hotels in the POS zoning district, and to exceed the applicable height limitations;

Tentative Parcel Map: requested by the applicant to create separate parcels for the wine tasting retail building and the wellness center from the resort hotel parcel;

Street Abandonment: request to abandon an unused portion of Experimental Station Road, at its intersection with Buena Vista Drive.

WHEREAS, an Initial Study was prepared for this project (attached as Exhibit A) which concludes that a Mitigated Negative Declaration may be approved; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration was distributed as required by Section 21092 of the Public Resources Code and no written comments have been submitted; and

WHEREAS, a public hearing was conducted by the Planning Commission on June 26, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, on June 26, 2012, the Planning Commission recommended that the City Council approve the Mitigated Negative Declaration; and

WHEREAS, a public hearing was conducted by the City Council on July 17, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Mitigated Negative Declaration; and

WHEREAS, the applicant has entered into a signed Mitigation Agreement with the City of Paso Robles (prior to Planning Commission action on the Mitigated Negative Declaration) that establishes obligation on the part of the property owner to mitigate potential future impacts as identified in the environmental document; and

WHEREAS, the Mitigation Monitoring Program, attached as Exhibit B to this resolution, has been reviewed by the City Council in conjunction with its review of this project and shall be carried out by the responsible parties by the identified deadlines; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment based on the attached Mitigation Agreement and mitigation measures described in the Initial Study and contained in the resolution approving Planned Development 12-001 (Section 3) as site specific conditions summarized below.

Topic of Mitigation	Condition #
Transportation	Engineering Cond. No. 14
Air Quality	AQ 1- AQ 5
Greenhouse Gas	GHG-1
Biological (Kit Fox & Oak Trees)	BR 1 – BR 16

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, approves a Mitigated Negative Declaration for PD 12-001, CUP 12-003, GPA 12-001, RZ 12-001, PR 12-004, BSPA 12-001, in accordance with the California Environmental Quality Act; and

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of July, 2012 by the following vote:

AYES: Strong, Gilman, Hamon, Picanco
NOES:
ABSTAIN: Steinbeck
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

WHEREAS, a public hearing was conducted by the Planning Commission on June 26, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, on June 26, 2012, the Planning Commission recommended that the City Council approve the Mitigated Negative Declaration; and

WHEREAS, a public hearing was conducted by the City Council on July 17, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Mitigated Negative Declaration; and

WHEREAS, the applicant has entered into a signed Mitigation Agreement with the City of Paso Robles (prior to Planning Commission action on the Mitigated Negative Declaration) that establishes obligation on the part of the property owner to mitigate potential future impacts as identified in the environmental document; and

WHEREAS, the Mitigation Monitoring Program, attached as Exhibit B to this resolution, has been reviewed by the City Council in conjunction with its review of this project and shall be carried out by the responsible parties by the identified deadlines; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment based on the attached Mitigation Agreement and mitigation measures described in the Initial Study and contained in the resolution approving Planned Development 12-001 (Section 3) as site specific conditions summarized below.

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ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES

1.	**PROJECT TITLE:**	**Ayres Paso Robles, LTD.**
	Concurrent Entitlements:	**PD 12-001, CUP 12-003, GPA 12-001, RZ 12-001, TPM 12-004, SA 12-001, Waiver 12-001**
2.	**LEAD AGENCY:**	City of Paso Robles 1000 Spring Street Paso Robles, CA 93446
	Contact:	
	Phone:	(805) 237-3970
	Email:	
3.	**PROJECT LOCATION:**	Northeast corner of Buena Vista & Experimental Station Roads, Paso Robles, CA (APN 025-391-014)
4.	**PROJECT PROPONENT:**	**Ayres Paso Robles, LTD**
	Contact Person:	**Doug Ayres**
	Phone:	**(714) 540-6060**
	Email:	doug@ayresgroup.net
5.	**GENERAL PLAN DESIGNATION:**	**RMF-8 (Residential Multi-Family, 8 units per acre)**
6.	**ZONING:**	**R2 (Residential Multi-family, 8 units per acre)**

PROJECT DESCRIPTION: This is a proposal to establish a 225 room resort hotel with a wellness/spa facility, conference room, restaurant, extended-stay units (included within the 225 rooms proposed), wine tasting/retail boutique, and ancillary parking, landscaping, gardens, orchards and vineyards.

The project entitlements needed to establish the project include the following:

General Plan Amendment: to change the existing RMF-8 (Residential Multi-Family, 8-units per acre) to Parks and Open Space (POS) with a Resort Lodging Overlay (R/L) land use designation;

Rezone: to change the existing R2 (Residential Multi-Family duplex/triplex) zoning designation to Parks and Open Space (POS) with a Resort Lodging Overlay (R/L) zoning;

Specific Plan Amendment: to amend the Borkey Area Specific Plan to allow for the project which deviates from the adopted specific plan land use pattern, and establish updated Specific Plan fees;

Development Plan: development plan to review the project site planning, architectural design and details, mixture of land uses, and landscaping;

Conditional Use Permit: to allow for resort hotels in the POS zoning district, and to exceed the applicable height limitations;

Tentative Parcel Map: requested by the applicant to create separate parcels for the wine tasting retail building and the wellness center from the resort hotel parcel;

Waiver: requested by the applicant to waive the requirement to install curb, gutter and sidewalk along Experimental Station Road.

7. **ENVIRONMENTAL SETTING:** The project is located in the northeast area of Paso Robles, at the northeast corner of Buena Vista Drive and Experimental Station Road, in Subarea D of the Borkey Area Specific Plan, near the intersection of Buena Vista Drive and Highway 46 (refer to Attachment 1, Vicinity Map). The site is undeveloped. The existing landform of the property consists of flat areas toward the west and northern areas of the property. There are two hills on the site, with slopes between 25 – 35% in the southeasterly portion of the site. There are no significant biological resources on the property. However, the property is within the migration corridor for the San Joaquin Kit Fox.

   The site is largely surrounded by urban land uses. Surrounding land uses include public-institutional (community college) to the north, multi-family residential to the northwest, neighborhood commercial to the west, a hotel and restaurant to the south, a winery to the southwest, and single-family, rural residential to the east.

8. **OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED)**: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐	Aesthetics	☐	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☒	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☒	Transportation/Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. "Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from ""Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:
    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐

Discussion (a-c): The project site is visible from Highway 46 East and surrounding local roadways. It is within an urbanized area of the City and is surrounded by development, including a hotel, community college, commercial uses and residences.

The visual quality of the site is moderately high since it is undeveloped open grassland visible from the nearby roads. While the project will alter the visual character of the existing site, the new development provides ample open areas that include orchards, vineyards and landscaping (approximately a third of the property) and would therefore be compatible with the visual quality of surrounding development. However, the site is not within or adjacent to a scenic vista, gateway, or scenic highway as designated by the City's General Plan or other adopted plans or policies. Therefore, the project could not result in a substantial impact on scenic resources. Therefore, this project will not result in significant impacts to scenic resources.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 10)	☐	☐	☒	☐

Discussion: The proposed building and site lighting including parking lot light standards will not result in significant new light or glare onto the surrounding properties. The light fixtures comply with the City's requirements for light shielding and would be downcast to not shed light on adjacent property. Therefore, the proposed project will result in less than significant impacts from light or glare.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Discussion: The project site is identified in the City General Plan, Open Space Element in Figure OS-1, State Farmland Mapping and Monitoring Program (FMMP). The property is identified as having soil that is "Farmland of Local Importance". The project would not convert Prime, Unique or Farmland of Statewide Importance to other uses. The property does not appear to have been used for agricultural uses in the last several decades, and is surrounding by urban land uses. Therefore, this project would result in less than significant impacts to agricultural soils monitored in the State FMMP.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Discussion: The site is not under Williamson Act contract, nor is it currently used for agricultural purposes. Additionally, agricultural uses such as "crop production" are not permitted in the existing multi-family zoning district.

c. Conflict with existing zoning for, or cause rezoning of, forest, land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 5114(g))?	☐	☐	☐	☒

Discussion: There are no forest land or timberland resources within the City of Paso Robles.

d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion: See II c. above.

