

MEMORANDUM

Date: July 26, 2011
To: Planning Commission
From: Susan DeCarli, Planning Mgr.
Subject: Vina Robles PD Amendment 02-002 and CUP 11-004

This project was scheduled for consideration by the Planning Commission to potentially take action at the regular meeting of the Planning Commission on July 26, 2011. The environmental document was circulated and noticed per State law, and the review period has been completed (June 20, 2011 to July 19, 2011).

However, the public hearing notice to property owners (within 300 feet of the property) was not sent in adequate time for review in compliance with State notification requirements. Therefore, this item will be presented to the Planning Commission and comments may be received from the public, however, deliberation and action on the item will need to be continued until the next meeting of the Planning Commission on August 9, 2011.

TO: Planning Commission

FROM: Ed Gallagher, Community Development Director

SUBJECT: Planned Development Amendment 02-002, Conditional Use Permit 11-004 and a Mitigated Negative Declaration for Vina Robles, Inc

DATE: July 26, 2011

NEEDS: For the Planning Commission to consider an amendment to PD 02-002, approval of Conditional Use Permit (CUP) 11-004, and the associated Mitigated Negative Declaration (MND) to allow an outdoor amphitheater, relocation of the previously approved hotel, and ancillary buildings and other minor modifications at the Vina Robles Hospitality Center.

FACTS:

1. A Master Development Plan (PD 02-002 and CUP 02-027) for the Vina Robles Hospitality Center was approved by the Paso Robles Planning Commission on March 11, 2003.
2. The project site is located at 3700 Mill Road at the intersection of Highway 46 East and Mill Road. (See Exhibit 1 – Project Location Map.) The property is designated in the General Plan and zoned as Parks and Open Space (POS), and it has an Airport Overlay.
3. The Master Development Plan included approval of a winery, wine tasting/hospitality center, spa, 60-unit hotel and 10 detached duplex bungalows (for a total of 80 rooms), and ancillary buildings and site improvements.
4. The major land uses and buildings that were approved in the Master Plan were designed to be improved in three phases: Phase 1 – Hospitality Building; Phase 2 – Hotel/Bungalows; Phase 3 – Winery.
5. The applicant completed the hospitality building (Phase 1) a few years ago, and is now interested in modifying the mix of uses and site layout, including relocating where the hotel was previously approved to the west side of the hospitality center, and adding an outdoor amphitheater and ancillary buildings. The winery and spa facility are no longer a part of this development. (The applicant is constructing the winery at a different location.)
6. The proposed amphitheater is intended to host a maximum of up to 50 events per year. The project is designed to accommodate “capacity” events with attendance of 3,300 guests. The hotel is designed with 60 rooms, and the 10 duplex bungalow units would include 20 suites, consistent with the prior entitlement. Ancillary buildings include an “artist compound”, entrance gate and admissions building, security and first aid building, food and beverage sales booths, and restrooms. (See Attachment 2 – Project Description.)
7. The project, as proposed, would require removal of 68 oak trees. The oak tree removal permit would need to be approved by City Council. The applicant submitted an Arborist Report that documents the locations, sizes and health of the trees proposed to be removed.

8. The SLO County Airport Land Use Commission (ALUC) considered the consistency of the proposed project with the Paso Robles Airport Land Use Plan (ALUP) on April 20, 2011. The ALUC made a determination that the project was consistent with the ALUP.
9. The project was considered by the Development Review Committee (DRC) on May 9, 2011. The DRC received a presentation of the project and also conducted a site tour. The DRC unanimously recommended approval of the project to the Planning Commission.
10. The Paso Robles Airport Advisory Committee (AAC) considered the project on May 26, 2011. The AAC unanimously supported the project.
11. The applicant submitted several special studies for the environmental review including: an Air Quality and Greenhouse Gas Assessment; Biological Study; Noise Impact Study, and Traffic Study. Staff prepared a Visual Impact Analysis.
12. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City Procedures for Implementing CEQA, an Initial Study was prepared. Upon review and analyses of the materials and studies, staff determined that the project may result in significant environmental impacts. However mitigation measures can reduce impacts to a less than significant level, and a draft Mitigated Negative Declaration (MND) has been prepared for this project.
13. The project MND was circulated to the State Clearinghouse Office of Planning and Research on June 16, 2011. The 30 day public review period was from June 20, 2011 through July 19, 2011. The City received comments from Caltrans, District 5 and the SLO County Air Pollution Control District (APCD).

**ANALYSIS &
CONCLUSION:**

SITE PLAN, PARKING AND STORMWATER MANAGEMENT

The applicant requests approval to construct an outdoor amphitheater to the east of the hospitality center in the oak tree woodland, within a natural “bowl” area on the property. The amphitheater includes a central stage, seating areas with fixed and removable seating, an open grass area for seating and a plaza concourse area. Ancillary amphitheater buildings include an entry gate/admissions building, artist compound/staging area, equipment storage building, safety and security building, food and beverage booths and restrooms. (See Attachment 3, Site Plan) The project may be phased, with Phase 1 being the amphitheater, and Phase 2 being the hotel and bungalows. The amphitheater may also be phased in terms of standard construction or modular buildings. The applicant intends on building standard buildings, however, depending on financing they may need to install modular buildings for the artist compound and a removable stage and lighting apparatus, until such time that they can complete permanent, standard buildings.

The event venue will require a significant amount of parking (1,100 spaces), therefore a large parking lot area is proposed adjacent to Mill Road. Phase 1 (the amphitheater) includes 1,105 parking spaces, which includes 82 existing parking spaces. This is based on an average of 3 persons per vehicle for event attendance. (Concert guests will likely arrive with 2 - 4 persons per vehicle.). Parking demands

will be offset by a draft condition to provide shuttle services to offset air pollution. The bungalow units include parking spaces next to each unit, separate from the event center and hotel parking areas.

The hotel and bungalow parking areas will be constructed with standard paving materials, with the addition of incorporating „low-impact development” (LID) storm water management features. These features include designing the surface flow to drain toward landscape areas, and designing the landscape areas to infiltrate drainage efficiently into the soil. The event parking lot is not proposed to be constructed with asphalt to reduce impervious surface area (and the visual impact of a “sea of asphalt”), but instead will be designed with an engineered soil substrate to infiltrate surface flow into the ground, and then be planted with a hearty species of grass cover. The walkways and other hardscape areas will also be designed to provide surface flow into subsurface drainage wells that will be directed to infiltrate below surface into the groundwater basin. (See Attachment 4, Initial Study, Exhibit 8, Memo – Stormwater Quality Management Plan).

BIOLOGICAL RESOURCES

The project would result in disturbance of the oak woodland area on the site as well as the upland, flatter areas on the property. The prior project approval included an analysis of biological resources, impacts and mitigations. The applicant submitted a new biological report reflecting existing biological resources, impacts, and mitigation measures from the proposed project. (See Attachment 4, Initial Study, Exhibits 5 & 6). As shown in Exhibit 5, the project will disturb slightly less habitat area for the San Joaquin Kit Fox (SJKF) than the prior project. The applicant paid SJKF impact fees for the prior entitlement, therefore, no additional SJKF impact fees need to be paid for this project. However, the Biological Report includes additional mitigation measures to protect habitat for the SJKF that will need to be implemented prior to construction, and protection measures for other species including “special status” birds, bats and reptiles. The list of biological impact mitigation measures is included in Attachment 4, Initial Study, Exhibit 12 – Mitigation Summary Table.

