

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNED DEVELOPMENT 06-012 & CONDITIONAL USE PERMIT 07-005 APN: 025-371-019 (APPLICANT: FOX HOLLOW SPORTS FACILITY)

DATE: MARCH 13, 2007

Needs: For the Planning Commission to consider applications filed by McCarthy & Associates on behalf of Kim Walker of Fox Hollow Sports Facility, requesting to construct a private tennis and swim club.

- Facts:**
1. The site is located on the north side of Union Road, directly across from Barney Schwartz Park (See attached Vicinity Map).
 2. The 19.4 acre site is zoned C3-PD (Commercial / Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service).
 3. The site is approximately 19.4 acres and extends from Union Road to Highway 46 East. The Huer Huero Creek bisects the site. The developable area of the site would be 6.5 acre portion between the creek and Union Road.
 4. Table 21.16.200, Permitted Use Table, would allow tennis courts as a permitted use and swimming pools as a conditional use in the C3-PD zoning district.
 5. The project would be constructed in two development phases, consisting of the following uses/activities:

Phase I: construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I.

Phase II: would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.
 6. Portions of the site are located within the 100 year flood area. The project has been designed to stay out of the flood area except for the parking area that will be utilized for overflow during Phase I and will become permanent parking with Phase II. Parking lots are allowed to be

constructed in the flood area. Conditions of approval have been added to address water quality and storm drain issues.

7. No portion of the project will be constructed within the Huer Huero creek or disturb creek habitat.
8. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study, a determination has been made that the Project qualifies for issuance of a Mitigated Negative Declaration.
9. The Development Review Committee (DRC) reviewed this project at their meeting on January 22, 2007. The Committee recommended that the Planning Commission approve the project.

**Analysis
and**

Conclusions: As noted above, an environmental initial study was prepared to determine environmental impacts and ultimately the necessary mitigation measures required to mitigate the project impacts. The mitigation measures for the project relate to impacts to Kit Fox habitat, Air Quality, and water quality (storm water run-off). The mitigation measures are included in the attached PD Resolution and are required to be satisfied prior to the issuance of permits, and monitored throughout the project development.

The project has been conditioned to bring back the final details which would included but not be limited to a detailed landscape/irrigation plan, detailed site plan, fencing plan and architectural plans.

The project has been designed to compliment Barney Schwartz Park, which is located directly across Union Road. The design and architecture of the buildings were modeled after the buildings at the Hunter Ranch Golf Course, which include wood siding with standing seam metal roofs.

As part of the Chandler Ranch Specific Plan, a recreational trail will be considered that will connect Barney Schwartz Park to the Huer Huero Creek. This property will be key to extending the trail north along the banks of the creek. An offer of dedication for a recreational trail has been required to be provided over the property in accordance with a plan approved by the Recreation Services Department. The land area along and within the banks of the Huer Huero Creek will also be required to be dedicated to the City as open space.

The proposed tennis and swim complex would be consistent with the Zoning, General Plan and Economic Strategy by providing commercial services uses as well as promoting health and wellness services. Additionally it would appear that the project would be a good neighbor and be compatible with Barney Schwartz Park.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, Economic Strategy and CEQA.

Fiscal Impact: None.

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

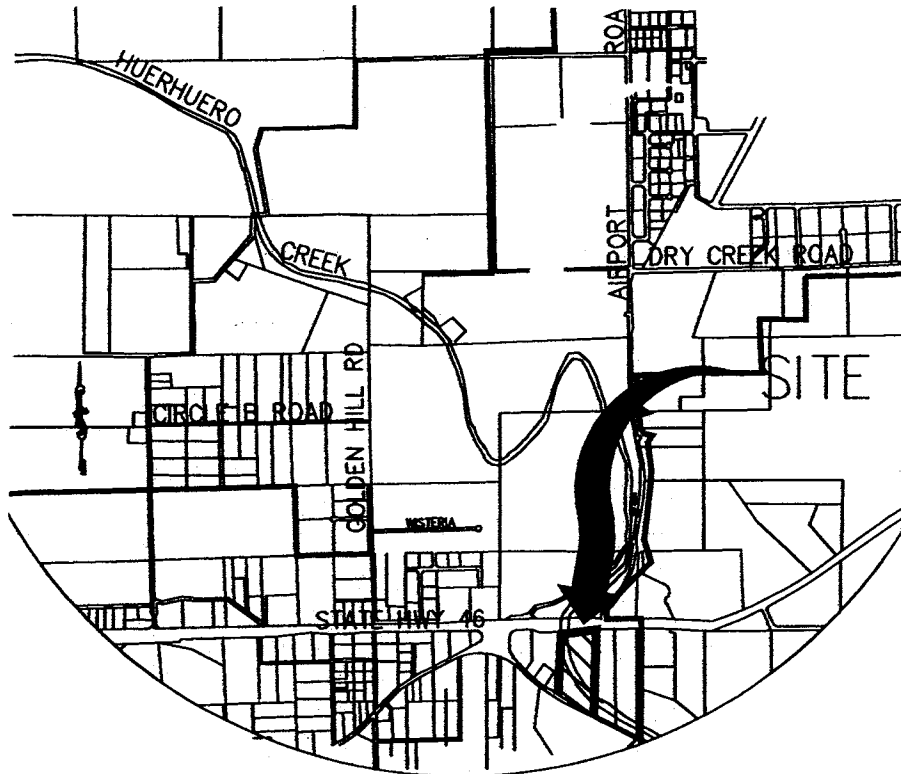
By separate motions:

- a. 1. Adopt the attached Resolution approving a Mitigated Negative Declaration for Planned Development 06-012 & Conditional Use Permit 07-005;
2. Adopt the attached Resolution approving Planned Development 06-012, subject to standard and site specific conditions;
3. Adopt the attached Resolution approving Conditional Use Permit 07-005;
- b. Amend, modify, or reject the above-listed action;

Attachments:

1. Vicinity Map
2. Memorandum from City Engineer
3. Applicant's project description
4. Resolution to Approve a Mitigated Negative Declaration
5. Resolution to Approve the Planned Development 06-012
6. Resolution to Approve the Conditional Use Permit 07-005
7. Newspaper and Mail Notice Affidavits

H:\darren\pd\FoxHollow\PCReport



NO SCALE

VICINITY MAP

Vicinity Map
PD 06-012
(Walker)

PO Box #1119 . Paso Robles . Ca 93446

www.foxhollowsports.com

Phone 805.801.4373



July 1, 2006

RE: Developer's Statement

Dear Planning Department, City of El Paso de Robles:

Our goal is to develop a center where we are able to blend public access with private membership. Fox Hollow is intended to be a one of a kind, state of the art facility. Our public facilities will allow all in our community to experience the enrichment of the sports that are our passions and our private members will enjoy the accoutrements that one should expect from a private club.

Fox Hollow will be a membership club. Our mission for the club is to create an environment where a single person, a couple, or a family will look forward to coming and relaxing with their family and friends. We hope to create the type of atmosphere where you can come to your club, grab a bite to eat, take a tennis or swim lesson, have a family barbeque on the 1 acre plus open space, or just hang out.

Those members of the community who are not fortunate enough to belong to Fox Hollow will be encouraged to take advantage of the tennis and swimming lessons that we are offering to everyone as well as to the community designated pool and tennis courts.