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Discussion: Given the existing characteristics of the site including the surrounding development, location to the State Highway and City infrastructure, development of this site would not have a significant impact to agricultural or forestry resources.

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

a. Conflict with or obstruct implementation of the applicable air quality plan? (Source: Attachment 5)	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: The proposed project is located within an urban area of the City with access to an existing transit stop within approximately 0.1 mile of the project site. A planned future bikeway is located along Buena Vista Road, adjacent to the project site. Furthermore, as described in III c. below, the proposed project would not result in operational emissions that would exceed SLOAPCD's significance thresholds for criteria air pollutants. For these reasons, the proposed project would not conflict with or obstruct continued implementation of the Air District's Clean Air Plan. This impact is considered less than significant.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11)	☐	☒	☐	☐

Discussion: There are no existing or projected air quality violations within the vicinity of the proposed project. Implementation of the proposed project would result in short-term construction and long-term operational emissions. Short-term construction-generated emissions could potentially exceed APCD-recommended significance thresholds. As a result, this impact is considered potentially significant. However with mitigation measures incorporated impacts are considered less than significant. See Attachment 4, Mitigation Measures Summary.

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

Discussion:

Short-term Construction Emissions

Short-term increases in emissions would occur during the construction process. Construction-generated emissions are of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact. The construction of the proposed project would result in the temporary generation of emissions associated with site grading and excavation, paving, motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces. Short-term construction emissions would result in increased emissions of ozone-precursor pollutants (i.e., ROG and NO_X) and emissions of PM. Emissions of ozone-precursors would result from the operation of on- and off-road motorized vehicles and equipment. Emissions of airborne PM are largely dependent on the amount of ground disturbance associated with site preparation activities and can result in increased concentrations of PM that can adversely affect nearby sensitive land uses.

Detailed construction information is not currently available for the proposed project. However, construction emissions modeling was conducted using the CalEEMod computer program, based on the default construction schedule durations and equipment requirements identified in the model. Equipment load factors were revised to match those identified in the Carl Moyer Program Guidelines (2011), per SLOAPCD recommendations. Site preparation and grading activities for the entire site were assumed to occur during the initial development phase. Asphalt paving emissions were adjusted to quantify emissions associated with anticipated areas of asphalt coating application for parking stalls and handicap markers.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Estimated construction emissions for the construction pollutants of primary concern (i.e., ROG, NO_X, PM_{10} and $PM_{2.5}$) are summarized in Table 7. Estimated emissions in comparison to SLOAPCD significance thresholds are summarized in Table 8 and Table 9. As indicated in Table 8, combined quarterly emissions of ROG and NO_X occurring during the initial development of the proposed project would total approximately 2.6 tons/year, which would exceed the SLOAPCD's significance threshold of 2.5 tons/quarter. These emissions of ROG and NO_X assume that site preparation and site grading activities would occur during the same calendar quarter. Emissions of DPM and fugitive dust generated during the initial development phase, as well as, emissions generated during development of Phase 3, would not exceed applicable significance thresholds. Because estimated emissions of ROG and NO_X occurring during initial site preparation and grading would exceed applicable thresholds, this impact would be considered potentially significant.

Table 7
Estimated Construction Emissions Without Mitigation

Construction Phase	Construction Years	Maximum Daily Emissions (lbs/day)					
		ROG	NO_X	PM_{10}			Total $PM_{2.5}$
				Dust	Exhaust	Total	
Phase 1 & 2	2012 - 2014	8.57	69.87	18.35	3.37	21.72	12.84
Phase 3	Year 2017	3.69	23.24	0.36	1.33	1.69	1.34

Assumes development of Project Phases 1 and 2 could occur simultaneously.
*Refer to **Appendix C** for modeling output files and assumptions.*

Table 8
Estimated Construction Emissions Without Mitigation
in Comparison to SLOCAPCD Significance Thresholds
Project Phases 1 & 2 (Construction Years 2012-2014)

Criteria	Emissions	SLOCAPCD Significance Threshold	Exceed Significance Threshold?
Maximum Daily Emissions (ROG+NO_X):	78.44 lbs/day	137 lbs/day	No
Maximum Quarterly Emissions (ROG+NO_X):	2.6 tons/qtr	2.5 tons/qtr	**Yes**
Maximum Daily Emissions (DPM):	3.37 lbs/day	7.0 lbs/day	No
Maximum Quarterly Emissions (DPM):	0.12 tons/qtr	0.13 tons/qtr	No
Maximum Quarterly Emissions (Fugitive PM):	0.3 tons/qtr	2.5 tons/qtr	No

Detailed construction phasing information is not yet available. Emissions were quantified based on default construction schedule durations contained in the CalEEMod computer model. Emissions associated with the application of architectural coatings were averaged over the duration of the building construction phase.
*Refer to **Appendix C** for modeling output files and assumptions.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Table 9
Estimated Construction Emissions Without Mitigation
in Comparison to SLOCAPCD Significance Thresholds
Project Phase 3 (Construction Year 2017)

Criteria	Emissions	SLOCAPCD Significance Threshold	Exceed Significance Threshold?
Maximum Daily Emissions ($ROG+NO_X$):	26.93 lbs/day	137 lbs/day	No
Maximum Quarterly Emissions ($ROG+NO_X$):	0.90 tons/qtr	2.5 tons/qtr	No
Maximum Daily Emissions (DPM):	1.30 lbs/day	7.0 lbs/day	No
Maximum Quarterly Emissions (DPM):	0.04 tons/qtr	0.13 tons/qtr	No
Maximum Quarterly Emissions (Fugitive PM):	0.01 tons/qtr	2.5 tons/qtr	No
Detailed construction phasing information is not yet available. Emissions were quantified based on default construction schedule durations contained in the CalEEMod computer model. Emissions associated with the application of architectural coatings were averaged over the duration of the building construction phase. *Refer to **Appendix C** for modeling output files and assumptions*.			

Significance After Mitigation

With mitigation measures included in the Mitigation Measure Summary, (Attachment 4), which includes SLOAPCD-recommended *Standard Mitigation Measures for Construction Equipment*, and additional mitigation measures included to encourage the reuse and recycling of construction materials and the use of heavy-duty construction equipment meeting CARB's Tier 3 engine emission standards, short-term construction-generated emissions would be reduced to below 2.5 tons/quarter and would not exceed SLOCAPCD significance thresholds. With mitigation incorporated this impact would be considered less than significant.

Long-term Operational Emissions

Long-term operational emissions associated with the proposed project would be predominantly be the result of mobile sources. To a lesser extent, emissions associated with area sources, such as landscape maintenance activities, as well as, use of electricity and natural gas would also contribute to increased emissions.

Operational emissions were quantified using the CalEEMod computer program based on the default modeling parameters contained in the model for San Luis Obispo County. The trip-generation rates and non-employee trip distances were adjusted to reflect anticipated project-specific characteristics. Estimated long-term operational emissions are summarized in Table 10. Emissions modeling assumptions and results are included in Appendix C of the Air Quality & Greenhouse Gas Impact Assessment (see Attachment 4).