Site grading and construction of the amphitheater area and bungalows would necessitate removal of 68 oak trees (2 of the oak trees are dead). In accordance with the City’s Oak Tree Protection Ordinance, the applicant submitted an Arborist Report (Attachment 4, Exhibit 7) that evaluates the existing condition of oak trees proposed to be removed and protection measures for oak trees that would remain. On the surface, the amount of removals proposed appears to be significant. However, the oak tree woodland area has several hundred oak trees, therefore the removal of the oak trees will not create a significantly noticeable impact. The tree survey included surveying 246 trees that would be within the area of disturbance and large enough to be subject to the Oak Tree Ordinance. The applicant worked with the arborist to reduce the number of proposed removals (136 trees originally proposed to be removed) through modifications in the site plan, and reduced the number of proposed removals to 68. The tree report indicates that the majority of tree removals are young, small (less than 20 inches dbh), and in fair to good health. The DRC and staff toured the site, and with the exception of one tree, most of the proposed removals appear to be small and of marginal, unremarkable aesthetic quality. The one notable tree removal (#15) has a high aesthetic quality and is 26 inches dbh. The applicant explored alternatives to save this tree, however due the proximity of the grading needed for site work, it would require a 10 foot deep tree well, which would result in a large retaining wall within the concourse area and the tree canopy at grade. The

Oak Tree report includes mitigation requirements for the removals with a replacement ratio equal to 166 inches. The applicant will need to obtain approval from City Council for the proposed oak tree removals, however the Planning Commission may make a recommendation on the appropriateness of this action. Additionally, as noted in the Biology Report, the site would need to be surveyed prior to site disturbance and grading to determine if there are any protected nesting bird species to protect wildlife as much as possible.

INFRASTRUCTURE

The prior approved project required extension of major infrastructure including water and sewer lines. The water line was required prior to completion of Phase 1, the hospitality center, however, the sewer connection was not required until construction of the hotel, since that is when it would be needed. The water line was installed a few years ago. The applicant intends to move forward with the amphitheater first. The timing of the sewer connection is the same for this project since the hotel and bungalows wouldn't be operative until build-out of the project. Given the costs involved to extend the sewer line, the applicant has proposed an alternative method to manage wastewater from amphitheater events. They propose to collect wastewater from restrooms into a subsurface holding tank, and then pump it out after each event. The wastewater would be hauled to the City's sewer treatment plant for processing. The applicant would be responsible for coordination with the City sewer treatment plant and all costs involved. The Wastewater Division does not oppose this approach for project wastewater management. However, the sewer line would be required to be extended when the applicant constructs the hotel and bungalow unit components. The nearest sewer line connection is at Dry Creek Road/Airport Road. (See Attachment 5, Memo from City Engineer).

Mill Road will be improved and widened to three lanes with frontage improvements, including a common use path across the property frontage with this project. No improvements at the intersection of Highway 46 East and Mill Road will be necessary since Caltrans recently completed a highway widening project along this segment of the highway, and they constructed a right-turn lane from the highway to Mill Road, and extended the westbound center turn lane capacity.

TRAFFIC ANALYSIS

The applicant submitted two iterations of the Traffic Study for this project. (See Attachment 4, Exhibit 10). The traffic study indicates that most traffic will be generated from "capacity" events. The initial concern was that there may be traffic safety issues at the intersection of Mill Road and Highway 46 East when traffic is exiting large events. The majority of traffic would turn west across the eastbound traffic lanes. The applicant originally proposed working with the California Highway Patrol and Caltrans to get approval to temporarily close the highway for a few minutes at a time (intermittently) to exit traffic in "pulses" allowing many cars to make the turn, and then let eastbound traffic continue, and repeat this traffic management until Mill Road was cleared of vehicles. City staff submitted the traffic study to Caltrans to get their input on the project early on in the review process. Ultimately, Caltrans did not see the need to close the highway intermittently to exit traffic from Mill Road. Events would generally end between 10:00 pm to 12:00 pm. Highway peak hour traffic is generally during the late afternoon and early evening hours, therefore, traffic exiting events would not conflict with peak hour traffic on the highway. There is very sparse eastbound traffic at that time, and Caltrans suggests that it is not warranted to implement a controlled intersection at Mill Road and the

highway. The subsequent Traffic Study evaluated the project without a controlled intersection and determined that vehicle stacking on Mill Road would occur, but that traffic from capacity events would likely be able to exit the site within 90 minutes after events. The post event stacking at westbound intersections on Highway 46 East at Golden Hill Road, Buena Vista and the interchange at Highway 101 were also evaluated. Since there is so little traffic at that time of the night, it was determined that significant “back-up” queuing would not occur at the intersections noted. Caltrans submitted a response letter to the City that indicates that the study and conclusions are satisfactory. However, Caltrans recommends the timing of the completion of the amphitheater coincide with completion of the dual-left turn project at the Highway 101/46 East interchange, which is anticipated to begin construction this Fall 2011. It is likely that the projects will dovetail completion very near the same time. Lastly, Caltrans suggested the City consider alternative connections for the broader transportation network on the east side of the City in the project vicinity.

The applicant submitted an Event Traffic Management Plan to help provide safe egress from the project site post events. (See Attachment 5). The Plan includes posting traffic management staff on the site, and along Mill Road to guide vehicles and help traffic flow smoothly out to the highway. It is also intended to control eager drivers from making unsafe turn movements. Concern has been raised by the City Engineer and the Police Department that some westbound traffic may turn right (eastbound) along Highway 46 and then travel east to the nearest convenient location and make a U-turn (westbound). The concern is that travelers making U-turns in locations with small turn-outs or at business entrance driveways (e.g. Hunter Ranch or Eberle Winery) may result in negative impacts to other businesses or cause traffic hazards for westbound traffic on Highway 46. (See Attachment 6, Memo from Captain Burton, Police Department). There is no simple method to control the potential U-turn movements, except to deter drivers by posting (temporary event) signs on Mill Road. One option would be to close the driveway entrances at businesses to the east, however this would require significant cooperation and coordination by other property owners and/or Caltrans. If it becomes a serious problem in the future, the Planning Commission could reconsider this issue under review of the Conditional Use Permit, and consider available options.

AIR QUALITY

The project will result in exceeding locally-adopted air pollution emissions thresholds for operational emissions, primarily from vehicles driving to and from events. The applicant and staff worked closely with the San Luis Obispo Air Pollution Control District (APCD) early in the review process. (See Attachment 4, Exhibit 4). These emissions can be reduced to a less than significant level with implementation of several mitigation measures, as recommended by APCD and agreed upon by the applicant. Measures include establishing an event shuttle program to encourage attendees to use a shuttle to the site which will reduce vehicle miles traveled and air pollution. Additionally, site design and construction measures to increase energy efficiency will be applied, and the applicant will pay off-site mitigation fees to APCD which will go toward projects to reduce air pollution. The specific project and use of mitigation funds will be coordinated between the City and APCD. Potential off-site mitigation projects may include: establishing a new Park and Ride Lot; retrofitting a local garbage truck; or contributing toward establishing a compressed natural gas (CNG) fueling station.