Fox Hollow will ultimately feature a 10,000 plus square foot club house, a child development center, 12 lighted tennis courts, 3 swimming pools, a spa, a training facility for tennis and swimming, a children's area, a barbeque area, pool tables, ping-pong tables, horse shoe pit, instructional library with the latest books and videos on swimming and tennis, locker room facilities and a snack bar.

Thank-you
Sincerely

A handwritten signature in black ink, appearing to read "Kim Walker", with a long, sweeping underline.

Kim Walker
of Fox Hollow

Paso Robles
JUL 26 2006
Planning Division

MEMORANDUM

TO: Darren Nash
FROM: John Falkenstien
SUBJECT: PD 06-012, Fox Hollow
DATE: March 13, 2007

Streets

The subject property is located at the north side of Union Road across from Barney Schwartz Park. Union Road is classified as an Arterial Street in the Circulation Element of the General Plan.

It would seem appropriate that Union Road be developed somewhat similar to Charolais Road, with one west bound lane, a comfortable bike lane and a separate multi-use path set back behind the curb line. A Union Road plan line will need to be considered by the City Council before improvements are designed for the frontage of this project.

The lowest point of Union Road is located on the property frontage. This will be the collection point for street drainage. An easement to the Huer Huero Creek should be provided in order to discharge a storm drain originating from this point.

Utilities

No sewer is available to this property. In order to provide service to this area a lift station will be installed along the Union Road frontage near or adjacent to this project. All septic systems are subject to City Council approval. Any septic system accepting more than 2,500 gallons per day, must be designed under the direction of and approved by the Regional Water Quality Control Board.

Water is available to the property from a 14-inch water main in Union Road. Fire hydrants must be placed at 300 foot intervals as directed by the Fire Marshall.

There are existing overhead utilities adjacent to the project on Union Road. These lines must be relocated underground.

Drainage

Given the proximity of the Huer Huero creek, it is essential that storm water quality practices are included in the design of the project.

Recreation and Open Space

As part of the Chandler Ranch Specific Plan, a recreational trail will be considered that will connect Barney Schwartz Park to the Huer Huero Creek. This property will be key to extending the trail north along the banks of the creek. An offer of dedication for a recreational trail should be provided over the property in accordance with a plan approved by the Recreation Services Department. The land area along and within the banks of the Huer Huero Creek should be dedicated to the City as open space.

Site Specific Conditions

1. Prior to occupancy, the applicant shall construct improvements to Union Road in accordance with plans approved by the City Engineer or the applicant will enter into an agreement deferring his responsibility for street improvements until the City adopts a plan line for Union Road.
 2. Prior to occupancy, the applicant shall dedicate all public right-of-way needed for the implementation of the Union Road plan line.
 3. Prior to occupancy, the applicant shall dedicate a storm drain easement and construct a storm drain from Union Road to the Huer Huero Creek in accordance with plans approved by the City Engineer. A water quality control basin will be constructed north of the parking area.
 4. Prior to occupancy, the applicant shall dedicate an easement for a public trail from Union Road to the north boundary of the property (Caltrans right-of-way) and/or in accordance with a plan provided by the Recreation Services Department.
 5. Prior to occupancy, the applicant shall dedicate the area along and within the banks of the Huer Heuro Creek to the City as open space.
 6. Prior to occupancy, landscaping shall be provided in the public right-of-way in accordance with plans approved by the Planning Division and Streets Superintendent.
 7. Prior to occupancy, overhead utilities on Union Road shall be relocated underground.
 8. Prior to occupancy, the applicant shall abandon any existing wells on the property.
 9. Prior to issuance of a building permit, the applicant shall gain approval of the City Council for installation of a septic system.
 10. Prior to occupancy, the applicant shall dedicate the area of the proposed septic system as an easement in favor of the City for the installation and operation of a public sewer lift station.
 11. Prior to issuance of a grading permit, the applicant shall provide a design of storm water quality devices. The design shall include specifications of parking surfaces as approved by the Community Development Department.
-

RESOLUTION NO:

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 06-012 & CONDITIONAL USE PERMIT 07-005
(FOX HOLLOW SPORTS FACILITY)
APN: 025-371-019

WHEREAS, Section 21.16A, Planned Development District, projects located in the PD Overlay district are subject to Planning Commission approval of a development plan (PD); and

WHEREAS, Planned Development 06-012 has been filed by John McCarthy on behalf of Kim Walker to construct the Fox Hollow Sports Facility which would consist of the following development:

Phase I: construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

Phase II: would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

and;

WHEREAS, the project is located on the north side of Union Road, directly across from Barney Schwartz Park; and

WHEREAS, the 19.4 acre site is zoned C3-PD (Commercial / Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service); and

WHEREAS, in conjunction with PD 06-012, the applicant has submitted Conditional Use Permit 07-005 as required by Table 21.16.200 in relation to the construction of the swimming pools; and

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

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

WHEREAS, a public hearing was conducted by the Planning Commission on March 13, 2007 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination, 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 Planning Commission 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 PD 06-012 as site specific conditions summarized below.

| Topic of Mitigation | Condition # |
|-------------------------------------|-------------|
| Air Quality | 8 |
| Biological (Kit Fox) | 7 |
| Water Quality (storm water run-off) | 11 |

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, to approve a Mitigated Negative Declaration for Planned Development 06-012 and Conditional Use Permit 07-005 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 13th day of March, 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

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ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM CITY OF PASO ROBLES

1. **Project title:** PD 06-012 & CUP 07-005 - Fox Hollow Sports Facility
2. **Lead agency name and address:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
3. **Contact person, phone, email:** Darren Nash, Associate Planner
(805) 237-3970
darren@prcity.com
4. **Project location:** north side of Union Road, across from Barney Schwartz Park
5. **Project sponsor's name and address:** John McCarthy, McCarthy Engineering, 737 Orchard Drive.
6. **General plan designation:** Commercial Service (CS)
7. **Zoning:** Commercial/Light-industrial – Planned Development Overlay (C3-PD)
8. **Description of project:** to develop approximately 6.5-acres of a larger 19.4 acre site into a private tennis and swim club. The project would be built in two phases where the first phase would consist of the construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I. Phase II would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will be provided as well.
9. **Surrounding land uses and environmental setting:** The project site is currently vacant, the Huer-Huero creek runs through the property. Barney Schwartz Park is directly across Union Road to the South. Highway 46 East is adjacent to the sites northerly boundary.
10. **Other public agencies whose approval is required:** CDF&G will be involved with the project regarding Kit Fox mitigation. The project is designed to stay out of the 100-year flood area, but permits from other agencies may be necessary. Conditions of approval will required the applicant to get permits from other agencies as necessary.

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.

- | | | |
|----------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> 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: Darren Nash, Associate Planner

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, including 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 Section XVII, “Earlier Analyses,” 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 Incorporation | Less Than Significant Impact | No Impact |
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I. AESTHETICS: Would the project:

- | | | | | |
|---------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: This project is not located on a scenic vista.

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| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: the project is not located along a state scenic highway.

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| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project as proposed would be consistent with other development in the vicinity of the site, such as Barney Schwartz Park.

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| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The tennis courts will be illuminated for night play. Light fixture standards have been submitted by the applicant and are shielded fixtures. Because of the height of the light poles (approximately 25-feet) the light source and effects of the light will be seen from off-site. The nature of the project being a sports facility, adjacent to the existing Barney Schwartz Park, which has sports lighting for multiple sports fields would not appear to be significant.