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Table 10
Estimated Operational Emissions Without Mitigation

Source	Maximum Daily Emissions (lbs/day)					
			PM_{10}			Total $PM_{2.5}$
	ROG	NO_X	Fugitive	Exhaust	Total[(1)]	
Phases 1 & 2 (Operational Year 2014)						
Summer Conditions	7.92	9.02	5.64	0.23	5.97	0.53
Winter Conditions	8.23	9.47	5.64	0.23	5.98	0.53
Phases 1, 2 & 3 (Operational Year 2018)						
Summer Conditions	9.39	9.22	7.50	0.27	7.93	0.51
Winter Conditions	9.67	9.58	7.50	0.27	7.93	0.51

1. *May include indirect emissions from energy use not reflected in exhaust and fugitive categories.*
Refer to Appendix C for modeling output files and assumptions.

Operational emissions are compared to the SLOCAPCD's significance thresholds in Table 11. As indicated in Table 11, operational emissions are not projected to exceed SLOCAPCD's significance thresholds. Long-term operational emissions attributable to the proposed project would be considered less than significant.

Table 11
Estimated Operational Emissions
in Comparison to SLOCAPCD Significance Thresholds

Criteria	Emissions	SLOCAPCD Significance Threshold	Exceed Significance Threshold?
Maximum Daily ROG+NO_X Emissions (Winter):	19.25 lbs/day	25 lbs/day	No
Maximum Annual ROG+NO_X Emissions:	3.39 tons/year	25 tons/year	No
Maximum Daily DPM Emissions:	0.004 lbs/day	1.25 lbs/day	No
Maximum Daily Fugitive PM Emissions:	7.5 lbs/day	25 lbs/day	No
Maximum Annual Fugitive PM Emissions:	1.18 tons/year	25 tons/year	No
Maximum Daily CO Emissions:	43.14 lbs/day	550 lbs/day	No

Represents maximum emissions associated with the proposed project, including interim year 2014 and buildout year 2018 conditions, as noted in Table 10. DPM emissions assume heavy-duty trucks constitute 0.015831 percent of the fleet mix, based on default model parameters contained in CalEEMod for San Luis Obispo County.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d.	Expose sensitive receptors to substantial pollutant concentrations? (Source: 11)	☐	☒	☐	☐

Discussion: The exposure of sensitive receptors to substantial pollutant concentrations may potentially occur during construction and long-term operation of the proposed project. Short-term exposure to TACs during the construction phase would be primarily associated with emissions from diesel-fueled off-road equipment. Long-term exposure to pollutant concentrations are typically associated with potential increases in localized concentrations of mobile-source CO at nearby congested roadway intersections and TACs associated with increased exposure to motor vehicle traffic, particularly among roadways that experience high volumes of diesel-fueled trucks. Potential increases in localized concentrations of pollutants associated with short-term construction and long-term operation of the proposed project are discussed separately, as follows:

Naturally-occurring asbestos, which was identified as a TAC in 1986 by CARB, is located in many parts of California and is commonly associated with ultramafic rock. The project site is not located near any areas that are likely to contain ultramafic rock. As a result, risk of exposure to asbestos during the construction process would be considered less than significant.

Implementation of the proposed project would result in the generation of diesel particulate matter (DPM) emissions during construction from the use of off-road diesel equipment for site grading and excavation, paving and other construction activities. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. In addition, as noted in "Impact C" above, uncontrolled construction-generated emissions of DPM would not exceed corresponding SLOAPCD's significance thresholds. However, site preparation and grading activities could result in increased emissions of fugitive dust which could adversely affect nearby receptors. As a result, short-term increases of fugitive dust would be considered ***potentially significant***.

Long-term Air Quality Impacts

Toxic Air Contaminants

Implementation of the proposed project would not result in the long-term operation of any major onsite stationary sources of TACs, nor would project implementation result in a significant increase in diesel-fueled vehicles traveling along area roadways. Implementation of the proposed project would not result in the construction of sensitive land uses within approximately 500 feet of a major transportation corridor. Furthermore, as noted in Impact C, operational emissions of DPM would not exceed SLOAPCD's corresponding threshold of 1.25 lbs/day (refer to Table 5). For these reasons, long-term exposure to TACs would be considered less than significant.

Mobile-Source Carbon Monoxide

Carbon monoxide is the primary criteria air pollutant of local concern associated with the proposed project. Under specific meteorological and operational conditions, such as near areas of heavily congested vehicle traffic, CO concentrations may reach unhealthy levels. If inhaled, CO can be adsorbed easily by the blood stream and can inhibit oxygen delivery to the body, which can cause significant health effects ranging from slight headaches to death. The most serious effects are felt by individuals susceptible to oxygen deficiencies, including people with anemia and those suffering from chronic lung or heart disease.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Mobile-source emissions of CO are a direct function of traffic volume, speed, and delay. Transport of CO is extremely limited because it disperses rapidly with distance from the source under normal meteorological conditions. For this reason, modeling of mobile-source CO concentrations is typically recommended for sensitive land uses located near signalized roadway intersections that are projected to operate at unacceptable levels of service (i.e., LOS E or F).

Based on the traffic analysis prepared for the proposed project, nearby signalized intersections are projected to operate at LOS C or better, under existing-plus-project conditions. With implementation of planned future roadway improvements, nearby signalized intersections are projected to operate at LOS D, or better, under future plus project conditions (Penfield & Smith 2012). In comparison to the CO screening criteria, implementation of the proposed project would not result in or contribute to unacceptable levels of service (i.e., LOS E, or worse) at nearby intersections. In addition, implementation of the proposed project would not result in localized emissions of CO that would exceed SLOAPCD's localized CO significance threshold of 550 lbs/day. As noted earlier in this report, a majority of the project-generated emissions would be attributable to mobile sources, which would be generated on roadways throughout the basin. For the reasons discussed above and given the relatively low background CO concentrations in the project area, this impact would be considered less than significant.

e. Create objectionable odors affecting a substantial number of people? (Source: 11)	☐	☐	☒	☐

Discussion: The proposed project would not result in the installation of any equipment or processes that would be considered major odor-emission sources. However, construction of the proposed project would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel-exhaust, may be considered objectionable by some people. In addition pavement coatings and architectural coatings used during project construction would also emit temporary odors. However, construction-generated emissions would occur intermittently throughout the workday and would dissipate rapidly within increasing distance from the source. As a result, short-term construction activities would not expose a substantial number of people to frequent odorous emissions. For these reasons, potential exposure of sensitive receptors to odorous emissions would be considered less than significant.

IV. BIOLOGICAL RESOURCES: Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

(Source: Attachment 6,7&8)

Discussion (a-f):

a. The project site contains 20 acres of annual grassland and 1 acre of coyote brush scrub (Althouse and Meade). Neither of these vegetation communities is protected. Annual grassland is sometimes referred to as non-native grassland and is dominated by wild oats, mustard, and brome grasses. The coyote brush scrub is associated with areas identified as previously disturbed and left untended; the species composition is similar to those found in the vicinity.

Vegetation removal and construction activities associated with the proposed project could have adverse impacts to nesting birds if conducted during the nesting season (March 15 through August 15). The potential for adverse effects to nesting birds can be reduced through mitigation measures. See Attachment 3, Mitigation Measures Summary.