VISUAL IMPACTS

A Visual Analysis was prepared for this project to evaluate the relative visual impacts (see Attachment 4, Exhibit 3). Visual simulations were prepared to demonstrate the visibility of the project from Highway 46 East and Mill Road. The project includes several new, large structures. The amphitheater and bungalow area is generally below the grade of the highway and is setback very far from Mill Road. Additionally, this area is covered with an oak woodland. Therefore, while the some structure roofs may be visible, particularly from the highway, the trees and vegetation help buffer the buildings and soften the visual impact. The duration of viewing the amphitheater is also very short - only a few seconds since the site is below the highway and there is a hillside to the east of the amphitheater and the existing hospitality center is to the west. Therefore, this aspect of the project would not be too visually intrusive.

The location for the new hotel is proposed to be located approximately where the previously approved (separate) winery building was approved. This area of the site is above the grade of the highway and is highly visible. The hotel would be located to the west of and at a lower elevation than the existing hospitality building. Westbound views of the hotel would be largely obscured by the existing hospitality building. The Visual Analysis notes that the eastbound view of the hotel would be viewed from a distance and therefore it would have a longer duration of visibility. However, this building would be juxtaposed against a very similar building (hospitality building) with the same high quality architectural theme, form, scale and mass. Viewers would therefore not find the new building out of character or incompatible with the surrounding development pattern and landscape. Additionally, large scale wineries and agricultural buildings are anticipated in the context of Paso Robles wine country. As noted, the hotel design mimics the scale and form of the winery, thus it would complement the surrounding uses and development.

Lighting and pyrotechnics used for concert events would be restricted by conditions of approval to not cast light beyond the property line, and to not extend above 500 feet in altitude so that these activities do not conflict with aircraft safety or result in visual light impacts. Parking lot and other event-related lighting is also conditioned to be turned off post events.

NOISE IMPACTS

Amphitheater events will create noise from concerts, which includes music and applause. Therefore, a Noise Study was prepared (see Attachment 4, Exhibit 9) to determine if the project would result in significant noise impacts to other properties. The City's General Plan, Noise Element includes maximum noise thresholds not to be exceeded at property lines (measured in decibels (dBA)). There are unique circumstances with the project site and technical equipment to be used that reduce potential noise impacts. The amphitheater area is located below grade of the highway, in the "bowl" area, and it will be setback several hundred feet from Mill Road. These features help reduce noise from the site extending beyond the property line. More importantly, the digital speaker array system is designed to provide quality sound without the need to create overly loud base sounds or distortion. Both these aspects result in a reduction of potential off-site noise impacts from the amphitheater so that noise would be at or below the noise threshold of the General Plan at the property lines. There are also very few residences in the near vicinity or other land uses that would be affected by noise.

It should be noted that the property is covered under an “avigation easement” which informs the property owner that this property may be subject to aircraft noise. The applicant is aware of this easement, and understands that the airport will not be restricted from air flight operations as a result of development of this project.

CORRESPONDENCE RECEIVED

The City received a few comment letters during the public review period for this project. These letters include comments from SLO County APCD, Caltrans and a resident (Karl J. Partch). The agency letters provided clarifications from Caltrans on points made in the Initial Study and APCD recommended conditions of approval. The letter from Mr. Partch was in support of the project.

Policy

Reference: City of Paso Robles 2003 General Plan Update and EIR, Airport Land Use Plan, 2006 Economic Strategy, Zoning Ordinance, CEQA.

Fiscal

Impact: No fiscal impacts identified.

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

- a. By separate motions:
 - (1) Adopt Resolution 11-XX to approve the Mitigated Negative Declaration environmental determination;
 - (2) Adopt Resolution 11-XX approving Planned Development Amendment 02-002; and
 - (3) Adopt Resolution 11-XX approving Conditional Use Permit 11-004.
- b. Amend, modify, or reject the above-listed action.

Staff Report Prepared By: Susan DeCarli, AICP, City Planner

Exhibits:

- 1 – Project Location Map (attached)
- 2 – Project Description (attached)
- 3 – Site Plan (attached)
- 4 – [Initial Study/MND](http://www.prcity.com) (www.prcity.com)
- 5 – City Engineer’s Memo (attached)
- 6 – Police Dept. Memo (attached)
- 7 – Resolution – Draft Mitigated Negative Declaration (attached)
- 8 – Resolution – PD Amendment 02-002 (attached)
- 9 – Resolution – CUP 11-04 (attached)
- 10 – Public Notices (attached)
- 11 – Comment Letters (attached)

*Hard copies of these exhibits are available for viewing at City Hall or in the City Library
1000 Spring Street, Paso Robles*

MEMORANDUM

TO: Susan DeCarli
FROM: John Falkenstien
SUBJECT: PD 02-002 Vina Robles Amphitheatre
DATE: July 7, 2011

Streets and Sidewalks

Mill Road will be widened to accommodate three lanes consistent with the traffic study. With the development of the hotel a common use path should be constructed connecting the Hunter property to the east to the Robert Hall winery to the west. This will include a high-visibility crossing of Mill Road.

Shuttle service from downtown should be available for all events. The amphitheatre must provide adequate staffing to manage anxious drivers exciting events and to provide guidance for smooth traffic operations.

In the long term, secondary access to Mill Road would be valuable as mitigation of impacts on the highway, for traffic circulation in general and for emergency purposes. The applicants should participate in discussions of the development of a secondary access route to Mill Road via Union Road when those occur.

Water and Sewer

City water has been extended to the site from Airport Road. The applicant proposes to collect wastewater associated with events for transportation to the City's treatment plant. The Wastewater Division accepts this proposals and will determine appropriate charges for treatment. The hotel will be required to connect to sanitary sewer.

Storm Water

The project will include storm water quality best management practices, including storm water retention in accordance with the City's interim or adopted LID criteria.

Conditions of Approval

Mill Road will be improved consistent with the preliminary design and in accordance with plans approved by the City Engineer.

With the development of the hotel, a common use path shall be constructed across the frontage of the property in accordance with plans approved by the City Engineer. The path shall include a high visibility crossing of Mill Road for access to the Robert Hall winery.

Traffic management at amphitheatre events shall include an effort to provide shuttle service from Paso Robles downtown area and adequate staffing to provide guidance and direction.

The applicants shall participate in any future plans for the connection of Mill Road to Union Road.

Connection to the City's sanitary sewer system is required for the development of the hotel.

Storm water quality best management practices, including storm water retention in accordance with the City's adopted LID criteria will be implemented.



**PASO ROBLES POLICE DEPARTMENT
INTERDEPARTMENTAL MEMORANDUM**

**Exhibit 6
Police Dept. Memo**

**Lisa Solomon
Chief of Police**

To: Susan DeCarli, City Planner
From: Robert Burton, Police Captain
Date: July 7, 2011
Subj: PD 02-002 Vina Robles Amphitheater

A handwritten signature in blue ink, appearing to be "Robert Burton", written over the "From:" field.

I have reviewed the Vina Robles Amphitheater Project plans and Traffic Impact Report submitted by Vina Robles. Based on these reports there is one concern that should be mentioned regarding the egress of traffic at the conclusion of events at the amphitheater.

It is expected that the majority of event traffic will leave Mill Road and want to head westbound back toward the City of Paso Robles on SR 46. This will cause a line of traffic to form on Mill Road to make a left hand turn onto SR 46.