II. AGRICULTURE 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:

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| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The site is not considered prime farmland, development of the site would not be a conversion of farmland that is considered prime, unique or have statewide importance.

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| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The site is zoned for commercial/light-industrial use (C3), the proposed project is a permitted use in the C3 zoning district.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|------------------------------|-------------------------------------|
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: N/A | | | | |

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:

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| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The project was reviewed by the Air Pollution Control District of the County of San Luis Obispo. Andy Muntziger, Air Quality Specialist prepared a letter dated January 16, 2007, outlining suggested mitigation measures for the project during the construction phase and the Operational phase. The measures are listed below:

Construction Phase:

The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- 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 (nonpotable) water should be used whenever possible.
- c. All dirt stockpile 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 to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native 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.

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| Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
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- 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

Operational Permit Requirements:

If any of the following equipment is present at the site either during construction or in the operational phase of the project, Contact Gary Willey of the District’s Engineering division at (805) 781-5912 for specific information regarding permitting requirements:

- Portable generators and equipment with engines that are 50hp or greater;
- Electric generation plants of the use of standby generator;
- Boilers; and
- IC Engines

To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District’s Engineering division at (805) 781-5912 for specific information regarding permitting requirements.

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| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See response to Section A

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| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See response to Section A

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| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: It is not anticipated that this project will have sensitive receptors to substantial pollutant concentrations.

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| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: It is not anticipated that this project will have objectionable odors that would effect a substantial number of people.

IV. BIOLOGICAL RESOURCES: Would the project:

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--------------------------------------------------------------|------------------------------------|--------------|
|--|--------------------------------------|--------------------------------------------------------------|------------------------------------|--------------|

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|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion:

A Biological Report dated October 2006 was prepared by Althouse & Meade addressing the effects of the proposed project on biological resources.

Discussion: A biological assessment was conducted on the project site and a study prepared in October 2006. The study indicates that the site has two habitat types: annual grassland & riparian. There is the potential for four special status plants and two special status animals have the potential to occur on the site, however, none of these species are present. The site is within identified San Joaquin Kit Fox habitat. The project biologist calculated the score for mitigating potential impacts to the habitat. This mitigation measure has been confirmed by the California Dept. of Fish and Game as appropriate mitigation. The applicant will be required to pay the calculated in-lieu mitigation fees to an appropriate agency, such as the Nature Conservancy. This is included in the project mitigation measures. Compliance with payment of in-lieu mitigation fees to be used for protection of habitat will reduce potential SJKF impacts to less than significant

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: Riparian habitat is confined to the Huerhuero Creek channel and banks. The creek bottom is a wide and flat channel with a deep sand layer. Much of the creek bottom is barren, with no vegetation cover. The Biological study indicates that project would not remove riparian habitat from the property. Water quality could be affected from storm drains and surface run-off and that poor water quality negatively affects wildlife and riparian vegetation communities. City Section VIII of this Checklist regarding requirements for storm water run-off and water quality.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is not proposing any grading or alteration of the Huerhuero creek.

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| d. | Interfere substantially with the movement of any native resident or migratory fish or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Discussion: There are no native resident or migratory fish habitat on this site.

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| e. | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: there are no oak trees within the developable area of this site.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: there are no HCPs over this property.

V. CULTURAL RESOURCES: Would the project:

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| a. | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: A cultural resources survey and impact analysis was completed for the 19.4 acre property by C.A. Singer & Associates, Inc., dated April 27, 2006.

The study concluded, the 19.4 acre property on the tablelands east of the City of Paso Robles was surveyed to determine if cultural resources existed in the area. The area is just south of the Huerhuero Creek and has been used for dry farming and stock grazing. No buildings or structures exist within the surveyed area and prehistoric and early historic resources are absent. The property is not associated with an important historic event or person and has no unique characteristics. The topography, arid conditions, and simple geology imply the subterranean cultural resources are absent. Although Pleistocene age fossils are found in the Paso Robles Formation, mostly marine mammals, cultural (archaeological) materials have never been seen.

Future development of any part of the 19.4 acres will have no impact to any known or suspected resources. Since no impacts to cultural resources are expected, no further archeological investigations are recommended.

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| b. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: No impact, see comments above in Section A.

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| c. | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
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Discussion: No impact, see comments above in Section A.

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| d. | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: No impact, see comments above in Section A.

VI. GEOLOGY AND SOILS: Would the project:

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| a. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See the response to Section ii below. Based on that response, the potential for exposure of persons or property to seismic hazards is not considered significant.

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| 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. | Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 this valley. The Rinconada Fault system runs on the west side of the valley. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code 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 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. In addition, per requirements of the Alquist-Priolo Earthquake Fault Zones, only structures for human habitation need to be setback a minimum of 50 feet of a known active trace fault. The proposed structures are not intended for human habitation.

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| iii. | Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The City is located within an active earthquake area that could experience seismic ground shaking from the Rinconada and San Andreas Faults. The proposed structure will be constructed to

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current UBC 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.

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| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See discussion for section iii above.

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| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: there would not be a substantial soil erosion or loss of topsoil.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: See discussion in Section iii above.

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| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: Per the General Plan EIR , Paso Robles is an area that has moderately expansive soils. This issue will be addressed through implementation of appropriate excavation and compaction of soils. Therefore, impacts related to expansive soils will be less than significant.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: as part of the issuance of a building permit the applicants will need to satisfy the Building and Engineering departments by providing the necessary soils reports. It is not anticipated that the soil will be incapable for the proposed project.

VII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

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| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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materials?

Discussion: It is anticipated that there will be some chemicals on site that will be used to care for the swimming pools. The chemicals will be kept in a secure area as required by the County Health Department. No other chemicals are anticipated to be used, transported or disposed.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion:

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| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: There is not a school within a quarter mile of this site.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion:

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The project is compatible with the Air Port Land Use Plan.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The site is not in the vicinity of a private airstrip.

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| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: Complies with emergency services requirements.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: No significant impact.

VIII. HYDROLOGY AND WATER QUALITY: Would the project:

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| a. Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion:

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| 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., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The project use is consistent with the Commercial General Plan and Zoning designations and there fore would not have a significant effect on ground water supplies. There will be an initial need for larger amounts of water to fill the pools in the beginning, but the project will not be a significant water user on a day to day operation.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The project will be required to meet the requirements of the City Engineer for grading and drainage.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: No alteration of streams or the existing drainage patterns. See comment for Section C above.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: The proposed project would increase the amount of surface water with the construction of the 8 tennis courts, the proposed buildings, parking lots and sidewalks. A standard condition for the project is to require the construction of adequate storm drainage facilities which would include a water quality control basin that would filter the storm water prior to being metered into the Huer Huero Creek. | | | | |
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: This project will not substantially degrade the 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: Portions of the site are within the 100-year flood area, but not buildings or structures will be constructed in the flood area. The parking lot in Phase II would be within the flood area. The conditions requiring storm water quality devices will control the water run-off from the parking area and insure that it is filtered. | | | | |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: The parking lot in Phase II would be in the flood area, but it will not impede or redirect flood flows. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: This project would not expose people or structures to a significant risk or loss as a result of flood. | | | | |
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: This project would not create an inundation by seiche, tsunami, or mudflow. | | | | |

IX. LAND USE AND PLANNING: Would the project:

- a. Physically divide an established community?

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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the General Plan Land Use and the Zoning designations for this site, and therefore would not have a significant impact.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the General Plan Land Use and the Zoning designations for this site, and therefore would not have a significant impact.