The property is located within a San Joaquin Kit Fox (SJKF) migration corridor and the site grassland provides suitable habitat for this species. The SJKF is listed by the State as a "threatened" species, and Federally listed as an "endangered" species. The SJKF and their habitat are protected under the Endangered Species Act (ESA). Due to the site's isolated location in the migration corridor, construction of the project has a low potential to result in direct take of kit fox, however the potential can be reduced to a less than significant level through implementation of standard construction-related kit fox protection measures. Impacts to their habitat would be considered significant unless mitigated. The project incorporates on-site mitigation as well as off-site mitigation. A Kit Fox Habitat Evaluation was prepared for this project. It resulted in recommended habitat mitigation of 2:1, which was confirmed by the California Department of Fish and Game. The applicant will coordinate with the City and the California Department of Fish and Game to execute appropriate mitigation as provided in Attachment 3, Mitigation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Measures Summary.

There are no wetlands located on the project site, therefore there will be no impacts to wetland resources as a result of this project. There are also no creeks, streams or other surface water resources located on the site.

There are 3 oak trees on the property adjacent to Experimental Station Road that are in healthy condition. None of the trees are proposed for removal, and they will be protected per the project arborist's recommendations during construction in compliance with the City's Oak Tree Preservation Ordinance. The trees are not within areas proposed for construction, however frontage improvements will need to be designed around the trees. Therefore, impacts to the oak trees will be less than significant with mitigation measures incorporated.

There are no Habitat Conservation Plans or other related plans applicable in the City of Paso Robles.

V. CULTURAL RESOURCES: Would the project:

a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d.	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

(Source: Attachment 8)

Discussion (a-d): There are no historic resources (as defined), located on the site. There are also no archaeological or paleontological resources known to be present on the site or in the near vicinity. Since the property is not located within proximity to a creek or river or known cultural resource it is unlikely that there are resources located on the site. Additionally, a prior project (General Plan Amendment and Rezone) approved for this project site required contacting the State Native American Heritage Commission (NAHC) and contacting all known local tribes, to determine if this property is a "sacred site" in accordance with Senate Bill 18. The NAHC was contacted again for review of this project and no Native American Tribes have reported that this property was previously used by Native Americans or that it is a sacred site.

There are no known human remains on the project site, however if human remains are found during site disturbance, all grading and/or construction activities shall stop, and the County Coroner shall be contacted to investigate.

Therefore, this project will result in less than significant impacts on cultural resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

VI. GEOLOGY AND SOILS: Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2, & 3) ☐ ☐ ☒ ☐

Discussion: The potential for and mitigation of impacts that may result from fault rupture in the project area are identified and addressed in the General Plan EIR, pg. 4.5-8. There are two known fault zones on either side of the Salinas Rivers valley. The Rinconada Fault system runs on the west side of the valley, and grazes the City on its western boundary. The San Andreas Fault is on the east side of the valley and is situated about 30 miles east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the California Building Code (CBC) to all new development within the City. Review of available information and examinations indicate that neither of these faults is active with respect to ground rupture in Paso Robles. Soils and geotechnical reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. There are no Alquist-Priolo Earthquake Fault Zones within City limits.

ii. Strong seismic ground shaking? (Sources: 1, 2, & 3) ☐ ☐ ☒ ☐

Discussion: The proposed project will be constructed to current CBC codes. The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults. Therefore, impacts that may result from seismic ground shaking are considered less than significant.

iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3) ☐ ☐ ☒ ☐

Discussion: Per the General Plan EIR, the project site is located in an area with soil conditions that have a low potential for liquefaction or other type of ground failure due to seismic events and soil conditions. To implement the EIR's mitigation measures to reduce this potential impact, the City has a standard condition to require submittal of soils and geotechnical reports, which include site-specific analysis of liquefaction potential for all building permits for new construction, and incorporation of the recommendations of said reports into the design of the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iv. Landslides?	☐	☐	☒	☐

Discussion: Per the General Plan Safety Element, the project site is in an area that is designated a low-risk area for landslides. Therefore, potential impacts due to landslides is less than significant.

b. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3)	☐	☐	☒	☐

Discussion: Per the General Plan EIR the soil condition is not erosive or otherwise unstable. As such, no significant impacts are anticipated. A geotechnical/ soils analysis will be required prior to issuance of building permits that will evaluate the site specific soil stability and suitability of grading and retaining walls proposed. This study will determine the necessary grading techniques that will ensure that potential impacts due to soil stability will not occur. An erosion control plan shall be required to be approved by the City Engineer prior to commencement of site grading.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

Discussion: See response to item a.iii, above.

d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property?	☐	☐	☒	☐

Discussion: See response to item a.iii, above.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion: The development will be connected to the City's municipal wastewater system, therefore there would not be impacts related use of septic tanks.

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

greenhouse gasses?

Discussion (a-b):

GHG emissions associated with the proposed project were calculated using the CalEEMod computer program. Construction equipment load factors were adjusted to reflect those currently identified in the Carl Moyer Program Guidelines (2011). Equipment requirements, hours of use, construction employee trips, and equipment emission factors were based on the default parameters contained in the models. Operational vehicle trip-generation rates and non-employee commute trip distances were adjusted to reflect anticipated project-specific conditions. Modeling assumptions and output files are included in Attachment 5, Appendix C of this report.

THRESHOLDS OF SIGNIFICANCE

Project-generated emissions exceeding the SLOAPCD recommended significance thresholds for GHG emissions, as summarized in Table 12, would be considered to have a potentially significant impact on the environment, which could conflict with implementation of applicable plans, policies and regulations pertaining to the reduction of GHG emissions, including AB 32.

Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 from mobile sources. To a lesser extent, other GHG pollutants, such as CH_4 and N_2O, would also be generated. Short-term and long-term GHG emissions associated with the development of the proposed project are discussed in greater detail, as follows:

Short-term Greenhouse Gas Emissions

Estimated increases in GHG emissions associated with construction of the proposed project are summarized in Table 14. Based on the modeling conducted, annual emissions of greenhouse gases associated with construction of the proposed project would range from approximately 77 to 566 $MTCO_2e$, depending on the specific facilities being constructed. In total, over the life of the project, combined construction-generated emissions would total approximately 1,426 $MTCO_2e$. There would also be a small amount of GHG emissions from waste generated during construction; however, this amount is speculative. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted.

Table 14
Annual Construction-Generated GHG Emissions

Construction Year	GHG Emissions/Construction Year ($MTCO_2e$/Year)
Year 2012	327.33
Year 2013	566.68
Year 2014	77.03
Year 2017	455.13
Refer to Appendix C for modeling assumptions and results.	

Long-term Greenhouse Gas Emissions

Estimated long-term increases in GHG emissions associated with the proposed project are summarized in Table 15. Based on the modeling conducted, operational GHG emissions would be predominantly associated with mobile sources and energy use, which would constitute roughly 90 percent of total project-generated GHG emissions. To a lesser extent, GHG emissions would also be associated with solid waste generation, as

well as, water use and conveyance.

Table 15
Operational Greenhouse Gas Emissions (Year 2020)
Without Mitigation

Source	Net Change in Emissions ($MTCO_2e$/Year)
Construction (Amortized)[1]	57
Energy Use	861
Motor Vehicles	806
Waste Generation	72
Water Use and Conveyance	17
Carbon Sequestration	-24
Total:	**1,813**
SLOAPCD Significance Threshold:	**1,150**
Exceeds Significance Threshold?:	**Yes**

1. *Based on a combined total of approximately* 1,426 $MTCO_2e$ amortized over an average project life of 25 years.
2. *Carbon sequestration includes changes in onsite vegetation, including proposed vineyard and orchard areas. Assumes 20 acres of initial grassland, 5.3 final acres of vineyard, and planting of an estimated 762 trees, including fruit orchard and miscellaneous domestic landscaping trees.*

*Refer to **Appendix C** for modeling assumptions and results.*

As noted in Table 15, the proposed project would generate a total of approximately 1,813 $MTCO_2e$/year. Project-generated GHG emissions would exceed the SLOAPCD's significance threshold of 1,150 $MTCO_2e$/year. Project-generated GHG emissions would be considered to have a potentially significant impact on the environment, which could conflict with implementation of applicable plans, policies and regulations pertaining to the reduction of GHG emissions, including AB 32. Mitigation Measures are provided in Attachment 3, Mitigation Measures Summary.