It is our experience with large events that a portion of that traffic will not have the patience to wait in line and will look for other ways to head in their desired direction of travel. Based on this past experience, we believe a portion of traffic on Mill Road will make a right turn onto SR 46 heading eastbound and then make an immediate u-turn at the Eberle Winery or Hunter Ranch Golf Course left hand turn lanes to head westbound on SR 46. This will allow these vehicles to essentially beat the traffic waiting in line on Mill Road and may prevent the Mill Road traffic from moving at the estimated egress rates estimated in the Traffic Impact Reports.

In addition to the possible impact on traffic egress from Mill Road, an increased number of u-turns in front of Eberle Winery or Hunter Ranch Golf course could negatively impact either businesses or cause traffic hazards for westbound traffic on SR 46.

Exhibit 7
Resolution to Approve
Mitigated Negative Declaration

RESOLUTION NO:

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PASO ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION
FOR PLANNED DEVELOPMENT AMENDMENT 02-002 AND CONDITIONAL USE PERMIT 11-004
3700 MILL ROAD, APN: 025-701-003
APPLICANT – VINA ROBLES, INC.**

WHEREAS, an application for Planned Development Amendment 02-002 and Conditional Use Permit 11-004 has been filed by Vina Robles, Inc.; and

WHEREAS, Planned Development Amendment 02-002 and Conditional Use Permit 11-004 is a proposal to amend a previously approved development plan by modifying the location of planned improvements including moving the hotel site to the west side of the hospitality center, constructing a 3,300 seat outdoor amphitheater & ancillary buildings, and eliminating the previously approved spa facility and winery from the site plan; and

WHEREAS, the project is consistent with the General Plan land use designation and Zoning of Parks and Open Space (POS) and the Airport Overlay – Zone 5, 2006 Economic Strategy, and the Gateway Design Standards; 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 and a Draft Mitigated Negative Declaration was prepared and circulated for a 30-day public review period beginning on June 20, 2011 and concluding July 19, 2011; and

WHEREAS, public comments were received from Caltrans District 5, and the San Luis Obispo County Air Pollution Control District (APCD), on the Draft Mitigated Negative Declaration (MND) and Initial Study; and

WHEREAS, mitigation measures have been incorporated into the MND to address potential impacts to air quality, biological resources, traffic, and hydrology/water quality that may result from this project to mitigate potential impacts to a less than significant level. These mitigation measures are provided in Exhibit A, Mitigation Monitoring and Reporting Plan - Mitigation Measures Summary; and

WHEREAS, Public Notice of the proposed Draft MND was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on July 26, 2011 to consider the Initial Study and the draft MND prepared for the proposed project, and to accept public testimony on the Planned Development Amendment, Conditional Use Permit, and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the Planning Commission finds that there is no substantial evidence that there would be a significant impact on the environment with mitigation measures implemented as a result of the development and operation of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, that it does hereby adopt a Mitigated Negative Declaration for Planned Development Amendment 02-002 and Conditional Use Permit 11-004, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED THIS 26th day of July, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN STEVE GREGORY

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

Mitigation Monitoring and Reporting Plan

Project File No./Name: PD Amendment 02-002, CUP 11-004 – Vina Robles, Inc.

Approving Resolution No.:

Date:

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

See attached Mitigation Summary Table for Mitigation Measure Descriptions.

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-1	Project	Planning Division, Building Division			
AQ-2	Project and Ongoing	Planning Division			
AQ-3	Project	Planning Division, Building Division			
AQ-4	Project	Planning Division, Building Division			
BR-1	Project	Planning Division			
BR-2	Project	Planning Division			
BR-3	Project	Planning Division			
BR-4	Project	Planning Division			
BR-5	Project	Planning Division			
BR-6	Ongoing	Planning Division			
BR-7	Project	Planning Division			
BR-8	Project	Planning Division			
BR-9	Project	Planning Division			
BR-10	Project	Planning Division			
BR-11	Project	Planning Division			
BR-12	Project	Planning Division			
BR-13	Project	Planning Division			
BR-14	Project	Planning Division			
BR-15	Project	Planning Division			
BR-16	Project	Planning Division			
BR-17	Project	Planning Division			
BR-18	Project	Planning Division			
BR-19	Project	Planning Division			

Mitigation Summary Table

Air Quality Mitigation Measures

AQ-1 The following measures shall be implemented to reduce construction-generated emissions (SLOCAPCD 2009):

- a. The standard mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below (SLOCAPCD 2009):
- b. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- c. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- d. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-road regulation;
- e. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State on-road regulation;
- f. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- g. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- j. Electrify equipment when feasible;
- k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

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

Grading activities associated with the construction of the proposed amphitheater shall be prohibited from occurring within the same calendar quarter of offsite widening of Mill Road.

AQ-2 (a): Prior to issuance of City building permits, the project applicant shall provide funding for offsite mitigation through the payment of offsite mitigation fees to the San Luis Obispo County Air Pollution Control District in the amount of \$15,165.90. The applicant shall provide the City with evidence of offsite mitigation funding prior to issuance of building permits. This offsite mitigation fee is subject to review and approval by the San Luis Obispo County Air Pollution Control District. In the event that project conditions change, recalculation of the offsite mitigation fee may be required.

AQ-3 (b): In addition to the above mitigation measure, the following mitigation measures shall be implemented:

1. Onsite structures shall be designed to comply with California Green Building Standards and shall exceed 2005 Title 24 energy efficiency standards by a minimum of twenty percent.
2. Site design shall utilize passive solar design features (e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight to the extent practical.
3. Proposed structures shall be designed to be "solar ready" to facilitate the future installation of solar energy systems.
4. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
5. Plant drought tolerant, native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer. Water-efficient irrigation systems shall be incorporated into the landscape design.
6. The proposed project shall devise a comprehensive water conservation strategy, to include the installation of water-efficient fixtures and appliances.
7. Exterior storage areas shall be incorporated to provide recycling and waste receptacles to the extent required by local ordinance. Recycling opportunities, such as waste and recycling receptacles, shall be provided in appropriate publicly accessible areas.
8. Provide preferential parking/no parking fee for alternative fueled vehicles or vanpools.
9. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. Design should provide 50% tree coverage within 10 years of construction using low ROG emitting, low maintenance native drought resistant trees. Existing trees should be preserved to the extent practical.
10. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
11. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible.
12. Install high efficiency heating and cooling systems.

13. Utilize built-in energy efficient appliances (i.e. Energy Star®).
14. Utilize double-paned windows.
15. Utilize low energy street lights (i.e. sodium).
16. Utilize energy efficient interior lighting.
17. Install door sweeps and weather stripping (if more efficient doors and windows are not available).
18. Install energy-reducing programmable thermostats.
19. Implement a “No Idling” program for heavy-duty diesel vehicles, which includes signage, citations, etc.
20. Promote ridesharing for onsite events to minimize motor vehicle emissions by providing incentives to event attendees, such as preferential parking.
21. Pave and maintain onsite roads and parking areas. Cool pavements shall be used to the extent practical and locally available.
22. Overflow parking areas shall be paved, sited in grass or low cut dense vegetative areas, or treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD’s 20-percent opacity limit.

Any unpaved roads/driveways used for special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD’s 20-percent opacity limit.