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| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the General Plan Land Use and the Zoning designations for this site, and therefore would not have a significant impact.

X. MINERAL RESOURCES: Would the project:

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: There are no know significant mineral resources on this 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: There are no know significant mineral resources on this site.

XI. NOISE: Would the project result in:

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project will not be a significant generator of noise.

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| b. | Exposure of persons to or generation of |
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| excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: There will not be excessive groundborne vibration or noise with this proposed project. | | | | |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: The project will not be a significant generator of noise. | | | | |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: Since the site is currently vacant, there will be increase in noise levels from day to day operation. It is not anticipated that as a result of this project that there would be a substantial increase in ambient noise levels in the project vicinity. There may be periodic increase as a result of holding swimming lessons or possibly having competitive events, but it is not anticipated to be a significant impact, since the project is consistent with the General Plan and Zoning designations for Commercial/Light industrial uses. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: The project is located within Zone 4 of the Paso Robles Airport Land Use Plan. The Plan permits swimming pools and tennis courts within Zone 4. The zone does limit the maximum amount of people per gross acre as follows, the condition has been added to the project and it is not anticipated that the project will exceed the requirements: <i>The use intensity of this activity shall not exceed the average of 40 persons per gross acre, maximum of 120 persons per single acre, at any time. Usage calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time whether indoors or outdoors.</i> | | | | |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: There are not private airstrips in the vicinity of the project. | | | | |

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XII. POPULATION AND HOUSING: Would the project:

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| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: There is no residential development proposed with this project.

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| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The site is currently vacant.

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| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion:N?A

XIII. 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:

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| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project has been reviewed by the ES department and the necessary conditions of approval have been added to the project to meet the ES needs.

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| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

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| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

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| d. Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

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| e. | Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

XIV. RECREATION

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| a. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy for Commercial / Light-industrial use.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

XV. TRANSPORTATION/TRAFFIC: Would the project:

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|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy for Commercial / Light-industrial use. It is not anticipated that the proposed sports facility will have an increase in traffic that would be more significant than a commercial project on the site.

Union Road is an arterial road that will be improved with the development of this project.

This project will be required to pay development impact fees that will be used for traffic facilities in this area of the City.

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|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. | Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|-----------------------------------------------|------------------------------------------------------------------------|---------------------------------------------|----------------------|
|--|-----------------------------------------------|------------------------------------------------------------------------|---------------------------------------------|----------------------|

Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

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|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is not altering the existing alignment of Union Road.

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|-------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is designed to provide the necessary emergency access.

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|-------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f. Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: the project has been designed to provide adequate parking. An overflow parking area will be provided with Phase I and be improved as permanent parking in Phase II.

It is anticipated that if there were an event that would impact the improved parking lot, that the overflow area will handle the overflow parking.

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| g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is consistent with the City's General Plan, Zoning and Economic Strategy and therefore is not an impact.

XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The applicants will need to obtain any necessary permits from the RWQCB prior to issuance of a Grading Permit. The City is requiring storm water detention and facilities to insure filtering of storm water.

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|-------------------------------------------------|--|--|--|--|
| b. Require or result in the construction of new | | | | |
|-------------------------------------------------|--|--|--|--|

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|-------------------------------------|-------------------------------------|
| <p>water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p> <p>Discussion: The applicant will need to go before the City Council to request the use of a septic tank, since sewer facilities are not in the vicinity of this site. The project will need to provide the infrastructure necessary to hook up to City sewer when it is brought down Union Road near this site. The project will have to hook up at that time. All septic facilities will need to meet the requirements of the City and RWQCB.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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?</p> <p>Discussion: The proposed project would increase the amount of surface water with the construction of the 8 tennis courts, the proposed buildings, parking lots and sidewalks. A standard condition for the project is to require the construction of adequate storm drainage facilities which would include a water quality control basin that would filter the storm water prior to being metered into the Huer Huero Creek.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</p> <p>Discussion: The Emergency Service department is requiring water pressure tests to be completed prior to issuance of a building permit to insure adequate water pressure.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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 project=s projected demand in addition to the provider=s existing commitments?</p> <p>Discussion: See discussion in Section b.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</p> <p>Discussion: The project is consistent with the City’s General Plan, Zoning and Economic Strategy and therefore is not an impact.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>g. Comply with federal, state, and local statutes and regulations related to solid waste?</p> <p>Discussion: The project is consistent with the City’s General Plan, Zoning and Economic Strategy and therefore is not an impact.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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|-----------------------------------------------|------------------------------------------------------------------------|---------------------------------------------|----------------------|
| Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|-----------------------------------------------|------------------------------------------------------------------------|---------------------------------------------|----------------------|

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project does not 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 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.

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|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: *The project will not have a significant impact.*

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|----|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: *The project will not result in substantial adverse environmental impacts 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

| <u>Reference #</u> | <u>Document Title</u> | <u>Available for Review at:</u> |
|--------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 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 Sewer Master Plan | Same as above |
| 8 | City of Paso Robles Housing Element | Same as above |
| 9 | City of Paso Robles Standard Conditions of Approval for New Development | Same as above |
| 10 | San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds | APCD 3433 Roberto Court San Luis Obispo, CA 93401 |
| 11 | San Luis Obispo County – Land Use Element | San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408 |
| 12 | USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983 | Soil Conservation Offices Paso Robles, Ca 93446 |
| 13. | Cultural Survey by CA Singer dated April 27, 2006 | City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446 |
| 14 | Biological Study by Althouse & Meade dated October 2006 | Same as above. |

RESOLUTION NO.:

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES APPROVING
PLANNED DEVELOPMENT 06-012
(FOX HOLLOW SPORTS FACILITY)
APN: 025-371-019

WHEREAS, Section 21.16A, Planned Development District, projects located in the PD Overlay district are subject to Planning Commission approval of a development plan (PD); and

WHEREAS, Planned Development 06-012 has been filed by John McCarthy on behalf of Kim Walker to construct the Fox Hollow Sports Facility which would consist of the following development:

Phase I: construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

Phase II: would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

and;

WHEREAS, the project is located on the north side of Union Road, directly across from Barney Schwartz Park; and

WHEREAS, the 19.4 acre site is zoned C3-PD (Commercial / Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service); and

WHEREAS, in conjunction with PD 06-012, the applicant has submitted Conditional Use Permit 07-005 as required by Table 21.16.200 in relation to the construction of the swimming pools; and

WHEREAS, at its March 13, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Planned Development 06-012 and related applications; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Project qualifies for adoption of a Mitigated Negative Declaration; and

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

1. The proposed Project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since the Project is consistent with the City's Economic Strategy by promoting health and wellness services.

2. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:
 - A. The granting of the Planned Development (PD) will not adversely affect the policies, spirit and intent of the General Plan, the Zoning Ordinance, and the policies and plans of the City.
 - B. The Project maintains and enhances the significant natural resources on the site. This has been accomplished by constructing the project out of the Huer Huero Creek and the requirement to provide storm drainage facilities to filter storm water and meter-out the water at an historic rate to the creek.
 - C. The Project is designed to be sensitive to, and blend in with, the character of the site and surrounding area by providing a facility that would complement Barney Schwartz Park not only by a compatible use, but by site planning and architectural design.
 - D. Based on the project's design and density of the developed portion of the site is compatible with the established character and scale of surrounding development and would not be disharmonious or disruptive element to the neighborhood.
 - E. The project is consistent with the purpose and intent of the Zoning Code and the Project is not contrary to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 06-012, subject to the following conditions:

STANDARD CONDITIONS:

1. The Project shall comply with all Conditions of Approval and Exhibits contained in this Resolution and the associated Resolutions for the above-referenced Conditional Use Permit 07-005.