Significance After Mitigation

With implementation of GHG-reduction mitigation measures sufficient to reduce GHG's to below the SLOAPCD's GHG significance threshold of 1,150 $MTCO_2e$/year, this impact would be considered less than significant. Examples of GHG-reduction measures, including those currently being considered for implementation by the proposed project applicant, are summarized below. Additional information regarding many of these mitigation measures is included in Attachment 3, Mitigation Measures Summary.

Greenhouse Gas Reduction Measures:

- Install high-efficiency (e.g, LED) exterior lighting.
- Install EnerSaver systems in guest rooms.
- Increase building energy efficiencies beyond Title 24 standards.
- Participate in SLO Car Free program.
- Participate in FunRide program. Includes an onsite designated parking space for a FunRide vehicle.
- Provide a shuttle service for guests to local destinations.
- Include provisions to provide bicycle parking facilities, end of trip facilities (i.e., showers, lockers, etc. to promote employee and guest bicycle use.

- Provide onsite bicycle rentals to promote bicycle use for guests.
- Provide pedestrian access to the nearby public transit stop.
- Include installation of low-flow bathroom and kitchen faucets, low-flow toilets, and low-flow showers.
- Install water efficient irrigation systems.

Estimated GHG emissions, with implementation of the above measures currently being considered, are summarized in Table 16. As noted, implementation of the mitigation measures currently being considered would reduce operational GHG emissions from a total of 1,813 $MTCO_2e$/year to approximately 1,561 $MTCO_2e$/year; an estimated reduction of approximately 252 $MTCO_2e$/year. As also noted in Table 15, increased carbon sequestration provided by the proposed onsite vineyard and orchard would reduce GHG emissions by an average of approximately 24 $MTCO_2e$/year. Actual GHG reductions would depend on the measures ultimately included.

Based on the measures currently identified, additional reductions in GHG emissions in excess of approximately 411 $MTCO_2e$/year would be required to reduce operational emissions to below the SLOAPCD's significance threshold of 1,150 $MTCO_2e$/year. Additional reductions could be achieved through implementation of additional GHG-reduction measures, such as the installation of solar photovoltaic (PV) systems. Actual reductions associated with solar PV systems would depend on various factors including final site and building design, solar orientation of roof-top areas, and the size and design of the system installed. For instance, assuming power generation from solar PV systems of 500,000 to 750,000 kWh/year, associated reductions in GHG emissions would range from approximately 154 to 225 $MTCO_2e$/year, respectively. Implementation of additional onsite mitigation and/or payment of fees to the SLOAPCD for offsite mitigation, as required by Mitigation Measure GHG-1, would reduce this impact to a less-than-significant level.

Table 16
Operational Greenhouse Gas Emissions (Year 2020)
With Mitigation

Source	Net Change in Emissions ($MTCO_2e$/Year)
Construction (Amortized)[1]	57
Energy Use[2]	651
Motor Vehicles[3]	792
Waste Generation	72
Water Use and Conveyance[4]	14
Carbon Sequestration[5]	-24
Total:	**1,561**
SLOAPCD Significance Threshold:	**1,150**
Exceeds Significance Threshold?:	**Yes**
Remaining GHG Emissions to be Mitigated:	**411**

1. *Based on a combined total of approximately 1,426 $MTCO_2e$ amortized over an average project life of 25 years.*
2. *Assumes an estimated 20% above Title 24 energy-efficiency standards, including installation of the EnerSaver system. Includes installation of exterior LED lighting and an estimated energy use reduction of 75% in comparison to standard incandescent lighting.*
3. *Includes participation in SLO Car Free and FunRide programs, designated parking space for a FunRide automobile, implementation of a guest shuttle system, installation of facilities to promote bicycle use and access*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

to local transit. Based on the following assumptions:

- *SLO Car Free: Assumes five percent of trips originating from southern California would participate in SLO Car Free for estimated annual reductions of 16,671 vehicle miles traveled.*
- *FunRide: Based on information provided by FunRide staff, inclusion of a designated parking space for a FunRide vehicle at the hotel would achieve estimated annual reductions of approximately 18,000 VMT.*
- *Shuttle Service: Based on a shuttle trip-generation rate of 0.174/room, provided by the project applicant for similar hotels. Assumes 225 rooms at buildout with annual reductions in guest related VMT of 29,807 miles.*
- *Bicycle & Transit: Includes provisions to provide bicycle parking facilities, end of trip facilities (i.e., showers, lockers, etc.), proximity to existing or planned future bicycle paths, and access to existing or planned public transit service. Combined estimated reductions in local employee and guest trips of 11,542 VMT.*

4. *Includes installation of low-flow bathroom and kitchen faucets, low-flow toilets, low-flow showers, and installation of water efficient irrigation systems. Based on CalEEMod default reductions in water use.*
5. *Carbon sequestration includes changes in onsite vegetation, including proposed vineyard and orchard areas. Assumes 20 acres of initial grassland, 5.3 final acres of vineyard, and planting of an estimated 762 trees, including fruit orchard and miscellaneous domestic landscaping trees. Carbon sequestration for trees is based on an average annual reduction calculated over a period of approximately 20 years.*

Refer to Appendix C for modeling assumptions and results.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒

Discussion: The project would use industry-standard landscape and building maintenance products which would be stored in compliance with all applicable safety requirements. The project does not include use of, transport, storage or disposal of hazardous materials that would create a significant hazard to the public or environment.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒

Discussion: See VIII a. above.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

Discussion: The proposed hotel resort project will not emit hazardous materials and will not impact schools within

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

the vicinity.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Discussion: The project site is not identified as a hazardous site per state Codes.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Discussion: (e. & f.) The project site is not located within an airport safety zone.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion: The project will not impair or interfere with adopted emergency response routes or plans.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion: The project is not in the vicinity of wildland fire hazard areas.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Discussion: The proposed project is designed to retain stormwater on-site through installation of various low-impact development (LID) features. The project was been designed to reduce impervious surfaces, preserve

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

existing vegetation, and promote groundwater recharge by employing bioretention through implementation of these measures. Thus, water quality standards will be maintained and discharge requirements will be in compliance with State and local regulations. Therefore, impacts to water quality and discharge will be less than significant.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7)	☐	☐	☒	☐

Discussion: The proposed project would be on the City's municipal water supply system, therefore it could not individually impact nearby well production. The site is designed to reduce impervious surfaces where possible and to direct surface drainage to onsite retention systems to facilitate groundwater recharge.

The City has sufficient groundwater resource capacity in combination with surface water resources to adequately serve this project. The General Plan accounts for water resource demand for a combination of resort and residential land uses on this property. Water demand was calculated for the proposed project and it is determined that the project with all resort uses, including landscaping, vineyards and orchards, would use 63% as much water as would be needed for multi-family development currently planned for under existing zoning (136 dwelling units). Therefore, this project would not substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the groundwater basin, and impacts to groundwater resources would be less than significant.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10)	☐	☐	☒	☐

Discussion: The drainage pattern on the site would not be substantially altered with development of this project since the project largely maintains the existing, historic drainage pattern of the property, and drainage will be maintained on the project site. Additionally, surface flow would be directed to historic drainage areas for percolation in bioswale drainage features at the southwest corner of the property. There are no streams, creeks or rivers on or near the project site that could be impacted from this project or result in erosion or siltation on- or off-site. Therefore, impacts to drainage patterns and facilities would less than significant.