**Table 20
Office of the California Attorney General
Methods to Offset or Reduce Global Warming Impacts
Applicable to the Proposed Project**

Emission-Reduction Method	Project Consistency
Energy Efficiency & Renewable Energy	
Incorporate green building practices and design elements.	<p><i>Substantially Consistent with Mitigation.</i> The proposed project would be required to comply with the California 2010 Green Building Standards. In addition, implementation of Mitigation Measure AQ-2,b would include additional requirements that are anticipated to further reduce energy demand associated with onsite structures. Such measures include energy efficient lighting, heating and cooling systems, appliances, and control systems.</p>
Meet recognized green building and energy efficiency benchmarks.	
Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.	
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.	
Meet "reach" goals for building energy efficiency and renewable energy use.	
Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	<p><i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require use of passive solar design features.</p>
Install light colored "cool" roofs and cool pavements.	<p><i>Partially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require the proposed project to incorporate cool pavements.</p>
Install solar, wind, and geothermal power systems and solar hot water heaters.	<p><i>Partially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require onsite structures to be designed and constructed to be "solar ready" to facilitate the future installation of solar energy systems.</p>
Install solar panels on unused roof and ground space and over carports and parking areas.	
Install energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.	
Where solar systems cannot be feasibly incorporated into the project at the outset, build "solar ready" structures.	
Water Conservation and Efficiency	
Incorporate water-reducing features into building and landscape design	<p><i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require installation of water-reducing features and water-efficient landscapes and use of water-efficient irrigation methods.</p>
Create water-efficient landscapes.	
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls, and use water-efficient irrigation methods.	
Devise a comprehensive water conservation strategy appropriate for the project and location.	<p><i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require installation of water-efficient fixtures and appliances.</p>
Design buildings to be water efficient. Install water-efficient fixtures and appliances.	

**Table 20
Office of the California Attorney General
Methods to Offset or Reduce Global Warming Impacts
Applicable to the Proposed Project**

Emission-Reduction Method	Project Consistency
Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.	
Solid Waste Measures	
Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-1,m would require reuse and recycling of construction waste to the maximum extent feasible.
Integrate reuse and recycling into residential, industrial, institutional and commercial projects.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require the project to incorporate exterior storage areas for recyclables to the extent required by local ordinance. Interior recycling containers, signage, and education material will be located in public areas.
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	
Provide education and publicity about reducing waste and available recycling services.	
Land Use Measures	
Incorporate public transit into project design.	<i>Partially Consistent with Mitigation.</i> The proposed project site is not serviced by public transit. The proposed Traffic Demand Management Program includes a shuttle bus service that would provide transportation to onsite events from the City of Paso Robles.
Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.	<i>Partially Consistent with Mitigation.</i> In accordance with Mitigation Measure 2,b the proposed project would preserve, to the extent practical, existing trees. Landscaping would be included in the project design.
Transportation and Motor Vehicles	
Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation	<i>Substantially Consistent with Mitigation.</i> The proposed project site is not serviced by public transit. Mitigation Measure AQ-2,b would provide preferential parking for alternative transportation, low-emission, and car/van pooling vehicles.
Create a ridesharing program. Promote existing ride sharing programs, e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require amphitheater operators to encourage event attendees to utilize alternative means of transportation and car/van pooling..

Source: CAGO 2010.

Biological Resources Mitigation Measures

Oak Tree Mitigations

- BR-1 Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
- BR-2 An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- BR-3 Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.
- BR-4 Impacts to oak trees shall be assessed by a licensed arborist. Mitigations for impacted trees shall comply with the City of Paso Robles tree ordinance.
- BR-5 Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees shall be required for each oak tree removed.
- BR-6 Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years. Replacement trees shall be of local origin, and of the same species as was impacted or removed.

Common Wildlife Mitigations

Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA).

- BR-7 **Within one week of ground disturbance activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities should not be conducted during the breeding season from March 15 to August 15. 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.** A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the project site and nest locations shall be included with the report. The biologist shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Special status birds

In order to reduce the potential for disturbance of nests of golden eagle, white tailed kite, and loggerhead shrike, the applicant shall implement BR-7 one week prior to ground-breaking activities. If

nests of special status species are identified in the work area, the following additional mitigation measure shall be implemented:

- BR-8 For shrikes, observe a 100-foot buffer around the nest until all young have fledged and left the nest. For golden eagles or white-tailed kits, contact the USFWS and the CDFG for buffer distances and other protective measures. Typical buffer distances can be 500 feet for these Fully Protected species. Active nests of special status species shall be monitored every two weeks until young have fledged and left the nest. A qualified biologist shall verify that the nest is no longer active before construction activities resume within the buffer.

Pallid bat

- BR-9 The following mitigation recommendations are provided to reduce the potential for take of roosting bats, including pallid bat, from development activities on the Property that include removal of trees with appropriate roost characteristics:

Upon project approval, a qualified biologist shall conduct a survey of trees proposed for removal that have loose bark or cavities to determine if roosting bats are present. If possible, the survey shall be conducted during the non-breeding season (November through March). If a colony of bats is found roosting in any tree, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.). If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from CDFG. November is the best time of the year to exclude bats from a roost because it is after the breeding season and before winter hibernation (not all species hibernate).

If bats are roosting in a tree on the Property during the daytime but are not part of an active maternity colony, then exclusion measures shall include one-way valves that allow bats to get out but not re-enter the structure.

If a bat colony is excluded from the Property, appropriate alternate bat habitat shall be installed. An ideal location for alternate bat house installation would be near the creek channel. If needed, the final type of bat house and location shall require approval of the qualified biologist who shall verify correct installation and provide written documentation to the County.

Special status amphibians and reptiles

Western spadefoot toad could potentially enter the work site in the future, but were not found in 2010. Silvery legless lizard could potentially occur in the work site where it affects blue oak woodland. The following mitigation measure shall be implemented to reduce potential adverse impacts to special status amphibians and reptiles:

- BR-10 **Pre-construction surveys for Western spadefoot toad and silvery legless lizard shall be conducted, as applicable, prior to primary grubbing and other construction activities that affect previously undisturbed habitat.** The surveys shall be conducted at appropriate times of day or night to locate the species, and shall be conducted within three weeks of the start of work. If no special status species are found, construction activities may begin immediately. If special status species are found, a qualified biologist shall move them to the nearest safe location. Additional monitoring may be required if the project biologist determines that special status species could move onto the project site during construction, or be forced out of

underground burrows during grading. The project biologist shall have the authority to stop work if special status species are found in the project areas during construction.

Special status fairy shrimp

A protocol level survey for listed fairy shrimp conducted in 2001 located *Branchinecta lynchi* in the vernal pool on the Property. This vernal pool is protected with fencing and will not be disturbed during construction of the Project.

BR-11 Federally-listed fairy shrimp on the Property shall be protected via avoidance of the watershed in which they occur. The Project has been designed to avoid alterations of the watershed and vernal pool in which this animal has been observed. USFWS indicated during communications regarding similar plans on an earlier proposed project on the Property that this approach is in agreement with protection of listed fairy shrimp on the Property (see correspondence with USFWS in Appendix B).

San Joaquin kit fox

The Property is located in the San Joaquin kit fox corridor area in San Luis Obispo County. Development of the project would result in a net loss of kit fox habitat. In some cases, kit fox are adaptable to inhabiting locations within fences and with views restricted by human infrastructure (USFWS 1998 pg. 130, Cypher. et al. 2005, Cypher and Frost. 1999, Cypher and Warrick. 1994). The following mitigation recommendations are designed to reduce the potential for direct impacts to kit fox to a less than significant level.