PLANNING SITE SPECIFIC CONDITIONS:

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

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

| EXHIBIT | DESCRIPTION |
|---------|------------------------------------------------------------------------|
| A | Standard Conditions of Approval |
| B | Site Plan |
| C | Grading & Drainage Plan |
| D | Landscape Plan |
| E | Architectural Elevations – Club House |
| F | Architectural Elevations – Pool House |
| G | Color and Materials Board (on file in the Community Development Dept.) |

3. This Development Plan for PD 06-012, together with the application for Conditional Use Permit 07-005 allows for development and operation of the project as follows:

Phase I: construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

Phase II: would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.
4. In conjunction with the submittal of the building plans, exterior light cut-sheets shall be provided for Staff review, to insure adequate shielding.
5. Prior to the issuance of a building permit of each building for both Phase I and II, the following plans/details shall be submitted to the Development Review Committee (DRC) for review and approval:
 - a. Final site plan, grading plan and detailed landscape plan (landscape plan needs to include details of septic system area;
 - b. Final building architectural elevations, colors, materials (Phase I & II Bldgs);
 - c. Exterior lighting cut sheets and light placement plan;
 - d. Final details for tennis courts, including fencing type and materials;
 - e. Final details including bike racks, benches, patio equipment, paths..etc.
 - f. Trash enclosure details and location;
 - g. Pool details including location of pool equipment and any equipment buildings.
 - h. Any site fencing including placement and type of fencing;
 - I Parking lot plan for Phase II included required concrete/asphalt surfacing and required landscaping.
6. All roof mounted equipment shall be fully screened.

ENVIRONMENATL MITIGATION MEASURES

7. The following Mitigation Measures are from the Biological Report prepared by Althouse and Meade dated October 2006:

BR-1. Prior to issuance of grading and/or construction permit(s), the applicant shall submit evidence to the City of Paso Robles (City) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- i. Provide for the protection in perpetuity, through acquisition of a fee or a conservation easement 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 (CDFG) and the City of Paso Robles (City).

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

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

Mitigation alternative (ii) 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 an agreement between CDFG 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 CEQA. A fee would be charged per acre. This fee must be paid after CDFG provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

- iii. Purchase the appropriate number of mitigation credits, as determined by the San Joaquin habitat evaluation form, or the San Joaquin Kit Fox Habitat Area Standard Mitigation Ratio Area map, and reviewed by CDFG. The credits would be obtained from a CDFG-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.

At this time, there is an approved conservation bank in San Luis Obispo County. The Palo Prieto Conservation Bank is operational. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- iv. If none of the above measures (i, ii, or iii) are available, the applicant may enter into a Mitigation Agreement with CDFG, including depositing funds into an escrow account (or other means of securing funds acceptable to the CDFG) which would ensure the protection in perpetuity of the appropriate number of mitigation acres as determined by use of the San Joaquin kit fox habitat evaluation form and review by CDFG of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. CDFG can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted prior to City permit issuance and initiation of any ground disturbing activities.

BR-2. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 1 and August 31, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. 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. Construction activities shall observe a 300-foot buffer for active raptor nests.

BR-3. A 50-foot buffer shall be established from the edge of the riparian habitat in Huerhuero Creek. The buffer will increase the ability for wildlife to move through the creek corridor unhindered by activities associated with the sports facility.

BR-4. Outdoor lighting shall be designed or shielded so that it does not cast light directly onto the riparian habitat.

BR-5. 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-5 through BR-14. 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-5iii). 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.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the City Planning Division.

BR-6. 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 (or 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-7. 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-8. 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. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the City, as well as any related biological report(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-9. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly 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-10. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If 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-11. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, 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 San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-12. 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 the depletion of prey upon which San Joaquin kit foxes depend.

BR-13. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and 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-14. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
- ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- iii. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-5 to BR-14): Compliance will be verified by the City of Paso Robles, Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

8. The following mitigation measures are recommended by the Air Pollution Control District from their letter dated January 16, 2007:

AQ-1 The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- 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 (nonpotable) water should be used whenever possible.
- c. All dirt stockpile 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 to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native 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

AQ-2 Operational Permit Requirements:

If any of the following equipment is present at the site either during construction or in the operational phase of the project, Contact Gary Willey of the District's Engineering division at (805) 781-5912 for specific information regarding permitting requirements:

- Portable generators and equipment with engines that are 50hp or greater;
- Electric generation plants of the use of standby generator;
- Boilers; and
- IC Engines

To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District's Engineering division at (805) 781-5912 for specific information regarding permitting requirements.

ENGINEERING SITE SPECIFIC CONDITIONS:

9. Prior to occupancy, the applicant shall construct improvements to Union Road in accordance with plans approved by the City Engineer or the applicant will enter into an agreement deferring his responsibility for street improvements until the City adopts a plan line for Union Road.
10. Prior to occupancy, the applicant shall dedicate all public right-of-way needed for the implementation of the Union Road plan line.
11. Prior to occupancy, the applicant shall dedicate a storm drain easement and construct a storm drain from Union Road to the Huer Huero Creek in accordance with plans approved by the City Engineer. A water quality control basin will be constructed north of the parking area.
12. Prior to occupancy, the applicant shall dedicate an easement for a public trail from Union Road to the north boundary of the property (Caltrans right-of-way) and/or in accordance with a plan provided by the Recreation Services Department.
13. Prior to occupancy, the applicant shall dedicate the area along and within the banks of the Huer Heuro Creek to the City as open space.
14. Prior to occupancy, landscaping shall be provided in the public right-of-way in accordance with plans approved by the Planning Division and Streets Superintendent.
15. Prior to occupancy, overhead utilities on Union Road shall be relocated underground.
16. Prior to occupancy, the applicant shall abandon any existing wells on the property.
17. Prior to issuance of a building permit, the applicant shall gain approval of the City Council for installation of a septic system.

18. Prior to occupancy, the applicant shall dedicate the area of the proposed septic system as an easement in favor of the City for the installation and operation of a public sewer lift station.
19. Prior to issuance of a grading permit, the applicant shall provide a design of storm water quality devices. The design shall include specifications of parking surfaces as approved by the Community Development Department.

EMERGENCY SERVICES SITE SPECIFIC CONDITIONS:

20. Provide fire sprinkler systems for commercial buildings.
21. Prior to the start of construction, documentation shall be submitted to Emergency Services showing that required fire flows can be provided to meet all project demands.

AIRPORT RELATED CONDITIONS:

22. The project is located within Zone 4 of the Airport Land Use Plan, and while the proposed activities are permitted in Zone 4, the following condition (footnote 16) applies to the project:

The use intensity of this activity shall not exceed the average of 40 persons per gross acre, maximum of 120 persons per single acre, at any time. Usage calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time whether indoors or outdoors.