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 10)	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: See IX c. above. Drainage resulting from development of this property will be maintained onsite and will not contribute to flooding on- or off-site. Thus, flooding impacts from the project are considered less than significant.

e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10) ☐ ☐ ☒ ☐

Discussion: As noted in IX a. above, surface drainage will be managed onsite and will not add to offsite drainage facilities. Additionally, onsite LID drainage facilities will be designed to clean pollutants before they enter the groundwater basin. Therefore, drainage impacts that may result from this project would be less than significant.

f. Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐

Discussion: See answers IX a. – e. This project will result in less than significant impacts to water quality.

g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☐ ☐ ☒

Discussion: There is no housing associated with this project nor is there any housing in the near vicinity downstream from the site and the site is not within or near a flood hazard area. Therefore this project could not result in flood related impacts to housing.

h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ☐ ☐ ☐ ☒

Discussion: See IX h. above.

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ☐ ☐ ☐ ☒

Discussion: See IX h. above. Additionally, there are no levees or dams in the City.

j. Inundation by mudflow? ☐ ☐ ☐ ☒

Discussion: In accordance with the Paso Robles General Plan, there is no mudflow hazards located on or near the project site. Therefore, the project could not result in mudflow inundation impacts.

k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan? ☐ ☐ ☐ ☒

Discussion: The project will implement the City's Storm Water Management Plan - Best Management Practices, and would therefore not conflict with these measures.

l. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones? ☐ ☐ ☒ ☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: The project will incorporate all feasible means to manage water runoff on the project site. There is no wetland or riparian areas in the near vicinity, and the project could not result in impacts to aquatic habitat. Therefore, the project will not result in significant impacts to these resources.

X. LAND USE AND PLANNING: Would the project:

a. Physically divide an established community?	☐	☐	☐	☒

Discussion: The project is largely surrounded by non-residential land uses, except for low density residences located to the east of the site. Additionally, the eastern area of the project site is proposed to include low-density "extended stay" cottage type accommodations that would provide a smooth transition to the residential development to the east of the project. The project will therefore not physically divide an established community.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion: The existing entitlements were not adopted for the purpose of avoiding or mitigating environmental effects. The project scope includes amendments to the General Plan Land Use designation and zoning of the site to Parks and Open Space with a Resort Lodging Overlay. It also includes an amendment to the Borkey Area Specific Plan for consistency. The proposed change of land use designation and zoning would complement and be compatible with the surrounding land.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion: There are no habitat conservation plans or natural community conservation plans established in this area of the City. Therefore there would be no conflicts.

XI. MINERAL RESOURCES: Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1)	☐	☐	☐	☒

Discussion: There are no known mineral resources at this project site.

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1)	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: There are no known mineral resources at this project site.

XII. NOISE: Would the project result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1)	☐	☐	☒	☐

Discussion: The project site is located outside noise impacts zones as mapped in the City's General Plan Noise Element that may result from Highway 46, thus noise will not significantly impact use of the project site. Additionally, the proposed project includes land uses such as lodging, retail, wellness center and a restaurant, which do not create excessive noise that may impact surrounding properties.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Discussion: The project may result in short term construction noise and vibration from machinery, however, the construction noise is not anticipated to be excessive nor operate in evening hours. Therefore, impacts from groundborne vibration noise would be considered less than significant.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Discussion: As noted in XII a. the proposed land use does not create significant noise, and would therefore not result in contributing permanent increases in ambient noise levels.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Discussion: See XII a. – c. above.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4)	☐	☐	☒	☐

Discussion: The project is not located within an airport area subject to an airport land use plan, and will thus not be impacted by airport related noise.

XIII. POPULATION AND HOUSING: Would the project:

a. Induce substantial population growth in an area, either directly (for example, by	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)				
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion (a-c): The project site is currently undeveloped, vacant land and jobs created can be absorbed by the local and regional employment market, and will not create the demand for new housing or population growth or displace housing or people.

XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection? (Sources: 1,10)	☐	☐	☒	☐
b. Police protection? (Sources: 1,10)	☐	☐	☒	☐
c. Schools?	☐	☐	☒	☐
d. Parks?	☐	☐	☒	☐
e. Other public facilities? (Sources: 1,10)	☐	☐	☒	☐

Discussion (a-e): The proposed project will not result in a significant demand for additional new services since it is not proposing to include new neighborhoods or a significantly large scale development, and the incremental impacts to services can be mitigated through payment of development impact fees. Therefore, impacts that may result from this project on public services are considered less than significant.

XV. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
facility would occur or be accelerated?				
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion (a&b):

As a commercial development project that will not encourage new housing demands and use of recreational facilities, it will not result in impacts to recreational facilities.

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a. Conflict with an applicable plan, ordinance or policy establishing measures or effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐

Discussion: The proposed project provides frontage improvements that includes a sidewalk and Class II bike lane which is consistent with City standards and the 2009 Bike Master Plan. A transit stop is located within one block from the project site on Buena Vista Drive (in front of Cuesta Community College). The project is consistent with the policies of the City's 2011 Circulation Element by providing facilities for multiple modes of transportation.

b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐

(Source: Attachment 9)

Discussion (a,b): The traffic study prepared for this project by Penfield & Smith evaluated project related traffic impacts for existing plus-project traffic conditions. The study determined that no project-specific impacts are projected for either Buena Vista Drive or the 4 nearby intersections, including SR 46/Buena Vista; SR 46/Golden Hill; N. River Rd/River Oaks Dr.; Buena Vista/Dallons Rd.

The applicant shall be required to pay transportation impact fees established by City Council in affect at the time of occupancy to mitigate future impacts with planned improvements by the City and Caltrans.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

Discussion: The project site is not located within an airport land use planning area.

d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Discussion: There are no hazardous design features associated with, planned for or will result from this project.

e.	Result in inadequate emergency access?	☐	☐	☐	☒

Discussion: The project will not impede emergency access, and is designed in compliance with all emergency access safety features and to City emergency access standards.

f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion: The project incorporates multi-modal transportation facilities and access such as bike lanes, sidewalks, walkways and is located near a transit stop. Therefore, it does not conflict with policies and plans regarding these facilities.

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

Discussion: The project will comply with all applicable wastewater treatment requirements required by the City, RWQCB and the State. Therefore, there will be no impacts resulting from wastewater treatment from this project.

b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Discussion: Per the City's General Plan EIR, Urban Water Management Plan, and Sewer System Management Plan, the City's water and wastewater treatment facilities are adequately sized, including

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

planned facility upgrades, to provide water needed for this project and treat effluent resulting from this project. Therefore, this project will not result in the need to construct new facilities.

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☒

Discussion: All new stormwater resulting from this project will be managed on the project site, and will not enter existing storm water drainage facilities or require expansion of new drainage facilities. Therefore, the project will not impact the City's storm water drainage facilities.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☐ ☐ ☐ ☒

Discussion: As noted in section IX on Hydrology, this project will use less water for the proposed project than planned for under existing zoning. The project can be served with existing water resource entitlements available and will not require expansion of new water resource entitlements.

e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? ☐ ☐ ☐ ☒

Discussion: Per the City's SSMP The City's wastewater treatment facility has adequate capacity to serve this project as well as existing commitments.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒

Discussion: Per the City's Landfill Master Plan, the City's landfill has adequate capacity to accommodate construction related and operational solid waste disposal for this project.

g. Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

Discussion: The project will comply with all federal, state, and local solid waste regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal ☐ ☐ ☒ ☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion: As noted within this environmental document, and with the mitigation measures outlined in the document, the projects impacts related to habitat for wildlife species (San Joaquin Kit Fox) will be less than significant with mitigation incorporated. There will be no impact to fish habitat as well as no impact to fish and wildlife populations. The site is routinely maintained and mowed, so impact to fish, wildlife, of plant habitat is less than significant.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? ☐ ☐ ☐ ☒

Discussion: The project will not have impacts that are individually limited, but cumulatively considerable.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒

Discussion: The project will not cause substantial adverse effects on human beings, either directly or indirectly.