The applicant has already purchased 63.0 kit fox mitigation credits at a 3 to 1 ratio for 21.02 acres. The currently proposed project will bring total disturbance onsite to 20.97 acres. The applicant has purchased more credit than required, therefore, compensatory mitigation for San Joaquin kit fox is complete.

BR-12 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
- ii. measures were necessary (and completed),** as applicable, to address any kit fox activity within the project limits.
- iii. 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-15 through BR-24. 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-15iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
- iv. 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.

v. **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 of Paso Robles Planning Division.

BR-13 **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-14 **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-15 **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-16 **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-17 **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-18 **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-19 **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-20 **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-21 **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

Transportation/Circulation

TR-1 A Transportation Demand Management Plan (TDM) shall be submitted to the prior to issuance of Certificate of Occupancy for Phase 1 (amphitheater and ancillary buildings) for this project. The TDM shall quantify vehicle reductions through implementation of said Plan. The Plan shall identify locations (e.g. Park and Ride Lots, hotels, etc.) to be used for providing shuttle service to amphitheater patrons. The TDM Plan shall demonstrate the ability to reduce private vehicle use 10 percent for concert events, based on the number of ticket sales and average of 3 persons per vehicle. It shall identify other incentive measures to reduce private vehicle use for attending concerts. Said Plan shall be approved by the Community Development Director.

Hydrology/Water Quality

HWQ-1 Low Impact Development (LID) features and post construction Best Management (BMPs) shall be incorporated into the project design to mitigate water volume and water quality impacts from a storm event of .75 inches. All measures shall be approved by the City Engineer prior to issuance of grading permits.

- The main parking area (4acres) shall be designed with permeable, planted surface that will be irrigated and maintained to enhance the project aesthetic and water quality. Impervious areas will be limited to the main entrance road and pedestrian walkways.
 - Infiltration trenches will be strategically placed to enhance percolation and convey the water quality design event.
- Secondary Parking Area (1.5 acres) – This area shall be designed to be self-treating through the implementation of pervious plantable surface and infiltration trenches, equivalent to the main parking area.
- Hardscape Plaza (0.8 acre) – Shall be designed to drain to depressed bioretention areas that border the concert area. These zones will be lined and equipped with under drains. Anticipated maximum depth of ponded water is 6" to 12", with a depth of bioretention soil of at least 2 feet. The system will be designed to drain in no more than 48 hours.
- The treated water from the bioretention under drain will be discharged to vertical dry wells for percolation/volume reduction. One or two 4' diameter, 40 ft. deep dry wells adjacent to each bioretention area will be necessary to store and percolate the design water quality storm.
- Main concert area and adjacent structures (1.3 acres) – Shall be subject to the same measures as the plaza area.

RESOLUTION NO.

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT AMENDMENT 02-002
3700 MILL ROAD, APN 025-701-003
APPLICANT – VINA ROBLES, INC.**

WHEREAS, Planned Development Amendment 02-002 has been filed by Vina Robles, Inc.; and

WHEREAS, this application includes a proposal to modify the previously approved site plan, including relocating the hotel location to the west side of the hospitality center, adding a 3,300 seat outdoor amphitheater and ancillary buildings, and eliminating the spa facility and winery. The 10 duplex bungalow units are not proposed to be modified; and

WHEREAS, the project is consistent with the General Plan land use designation and Zoning of Parks and Open Space (POS) and the Paso Robles Airport Land Use Plan, Airport Overlay – Zone 5, 2006 Economic Strategy, and the Gateway Design Standards; and

WHEREAS, a Conditional Use Permit (CUP 11-004) has been filed in conjunction with this Planned Development Amendment to allow establishment of the outdoor amphitheater, ancillary uses, and hotel; and

WHEREAS, the Planning Commission held a duly noticed public hearings on July 26, 2011 and August 9, 2011 on this project to accept public testimony on the Planned Development Amendment 02-002 and associated entitlements; and

WHEREAS, any oak tree removals requested to accommodate the proposed development site plan shall be approved by the City Council, and oak tree replacements shall be established in compliance with the City's Oak Tree Preservation Ordinance; 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 as designed and with appropriate mitigation measures added as conditions of approval will not result in significant environmental impacts and it is appropriate for the Planning Commission to adopt a Mitigated Negative Declaration, which is included in a separate resolution; 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. As conditioned, the design and intensity/density of the proposed Planned Development as amended is consistent with the adopted codes, policies, standards and plans of the City, specifically the Zoning Ordinance, General Plan, Airport Land Use Plan – Zone 5, and Gateway Design Standards; and

2. As conditioned, the proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, including traffic safety, noise and light; and
3. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the Highway 46 East “gateway” to the City, scenic corridors, and the public right-of-way through sensitive site design, screen walls and quality architecture; and
4. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements of other winery, agricultural or airport land uses, provides an appropriate visual appearance since it complements existing development in the nearby area and on the site, and reduces environmental impacts to biological resources, traffic, air quality, and water quality to a less than significant level, as well as potential social impacts through operational measures; and
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The proposed development plan contributes to the orderly development of the City as a whole.
7. The proposed development project is consistent with and supports implementation of the 2006 Economic Strategy by providing local and regional tourism, and employment opportunities within the City of Paso Robles.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development Amendment 02-002, subject to the following conditions:

STANDARD CONDITIONS:

1. This project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit “A” and incorporated herein by reference.

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.

Planning Division Conditions:

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, Landscape Plan and Elevations

3. This is an application for a 60-room hotel, 10 duplex-bungalow lodging units, 3,300 seat outdoor amphitheater and ancillary buildings including a stage, artist compound, safety/security building, food and beverage buildings, admission entrance gate, and restrooms. The development may be

constructed in phases, with Phase 1 including the outdoor amphitheater and ancillary buildings, and Phase 2 including the hotel and bungalow units.

4. The project shall be designed and constructed to be in substantial conformance with the site plan, landscape plan, grading plan and elevations approved with this resolution.
5. Approval of this project is valid for a period of two (2) years from date of approval. Unless permits have been issued and site work has begun, the approval of PD Amendment 02-002 shall expire on July 26, 2013. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
6. Prior to issuance of certificates of use and occupancy, the property-owner or authorized agent is required to pay the City's Development Impact Fees.
7. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
8. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
9. Temporary construction noise levels in excess of 60 decibels shall be restricted to the daylight hours of 7am to 6pm. Noise levels shall be measured or monitored from site boundaries or the nearest adjoining residential use to determine compliance.
10. Use and operation of the project and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).
11. Prior to issuance of a grading permit, the applicant shall submit Low-Impact Development (LID) plans for the treatment of storm water on the site subject to approval by the City Engineer.