PASSED AND ADOPTED THIS 13th day of March, 2007 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

h:darren/PD/ArcieroOfficePDRes

EXHIBIT A OF RESOLUTION

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS
FOR PLANNED DEVELOPMENTS / CONDITIONAL USE PERMITS**

PROJECT #: PD 06-012 & CUP 07-005

APPROVING BODY: PLANNING COMMISSION

DATE OF APPROVAL: MARCH 13, 2007

APPLICANT: FOX HOLLOW SPORTS FACILITY

LOCATION: UNION ROAD

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

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

A. GENERAL CONDITIONS:

- 1. This project approval shall expire on March 13, 2009 (See Planned Development Approval Resolution) unless a time extension request is filed with the Community Development Department prior to expiration.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the

(Adopted by Planning Commission Resolution 94-038)

public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

- 5. This project is subject to the California Environmental Quality Act (CEQA) which requires the applicant submit a \$25.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
- 6. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 7. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 8. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 9. All trash enclosures shall be constructed of decorative masonry block compatible with the main buildings. Gates shall be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.
- 10. All existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- 11. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 12. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.

(Adopted by Planning Commission Resolution 94-038)

- 13. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 14. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- 15. The following areas shall be placed in the Landscape and Lighting District:

The developer shall install all improvements and landscape areas. City acceptance on behalf of the Landscape and Lighting District shall be subject to the approval of the Public Works Street Department (237-3864).

- 16. All parking lot landscape planters shall have a minimum outside dimension of six feet and shall be separated from parking and driving areas by a six inch high solid concrete curb.
- 17. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

- 18. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- 1. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.

- 2. Prior to the issuance of building permits, the
 - Development Review Committee shall approve the following:
 - Planning Division Staff shall approve the following:
 - a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
 - b. A detailed landscape plan;
 - c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
 - d. Other: See PD 06-012 Resolution for specific DRC review requirements.
- 3. The applicant shall meet with the City's Crime Prevention Officer prior to the issuance of building permits for recommendations on security measures to be incorporated into the design of the structures to be constructed. The applicant is encouraged to contact the Police Department at (805) 237-6464 prior to plan check submittal.

C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO OCCUPANCY:

- 1. Occupancy of the facility shall not commence until such time as all Uniform Building Code and Uniform Fire Code regulations have been complied with. Prior to occupancy, plans shall be submitted to the Paso Robles Fire Department and the Building Division to show compliance. The building shall be inspected by the appropriate department prior to occupancy.
- 2. All public or private manufactured slopes located adjacent to public right-of-ways on property in excess of six (6) feet in vertical height and of 2.5:1 or greater slope shall be irrigated and landscaped for erosion control and to soften their appearance as follows: one 15-gallon tree per each 250 square feet of slope area, one 1-gallon or larger size shrub per each 100 square feet of slope area, and appropriate ground cover. Trees and shrubs shall be staggered in clusters to soften and vary the slope plane. Slope planting shall include a permanent irrigation system be installed by the developer prior to occupancy. In lieu of the above planting ratio, the applicant may submit a slope planting plan by a licensed landscape architect or contractor providing adequate landscaping, erosion control and slope retention measures; the slope planting plan is subject to approval by the Development Review Committee. Hydroseeding may be considered on lots of 20,000 square feet or greater.

(Adopted by Planning Commission Resolution 94-038)

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

APPLICANT: FOX HOLLOW PREPARED BY: JF

REPRESENTATIVE: John McCarthy CHECKED BY: _____

PROJECT: PD 06-012 TO PLANNING: _____

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

D. PRIOR TO ANY PLAN CHECK:

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

E. PRIOR TO ISSUANCE OF A GRADING PERMIT:

- 1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
- 2. The proposed structures and grading shall not encroach into the 100-year floodway as specified in Municipal Code Chapter 21.14 "Flood Damage Prevention Regulations".
- 3. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
- 4. A complete grading and drainage plan prepared by a registered civil engineer shall be included with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer.

- 5. A Preliminary Soils and/or Geology Report shall be prepared by a registered engineer for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.

F. PRIOR TO ANY SITE WORK:

- 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
- 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility, together with the improvement plans. The composite utility plan shall also be signed by the Water, Fire, Wastewater, and Street Division heads.
- 3. Any grading anticipated during the rainy season (October 15 to April 15) will require the approval of a Construction Zone Drainage and Erosion Control Plan to prevent damage to adjacent property. Appropriateness of areas shall be subject to City Engineer approval.
- 4. Any construction within an existing street shall require a Traffic Control Plan. The plan shall include any necessary detours, flagging, signing, or road closures requested. Said plan shall be prepared and signed by a registered civil or traffic engineer.
- 5. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require a signature of approval by the Department of Public Works, Street Superintendent and the Community Development Department.
- 6. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:

| <u>Union Road</u> | <u>Arterial</u> | <u>Plan Line</u> |
|-------------------|-----------------|----------------------|
| Street Name | City Standard | Standard Drawing No. |

- 7. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
 - a. Public Utilities Easement;

(Adopted by Planning Commission Resolution 94-038)

- b. Water Line Easement;
- c. Sewer Facilities Easement;
- d. Landscape Easement;
- e. Storm Drain Easement.

G. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 1. A final soils report shall be submitted to the City prior to the final inspection and shall certify that all grading was inspected and approved, and that all work has been done in accordance with the plans, preliminary report, and Chapter 70 of the Uniform Building Code.
- 2. The applicants civil and soils engineer shall submit a certification that the rough grading work has been completed in substantial conformance to the approved plans and permit.
- 3. When retaining walls are shown on the grading plan, said walls shall be completed before approval of the rough grade, and prior to issuance of any building permits, unless waived by the Building Official and the City Engineer.
- 4. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed.
- 5. Building permits shall not be issued until the water system has been completed and approved, and a based access road installed sufficient to support the City's fire trucks per Fire Department recommendation.
- 6. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:
 - a. Street lights;
 - b. Parkway and open space landscaping;
 - c. Wall maintenance in conjunction with landscaping;
 - d. Graffiti abatement;
 - e. Maintenance of open space areas.
- 7. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) - in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V - the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.
- 8. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate

(Adopted by Planning Commission Resolution 94-038)

Map (FIRM) in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V, the developer shall provide a Flood Proofing Certificate in accordance with the National Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State California.

H. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council.
- 3. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 4. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected against erosion by hydroseeding or landscaping.
- 5. The applicant shall install all street names, traffic signs and traffic striping as directed by the City Engineer.
- 6. If the adjoining existing City street is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall remove the entire roadway and replace it with a minimum full half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 7. If the development includes a phased street construction along the project boundary for future completion by the adjacent property owner, the applicant shall provide a minimum half-width street plus a 12' wide travel lane and 4' wide graded shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 8. When the project fronts on an existing street, the applicant shall pave-out from the proposed curb to the edge of pavement if the existing pavement section is adequate, and shall feather the new paving out to the centerline for a smooth transition. If the existing pavement is inadequate, the roadway shall be replaced to centerline and the remaining pavement shall be overlaid. (A finding of "rough proportionality" has been made in the resolution for this condition).