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

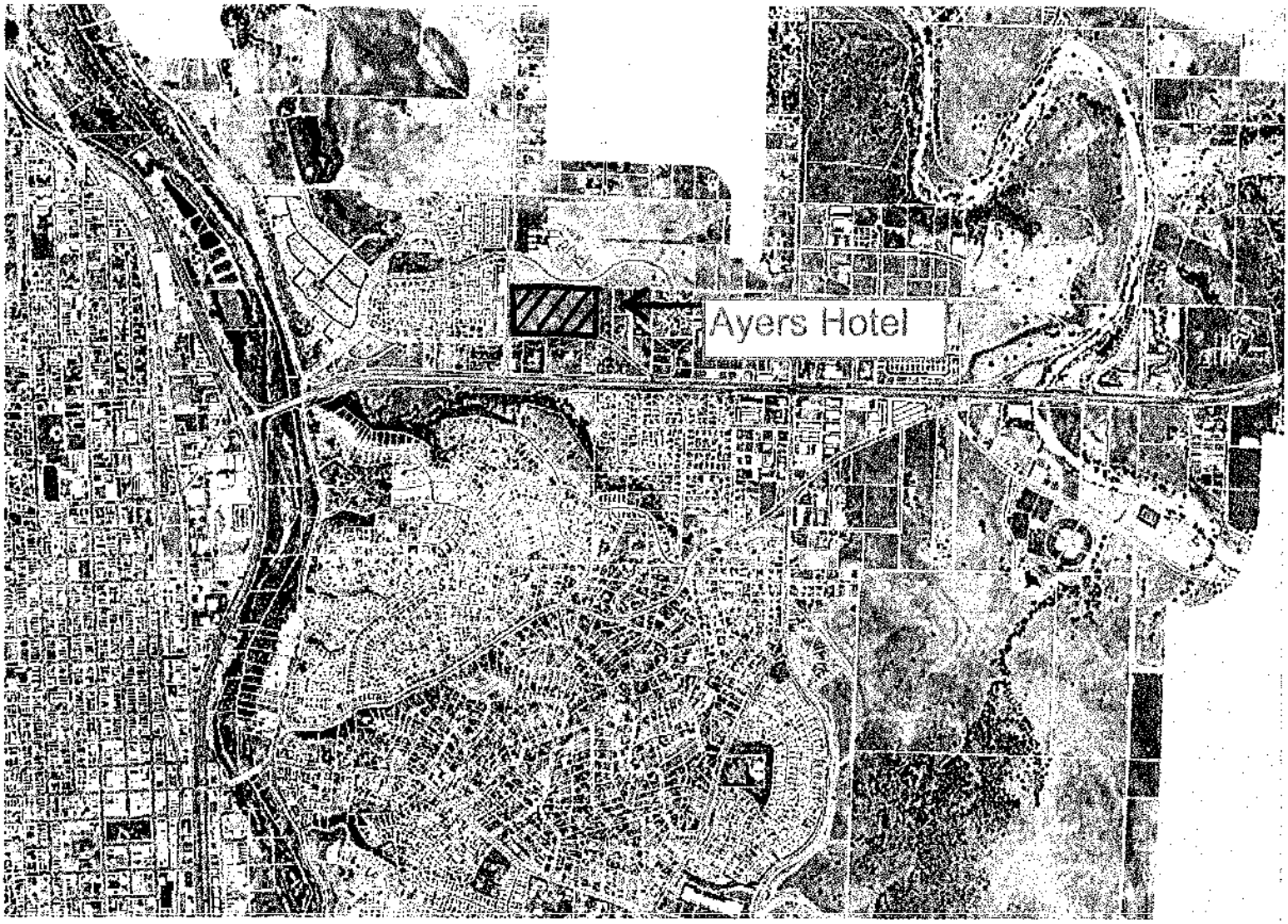
Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

Reference #	Document Title	Available for Review at:
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	2005 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Urban Water Management Plan 2005	Same as above
8	City of Paso Robles Sewer Master Plan	Same as above
9	City of Paso Robles Housing Element	Same as above
10	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
11	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
12	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
13	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

Attachments:

1. **Vicinity Map**
2. **Site Plan**
3. **Mitigation Measure Summary**
4. **Air Quality and GHG Assessment (On-file in Community Development Department)**
5. **San Joaquin Kit Fox Evaluation (On-file in Community Development Department)**
6. **Arborist Report (On-file in Community Development Department)**
7. **Traffic Study (On-file in Community Development Department)**

Attachment 1
Vicinity Map



Attachment 2
Site Plan

Mitigation Measures Summary

Mitigation Measures

Air Quality:

MM AQ-1 The standard mitigation measures for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below (SLOCAPCD 2009):

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

c. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);

d. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

l. In addition to the above SLOCAPCD recommended mitigation measures, the following additional mitigation measures shall also be implemented:

m. To the extent practical, reuse and recycle construction waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard.

n. If site preparation and grading activities are to occur during the same calendar quarter, a minimum of ten percent of diesel-powered heavy-duty (i.e., 50 hp or greater) offroad equipment shall meet CARB's Tier 3, or cleaner, certified engine standards.

Biological Resources:

BR-1: Within one week of ground disturbance activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the project site and nest locations shall be included with the report.

BR-2 Occupied burrows or nests of special status species shall be mapped using GPS or survey equipment. Work shall not be allowed within 100 foot buffer while nests are in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.

BR-3 Occupied burrows or nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in those areas.

BR-4 Silvery legless lizards, a special status species, could potentially be present in construction areas. Pre-construction surveys for silvery legless lizards shall be conducted prior to primary grubbing and other construction activities that affect undisturbed habitat. If no special status species are found, construction activities may begin immediately. If a silvery legless lizard is found, a qualified biologist shall move them to the nearest safe location. The biologist shall have the authority to stop work if special status species are found in the project area during construction.

BR-5 A pre-construction survey shall be conducted within 30 days of beginning construction work on a portion of the Project site to identify if badgers are present. The results of the survey shall be sent to the Project manager and lead agency.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover all Project areas included in the respective construction phase, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens between February and July, nursing young may be present. To avoid disturbance and the possibility of direct loss of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February 1 and July 1. Between July 1 and February 1 all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are active and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the Project site during the pre-construction survey, and are not raising young, they may be encouraged to vacate the den by a qualified biologist. If measures such as partially blocking den entrances do not result in the badger moving, badgers may be live trapped and moved to save locations.

BR-6 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles Planning Department, (City) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

   This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **$100,000**. This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

c. Purchase 40 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total $100,000. This fee is calculated based on the current cost-per-credit of $2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-7 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:

i. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

ii. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-19 through BR-26. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.

iii. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFG for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project

activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

iv. In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- Potential kit fox den: 50 feet
- Known or active kit fox den: 100 feet
- Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

BR-8 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (of lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BR-9 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.

BR-10 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. SJKF). At a minimum, as the program relates to the kit fox, the training shall include all mitigation measures specified by the City, as well as any related biological reports(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-11 During the site-disturbance and/or construction phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes and tranches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each day. Before such holes or trenches are filled, they shall be inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-12 During the sit disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project sit shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or

moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-13 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, can, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-14 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and depletion of prey upon which SJKF depend.