Air Quality Conditions:

12. Dust Control Measures - Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

13. Demolition of Asbestos Containing Materials - Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transit pipes or insulation on pipes). If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.
14. Developmental Burning, effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.
15. Construction Permit Requirements - Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.
- Power screens, conveyors, diesel engines, and/or crushers
 - Portable generators and equipment with engines that are 50 hp or greater
 - Electrical generation plants or the use of standby generator
 - Internal combustion engines
 - Rock and pavement crushing
 - Unconfined abrasive blasting operations
 - Tub grinders
 - Trommel screens
 - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)
- To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**
16. Capacity Event Restriction. The project applicant will be conditioned to only holding 10 capacity events per year. This will ensure consistency with the project's air quality assessment that evaluated the impacts of 10 at capacity and 40 average capacity events per year. Should the applicant want to exceed the assumption used to define the project's impacts, then they will need to quantify the impact changes and define APCD approved additional mitigation.
17. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2009 CEQA Handbook.
- Portable generators and equipment with engines that are 50 hp or greater;
 - Electrical generation plants or the use of standby generator;
 - Boilers;
 - Internal combustion engines; and
 - Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

18. Air Quality Impacts - Off-Site Measures: Prior to issuance of City grading and building permits, the project applicant shall provide evidence of funding for offsite mitigation through the payment of offsite mitigation fees to the San Luis Obispo County Air Pollution Control District in the amount of \$15,165.90. This offsite mitigation fee is subject to review and approval by the San Luis Obispo County Air Pollution Control District. In the event that project conditions change, recalculation of the offsite mitigation fee may be required.
19. Greenhouse Gas Impacts - See Tables 20, attached in Exhibit C.
20. All lighting shall be shielded and downcast to reduce light and glare onto adjacent properties in compliance with City codes
21. All trash enclosures shall incorporate masonry construction materials and be architecturally compatible with the buildings on the site, to be approved by the Community Development Department. Trash dumpsters shall not be visible from any public right-of-way.
22. The applicant shall submit a sign program for new signs to be approved by the Development Review Committee prior to issuance of sign permits.
23. The applicant may submit a 2-phased development plan for building permit approval with Phase 1 being the amphitheater and ancillary buildings, and Phase 2 being the hotel and bungalow units. Phase 1 may include submittal of modular buildings for the artist compound and a removable stage and apparatus. Modular buildings may only be approved if they in compliance with all applicable building codes, and are not visible from the public right-of-way. "Sea Train" containers shall not be used as storage structures unless a building permit is approved for their use. A project phasing plan shall be submitted and approved by the Development Review Committee prior to issuance of any grading or building permits. The phasing plan shall include phases for grading, site work, drainage/erosion control, landscaping and buildings.
24. Oak Tree Conditions:
 - a. Approval of PD Amendment 02-002 and CUP 11-004 is contingent upon City Council approval of Oak Tree Removal permits for the proposed removal of 68 oak trees, or the site plan will need to be modified consistent with a revised oak tree removal plan.
 - b. Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
 - c. An oak tree protection plan shall be prepared and approved by the City of Paso Robles.

- d. Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.
- e. Impacts to oak trees shall be assessed by a licensed arborist. Mitigations for impacted trees shall comply with the City of Paso Robles tree ordinance.
- f. Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees shall be required for each oak tree removed.
- g. Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years. Replacement trees shall be of local origin, and of the same species as was impacted or removed.
- h. Prior to issuance of building permits, the landscape plan shall be revised to provide number of replacement oak trees in compliance with the City's Oak Tree Preservation Ordinance for any oak tree removals approved by City Council, and oak tree protection measures to be implemented during construction per section 10.01.070 of the City Oak Tree Ordinance, and as specified for the project by A&T Arborists. Final landscape plans shall identify number and size of proposed oak trees and ensure adequate species replacement onsite. The landscape plan shall be approved by the Community Development Department prior to issuance of building permits.

25. Biological Resource Conditions:

- a. Pre-construction surveys for Western spadefoot toad and silvery legless lizard shall be conducted, as applicable, prior to primary grubbing and other construction activities that affect previously undisturbed habitat. The surveys shall be conducted at appropriate times of day or night to locate the species, and shall be conducted within three weeks of the start of work. If no special status species are found, construction activities may begin immediately. If special status species are found, a qualified biologist shall move them to the nearest safe location. Additional monitoring may be required if the project biologist determines that special status species could move onto the project site during construction, or be forced out of underground burrows during grading. The project biologist shall have the authority to stop work if special status species are found in the project areas during construction.
- b. *Special status fairy shrimp* - A protocol level survey for listed fairy shrimp conducted in 2001 located *Branchinecta lynchi* in the vernal pool on the Property. This vernal pool is protected with fencing and will not be disturbed during construction of the Project.
- c. Federally-listed fairy shrimp on the Property shall be protected via avoidance of the watershed in which they occur. The Project has been designed to avoid alterations of the watershed and vernal pool in which this animal has been observed. USFWS indicated during communications regarding similar plans on an earlier proposed project on the Property that this approach is in agreement with protection of listed fairy shrimp on the Property (see correspondence with USFWS in Appendix B).
- d. *San Joaquin kit fox* - The Property is located in the San Joaquin kit fox corridor area in San Luis Obispo County. Development of the project would result in a net loss of kit fox habitat. In some cases, kit fox are adaptable to inhabiting locations within fences and with views restricted by human infrastructure (USFWS 1998 pg. 130, Cypher. et al. 2005, Cypher and Frost. 1999, Cypher and Warrick. 1994). The following mitigation recommendations are designed to reduce the potential for direct impacts to kit fox to a less than significant level.

- e. The applicant has already purchased 63.0 kit fox mitigation credits at a 3 to 1 ratio for 21.02 acres. The currently proposed project will bring total disturbance onsite to 20.97 acres. The applicant has purchased more credit than required, therefore, compensatory mitigation for San Joaquin kit fox is complete.
- f. 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-15 through BR-24. 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-15iii). 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.

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

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

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.

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.

- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. 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.

- n. 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.
 - o. 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
26. A Transportation Demand Management Plan (TDM) shall be submitted to the City prior to issuance of Certificate of Occupancy for Phase 1 (amphitheater and ancillary buildings) for this project. The TDM shall quantify vehicle reductions through implementation of said Plan. The Plan shall identify locations (e.g. Park and Ride Lots, hotels, etc.) to be used for providing shuttle service to amphitheater patrons. The TDM Plan shall demonstrate the ability to reduce private vehicle use 10 percent for concert events, based on the number of ticket sales and average of 3 persons per vehicle. It shall identify other incentive measures to reduce private vehicle use for attending concerts. Said Plan shall be approved by the Community Development Director.
27. Low Impact Development (LID) features and post construction Best Management (BMPs) shall be incorporated into the project design to mitigate water volume and water quality impacts from a storm event of .75 inches. All measures shall be approved by the City Engineer prior to issuance of grading permits.
- The main parking area (4acres) shall be designed with permeable, planted surface that will be irrigated and maintained to enhance the project aesthetic and water quality. Impervious areas will be limited to the main entrance road and pedestrian walkways.
 - Infiltration trenches will be strategically placed to enhance percolation and convey the water quality design event.
 - Secondary Parking Area (1.5 acres) – This area shall be designed to be self-treating through the implementation of pervious plantable surface and infiltration trenches, equivalent to the main parking area.
 - Hardscape Plaza (0.8 acre) – Shall be designed to drain to depressed bioretention areas that border the concert area. These zones will be lined and equipped with under drains. Anticipated maximum depth of ponded water is 6” to 12”, with a depth of bioretention soil of at least 2 feet. The system will be designed to drain in no more than 48 hours.

- The treated water from the bioretention under drain will be discharged to vertical dry wells for percolation/volume reduction. One or two 4' diameter, 40 ft. deep dry wells adjacent to each bioretention area will be necessary to store and percolate the design water quality storm.
 - Main concert area and adjacent structures (1.3 acres) – Shall be subject to the same measures as the plaza area.
28. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease, and the Community Development Director shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Director so that proper disposition may be accomplished.
29. All double check valves and backflow prevention fixtures shall be installed underground or screened as approved by the Community Development Director.