(Adopted by Planning Commission Resolution 94-038)

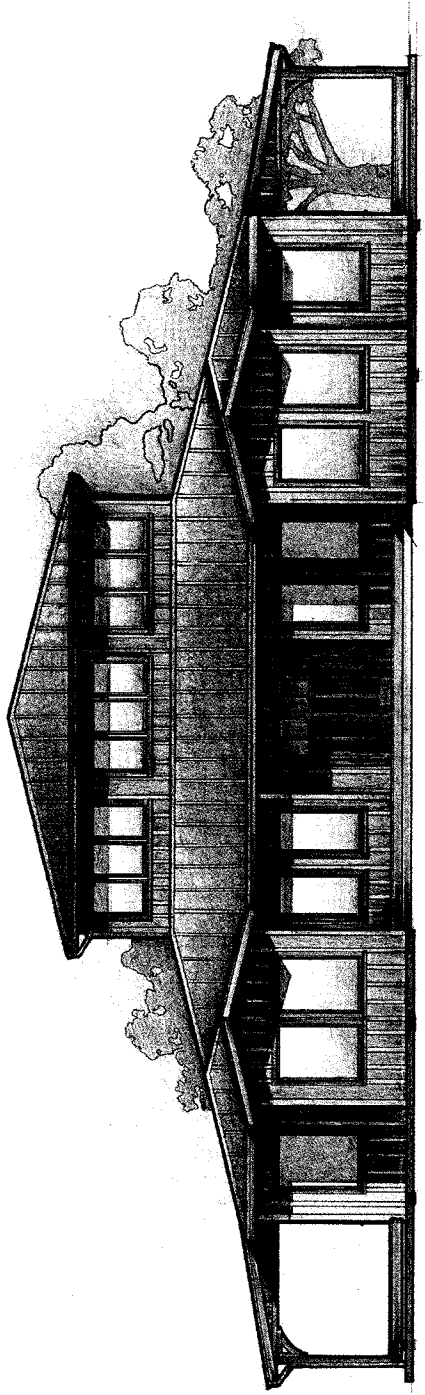
- 9. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking rather than trenching may be required on newly constructed or heavily traveled City streets.
- 10. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV and telephone) underground (as shown on the composite utility plan). Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project. All underground construction shall be completed and approved by the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 11. Prior to paving any street the water and sewer systems shall successfully pass a pressure test. The sewer system shall also be tested by a means of a mandrel and video inspection with a copy of the video tape provided to the City. No paving shall occur until the City has reviewed and viewed the sewer video tape and has determined that the sewerline is acceptable. Any repair costs to the pipeline including trench paving restoration shall be at the developer's expense.
- 12. A blackline clear Mylar (0.4 MIL) copy and a blueline print of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. A reduced copy (i.e. 1" = 100') of the composite utility plan shall be provided to update the City's Atlas Map.
- 13. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

PASO ROBLES FIRE DEPARTMENT - The applicant shall contact the Fire Department, (805) 237-3973, for compliance with the following conditions:

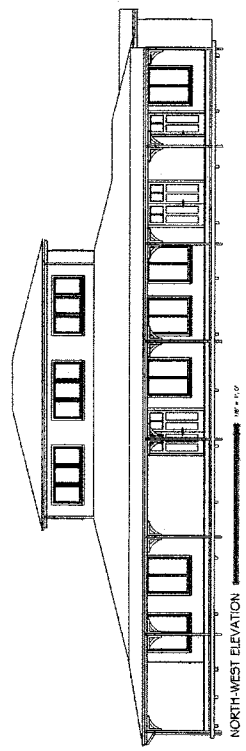
I. GENERAL CONDITIONS

- 1. Fire hydrants shall be installed at intervals as required by the Fire Chief and City Engineer. The maximum spacing for single family residential shall be 500 feet. The maximum spacing for multi-family and commercial/ residential shall be 300 feet. On-site hydrants shall be placed as required by the Fire Chief.
- 2. Building permits shall not be issued until the water system, including hydrants, has been tested and accepted and a based access road installed sufficient to support the City's fire apparatus (HS-20 truck loading). The access road shall be kept clear to a minimum of 24 feet at all times and shall be extended to each lot and shall be maintained to provide all weather driving conditions.
- 3. No buildings shall be occupied until all improvements are completed and accepted by the City for maintenance.
- 4. If the development includes phased street construction, temporary turn-arounds shall be provided for streets that exceed 150 feet in length. The temporary turn around shall meet City requirements as set forth in the Public Works Department Standards and Specifications.
- 5. All open space areas to be dedicated to the City shall be inspected by the Fire Department prior to acceptance. A report shall be submitted recommending action needed for debris, brush and weed removal and tree trimming. The developer shall clean out all debris, dead limbs and trash from areas to be recorded as open space prior to acceptance into a Benefit Maintenance District.
- 6. Any open space included in a private development shall be subject to the approval of a vegetation management plan approved by the Fire Chief.
- 7. Each tract or phase shall provide two sources of water and two points of access unless otherwise determined by the Fire Chief and Public Works Director.
- 8. Provisions shall be made to update the Fire Department Run Book.

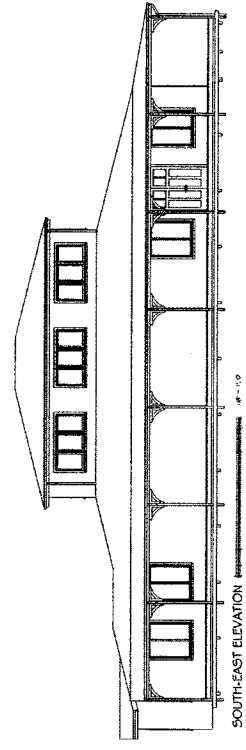
(Adopted by Planning Commission Resolution 94-038)



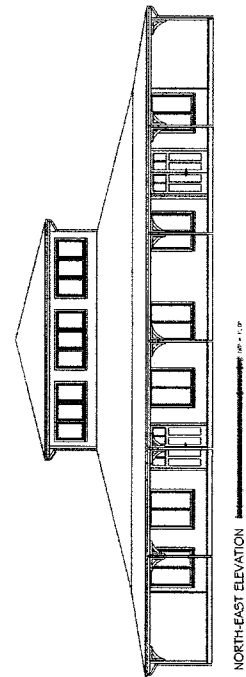
SOUTH-WEST ELEVATION 1/8" = 1'-0"



NORTH-WEST ELEVATION 1/8" = 1'-0"

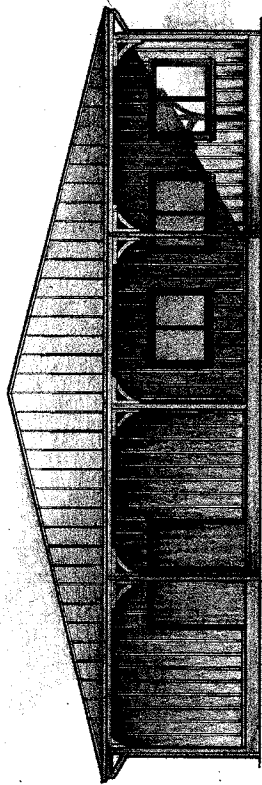


SOUTH-EAST ELEVATION 1/8" = 1'-0"

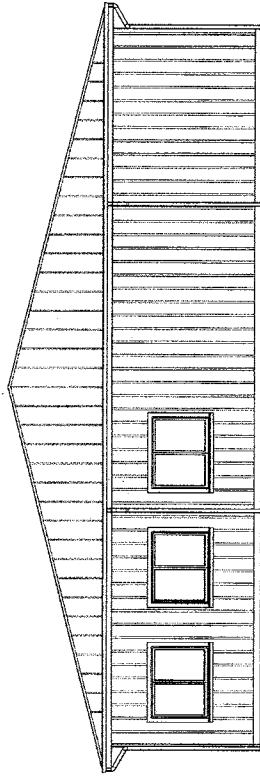


NORTH-EAST ELEVATION 1/8" = 1'-0"