BR-15 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and the City. In the event that nay observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFG by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFG for care, analysis or disposition.

BR-16 Prior to final inspection should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
- If a more solid wire mesh fence is used, 8"x12" openings near the ground shall be provided every 100 yards.

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

GHG Mitigations

MM GHG-1: The project applicant shall coordinate with the City of Paso Robles and the SLOAPCD to identify and implement GHG-reduction measures sufficient to reduce operational GHG emissions to below the SLOAPCD's significance threshold of 1,150 $MTCO_2e$/year. GHG-reduction measures may include, but are not limited to, implementation of measures that would reduce energy use, water use, and motor vehicle trips. Examples of measures to be implemented are included in the Air Quality & Greenhouse Gas Impact Assessment, Appendix B. If the project does not implement sufficient adopted GHG reduction measures to reduce the emissions below the GHG threshold, the applicant shall pay off-site mitigation fees at the rate established by SLOAPCD to fund local GHG reduction projects subject to approval by the City of Paso Robles.

Mitigation Monitoring and Reporting Plan

Project File No./Name: PD 12-001, CUP 12-003 – Ayres Paso Robles, Ltd.
Approving Resolution No.:
Date: June 26, 2012

The following environmental Mitigation Measures were either incorporated into the approved plans or were incorporated into the Conditions of Approval. Each and every Mitigation Measure listed below has been found by the approving body to lessen the level of environmental impact of the project to a less than significant level. A completed and signed checklist for each mitigation measure indicates that it has been completed.

See attached Mitigation Summary Table for Mitigation Measure Descriptions.

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-1	Project	Planning Division, Building Division			
AQ-2	Project	Planning Division, Building Division			
AQ-3	Project	Planning Division, Building Division			
AQ-4	Project	Planning Division, Building Division			
AQ-5	Project	Planning Division, Building Division			
BR-1	Project	Planning Division			
BR-2	Project	Planning Division			
BR-3	Project	Planning Division			
BR-4	Project	Planning Division			
BR-5	Project	Planning Division			
BR-6	Project	Planning Division			
BR-7	Project	Planning Division			
BR-8	Project	Planning Division			
BR-9	Project	Planning Division			
BR-10	Project	Planning Division			
BR-11	Project	Planning Division			
BR-12	Project	Planning Division			
BR-13	Project	Planning Division			
BR-14	Project	Planning Division			
BR-15	Project	Planning Division			
BR-16	On-going	Planning Division			
GHG-1	Project	Planning Division			
Eng. Cond. No. 15	Project	Planning Division			

Explanation of Headings:

Type	Project, ongoing, cumulative
Monitoring Dept. or Agency	Dept or Agency responsible for monitoring a particular MM
Shown on Plans	When a MM is shown on the plans, this column will be initialed & dated
Verified Implementation	When a MM has been implemented, this column will be initial & dated
Remarks	Area for describing status of ongoing MM, or other information

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

June 19, 2012

Susan DeCarli
City of Paso Robles Community Development Dept.
1000 Spring Street
Paso Robles CA 93446

SUBJECT: APCD Comments Regarding the Ayres Hotel Environmental Initial Study

Dear Mrs. DeCarli,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located north and east of the Buena Vista Drive and Experimental Station Road intersection in Paso Robles. This is a proposal to amend the existing land use designation and rezone the property to parks and open space with a resort lodging overlay. Implementing the project would establish a 225 room resort hotel with a wellness/spa facility, conference room, restaurant, extended-stay units, wine tasting/retail boutique, and ancillary parking, landscaping, gardens, orchards and vineyards. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

The APCD appreciates having the opportunity to work with the city and the project applicant early in the review process to initiate the air quality evaluation and identify applicable air quality mitigation. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

Construction Phase Mitigation

Dust Control Measures

It appears that the Environmental Initial Study did not include the review of one of the fugitive dust significance thresholds from Table 2-1 of the 2012 Air Quality Handbook. The table notes that projects with grading areas greater than 4.0 acres of worked area can exceed the 2.5 tons of particulate matter (PM_{10}) quarterly threshold. In addition, the project is in close proximity to nearby sensitive receptors (Cuesta College and adjacent residences). **Therefore, please add the following to the project's construction phase air quality mitigation**:

Attachment C
APCD Letter dated June 19, 2012
PD 12-001 et al
(Ayres, Ltd.)

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Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402):

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
c. All dirt stock pile areas should be sprayed daily as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and,
m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Construction Phase Idling Limitations

Again, this project is in close proximity to nearby sensitive receptors (Cuesta College and adjacent residences). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations

a. ***On-road diesel vehicles*** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
   1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
   2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. ***Off-road diesel equipment*** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.

c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.

d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

AND

2. Diesel Idling Restrictions Near Sensitive Receptors (i.e. the adjacent residential dwelling units)
In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
   a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
   b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
   c. Use of alternative fueled equipment is recommended; and
   d. Signs that specify the no idling areas must be posted and enforced at the site.

Truck Routing

Any proposed construction truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

Construction Mitigation Efficacy

The Initial Study completed an analysis of potential construction phase emission impacts based on default settings in the CalEEMod model for building the project. The results demonstrated that the project could exceed the quarterly ozone precursor threshold of 2.5 tons of reactive organic gases and nitrogen oxides per quarter. **Prior to the issuance of grading permits, the applicant will need to demonstrate through updated modeling that the actual construction fleet that is secured will not exceed the construction phase thresholds when the construction mitigation is implemented. Should the actual fleet exceed any threshold, then phasing changes or other**

mitigation shall need to be proposed and approved by the APCD such that the project will be below the construction phase air quality thresholds of significance.

Operational Phase Impacts

The APCD reviewed the modeling assumptions used in the CalEEMod modeling of the project's operational phase. An appropriate project specific modification to the CalEEMod defaults was the use of hotel trip rates for hotels/motels in this area of Paso Robles from the City's General Plan Circulation Element Update (2009). **Based on the APCD's review of the air quality modeling for the project's Initial Study, the following changes are needed:**

1. Worst Case Evaluation: The California Environmental Quality Act requires that projects be evaluated under a reasonable worst case scenario. Air quality impacts under worst case conditions need to be compared to that APCD's significance threshold, and if threshold exceedences are demonstrated, mitigation needs to be defined to reduce the impacts to a level of insignificance. The APCD considers a reasonable worst case for hotels to be 100% occupancy. The air quality modeling for this project was based on an assumption of 70% occupancy. It should be noted that this 70% assumption was not applied only to the "inbound and outbound" patron trips with the remaining patron trips being roughly based on 100% occupancy. **To finalize the air quality assessment, please ensure that the project impacts are modeled based on 100% occupancy and adjust mitigation if needed.**

2. Justification for San Francisco and Los Angeles Patron Makeup: One of the assumptions made in the air quality impact evaluation was that the patron make up for the hotel would be 10% from the north Central Valley, 10% from the south Central Valley, 60% from the Monterey/Bay Area, and 20% from the Los Angeles metropolitan area. **Please provide justification for the above assumed percentages or provide justification of an alternative set of percentages.**

3. 2020 GHG vs. GHG at Time of Buildout: Like Tables 7 and 10 that list criteria pollutant impacts for the two anticipated operational phases of the project (Phases 1 & 2 combined and Phase 3 later), Table 15 for greenhouse gas (GHG) impacts need to be presented for both phases. **Prior to the city authorizing occupancy associated with, the APCD looks forward to working with the city and the project applicant to finalize the applicable mitigation to bring the project GHG impacts to a level of insignificance.**

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

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Doug Ayers

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