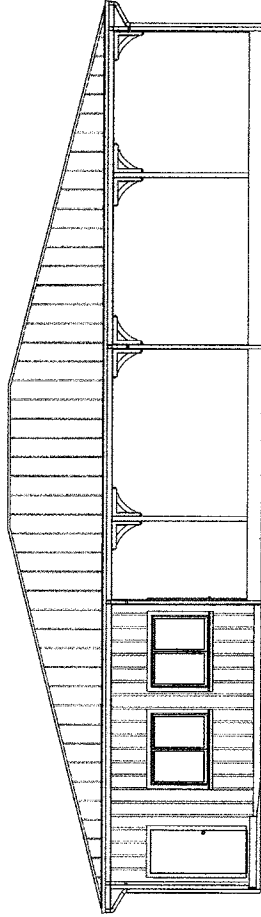
Exhibit E
Architectural Elevations - Club House
 PD 06-012 & CUP 07-005
 (Fox Hollow Sports Facility)



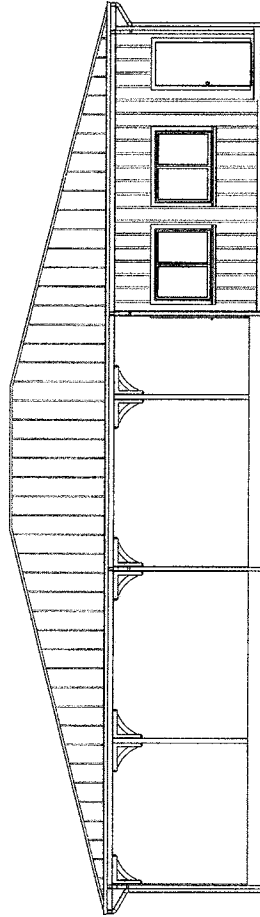
SOUTH-WEST ELEVATION 1/8" = 1'-0"



NORTH-EAST ELEVATION 1/8" = 1'-0"



NORTH-WEST ELEVATION 1/8" = 1'-0"



SOUTH-EAST ELEVATION 1/8" = 1'-0"

Exhibit F
Architectural Elevations - Pool House
PD 06-012 & CUP 07-005
(Fox Hollow Sports Facility)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 07-005
(FOX HOLLOW SPORTS FACILITY)
APN: 025-371-019

WHEREAS, Section 21.16.200 requires Planning Commission approval of a Conditional Use Permit (CUP) for swimming pools as a commercial use; and

WHEREAS, CUP 07-005 has been filed by John McCarthy on behalf of Kim Walker to construct the Fox Hollow Sports Facility which would consist of the following development:

Phase I: construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

Phase II: would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

and;

WHEREAS, the project is located on the north side of Union Road, directly across from Barney Schwartz Park; and

WHEREAS, the 19.4 acre site is zoned C3-PD (Commercial/Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service); and

WHEREAS, in conjunction with CUP 07-005, the applicant has submitted PD 06-012 as required by 21.16A of the Zoning Code; and

WHEREAS, at its March 13, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Conditional Use Permit 07-005 and related applications; and

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a mitigated Negative Declaration was approved by the Planning Commission on March 13, 2007; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following finding that the establishment, maintenance or operation of the requested uses applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 07-005 subject to the following conditions:

STANDARD CONDITIONS

1. The applicant shall comply with all those standard and site specific conditions which are contained in the Resolution and its exhibits approving Planned Development 06-012.

SITE SPECIFIC CONDITIONS

2. This project approval shall expire on March 13, 2009 unless a time extension request is filed with the Community Development Department prior to expiration.
3. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Conditional Use Permit.
4. All on-site operations shall be in conformance with the City's performance standards contained in Section 21.21.040 and as listed below:
 - a. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - b. Radioactivity or Electrical Disturbance. Devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
 - c. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
 - d. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
 - e. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).

- f. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
- g. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- h. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.
- i. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.
- j. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review. (Ord. 665 N.S. § 28, 1993; (Ord. 405 N.S. § 2 (part), 1977)

PASSED AND ADOPTED THIS 13th day of March, 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

darren/pd/PD 06-012FoxHollow/CUP Reso

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

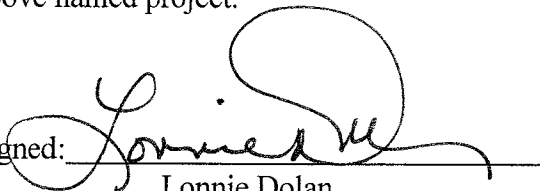
Newspaper: Tribune

Date of Publication: February 21, 2007

Meeting Date: March 13, 2007
(Planning Commission)

Project: Planned Development 06-012
(Walker – Fox Hollow Swim &
Tennis Club – Union Road)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

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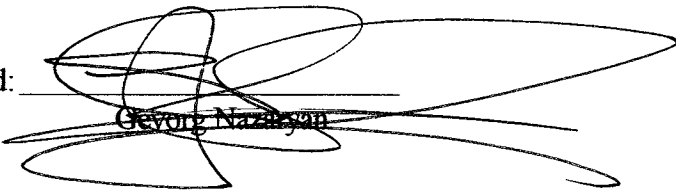
CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING;
NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION
NOTICE IS HEREBY GIVEN that the Planning
Commission of the City of El Paso de Robles
will hold a Public Hearing to consider approval
of a Planned Development and adoption of a
Mitigated Negative Declaration (statement that
there will be no significant environmental effects
because of the required mitigation measures) in
accordance with the provisions of the California
Environmental Quality Act (CEQA), for the fol-
lowing project:
Planned Development 06-012: an application
filed by McCarthy Engineering on behalf of Kim
Walker to construct a private Tennis/Swim club
on the 6.5 acre site located on Union Road,
across from Barney Schwartz Park (APN: 025-
371-019). The project would be constructed in
two development phases.
The public review period for the Draft Mitigated
Negative Declaration commences on February
21, 2007, and ends at the Public Hearing, which
is scheduled for the Planning Commission on
Tuesday, March 13, 2007.
The meeting will begin at the hour of 7:30 pm
in the Conference Center (First Floor) at the
Paso Robles Library/City Hall, 1000 Spring
Street, Paso Robles, California. All interested
parties may appear and be heard at this
hearing.
The proposed Mitigated Negative Declarations
may be reviewed at the Community Develop-
ment Department, 1000 Spring Street, Paso
Robles, California. Copies may be purchased
for the cost of reproduction.
Written comments on the proposed develop-
ment plan and mitigated negative declaration
may be mailed to the Community Development
Department, 1000 Spring Street, Paso Robles,
CA 93446 provided that such comments are
received prior to the time of the public hearing.
Oral comments may be made at the hearing.
Should you have any questions regarding this
application, please call Darren Nash at (805)
237-3970.
If you challenge the development plan or miti-
gated negative declaration in court, you may be
limited to raising only those issues you or some-
one else raised at the public hearing described
in this notice, or in written correspondence
delivered to the Planning Commission at, or
prior to, the public hearing.
Darren Nash, Associate Planner
February 21, 2007 6540483

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Gevorg Nazaryan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Planned Development 06-012, A request to construct a private Tennis/Swim club. The project would be constructed in two development phases. (Applicant: McCarthy Engineering on behalf of Kim Walker) APN: 025-371-019, on this 1st day of March, 2007.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Gevorg Nazaryan

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