Engineering Division Conditions

30. Mill Road will be improved consistent with the preliminary design and in accordance with plans approved by the City Engineer.
31. With the development of the hotel, a 10 foot wide concrete multi-purpose (bicycle/pedestrian) common use path shall be constructed across the frontage of the property in accordance with plans approved by the City Engineer. The path shall include a high visibility crossing of Mill Road for access to surrounding properties, including but not limited to the Robert Hall winery and Hunter Ranch Golf Course.
32. Traffic management at amphitheatre events shall include an effort to provide shuttle service from Paso Robles downtown area and adequate staffing to provide guidance and direction.
33. The City anticipates the future need to connect Mill Road to Union Road for a parallel route on the south side of Highway 46 East. If the City's General Plan Circulation Element and/or the City's AB 1600 Improvement Project list is modified, future phases of this project shall be required to participate in future plans for the connection of Mill Road to Union Road.
34. Connection to the City's sanitary sewer system is required for the development of the hotel.

35. Storm water quality best management practices, including storm water retention in accordance with the City's adopted LID criteria will be implemented.

PASSED AND ADOPTED THIS 9th day of August, 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN STEVE GREGORY

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

EXHIBIT A OF RESOLUTION
CITY OF EL PASO DE ROBLES
STANDARD DEVELOPMENT CONDITIONS

PD Amendment 02-002 _____ Conditional Use Permit _____

Tentative Parcel Map _____ Tentative Tract Map _____

Approval Body: Planning Commission _____ Date of Approval: August 9, 2011 _____

Applicant: Vina Robles, Inc. _____ Location: 3700 Mill Road _____

APN:025-701-003 _____

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 – PD/CUP:

- 1. This project approval shall expire on August 9, 2013 unless a time extension request is filed with the Community Development Department, or a State mandated automatic time extension is applied 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. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney's fees, incurred by City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
- 4. Any site specific condition imposed by the Planning Commission in approving this project (**Planned Development Amendment**) may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first

(Adopted by Planning Commission Resolution _____)

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 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. 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.
- 6. 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.
- 7. 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.
- 8. Prior to the issuance of a Building Permit a landscape and irrigation plan consistent with the Landscape and Irrigation Ordinance, shall be submitted for City review and approval. The plan needs to be designed in a manner that utilizes drought tolerant plants, trees and ground covers and minimizes, if not eliminates the use of turf. The irrigation plan shall utilize drip irrigation and limit the use of spray irrigation. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 9. A reciprocal parking and access easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space, areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CC&Rs).
- 10. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 11. For commercial, industrial, office or multi-family projects, all refuse enclosures are required to provide adequate space for recycling bins. The enclosure shall be architecturally compatible with the primary building. Gates shall be view obscuring and constructed of durable materials. Check with Paso Robles Waste Disposal to determine the adequate size of enclosure based on the number and size of containers to be stored in the enclosure.
- 12. For commercial, industrial, office or multi-family projects, all existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical

(Adopted by Planning Commission Resolution _____)

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.

- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No.835 N.S., 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.
- 18. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
- 19. Prior to recordation of the map or prior to occupancy of a project, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 20. 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.
- 21. Prior to the issuance of building permits, the

(Adopted by Planning Commission Resolution _____)

- 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: Landscape plans

B. GENERAL CONDITIONS – TRACT/PARCEL MAP:

- 1. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.
- 2. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.
- 3. The owner shall petition to annex residential Tract (or Parcel Map)_____ into the City of Paso Robles Community Facilities District No. 2005-1 for the purposes of mitigation of impacts on the City's Police and Emergency Services Departments.
- 4. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 5. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

ENGINEERING DIVISION- The applicant shall contact the Engineering Division, (805) 237-

(Adopted by Planning Commission Resolution _____)

3860, for compliance with the following conditions:

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

C. PRIOR TO ANY PLAN CHECK:

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

D. 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. 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 its removal.
- 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
- 4. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
- 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 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.

(Adopted by Planning Commission Resolution _____)

- 3. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.
- 4. In a special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM) the owner shall provide an Elevation Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor or civil engineer licensed in the State of California.

F. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR RECORDATION OF THE FINAL MAP:

The Planning Commission has made a finding that the fulfillment of the construction requirements listed below are a necessary prerequisite to the orderly development of the surrounding area.

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services.
- 2. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- 3. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:
See Site Specific Conditions

Street Name	City Standard	Standard Drawing No.
- 4. If, at the time of approval of the final map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act.

Bonds required and the amount shall be as follows:
Performance Bond.....100% of improvement costs.
Labor and Materials Bond.....50% of performance bond.

- 5. If the existing City street adjacent to the frontage of the project is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall excavate the entire structural section and replace it with a standard half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic.
- 6. If the existing pavement and structural section of the City street adjacent to the frontage of the project is adequate, the applicant shall provide a new structural section from the proposed curb to the edge of pavement and shall overlay the

(Adopted by Planning Commission Resolution _____)

existing paving to centerline for a smooth transition.

- 7. Due to the number of utility trenches required for this project, the City Council adopted Pavement Management Program requires a pavement overlay on _____ along the frontage of the project.
- 8. The applicant shall install all utilities. 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.
- 9. 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;
 - b. Water Line Easement;
 - c. Sewer Facilities Easement;
 - d. Landscape Easement;
 - e. Storm Drain Easement.
- 10. 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/open space landscaping;
 - c. Wall maintenance in conjunction with landscaping;
 - d. Graffiti abatement;
 - e. Maintenance of open space areas.
- 11. For a building with a Special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM), the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a lands surveyor or civil engineer licensed in the State of California.
- 12. All final property corners shall be installed.
- 13. All areas of the project shall be protected against erosion by hydro seeding or landscaping.
- 14. 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.
- 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. An

(Adopted by Planning Commission Resolution _____)

electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

PASO ROBLES DEPARTMENT OF EMERGENCY SERVICES- The applicant shall contact the Department of Emergency Services, (805) 227-7560, for compliance with the following conditions:

G. GENERAL CONDITIONS

1. Prior to the start of construction:
 - Plans shall be reviewed, approved and permits issued by Emergency Services for underground fire lines.
 - Applicant shall provide documentation to Emergency Services that required fire flows can be provided to meet project demands.
 - Fire hydrants shall be installed and operative to current, adopted edition of the California Fire Code.
 - A based access road sufficient to support the department's fire apparatus (HS-20 truck loading) shall be constructed and maintained for the duration of the construction phase of the project.
 - Access road shall be at least twenty (20) feet in width with at least thirteen (13) feet, six (6) inches of vertical clearance.

2. Provide central station monitored fire sprinkler system for all residential, commercial and industrial buildings that require fire sprinklers in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
 - Plans shall be reviewed, approved and permits issued by Emergency Services for the installation of fire sprinkler systems.

3. Provide central station monitored fire alarm system for all residential, commercial and industrial buildings that require fire alarm system in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.

4. If required by the Fire Chief, provide on the address side of the building if applicable:
 - Fire alarm annunciator panel in weatherproof case.
 - Knox box key entry box or system.
 - Fire department connection to fire sprinkler system.

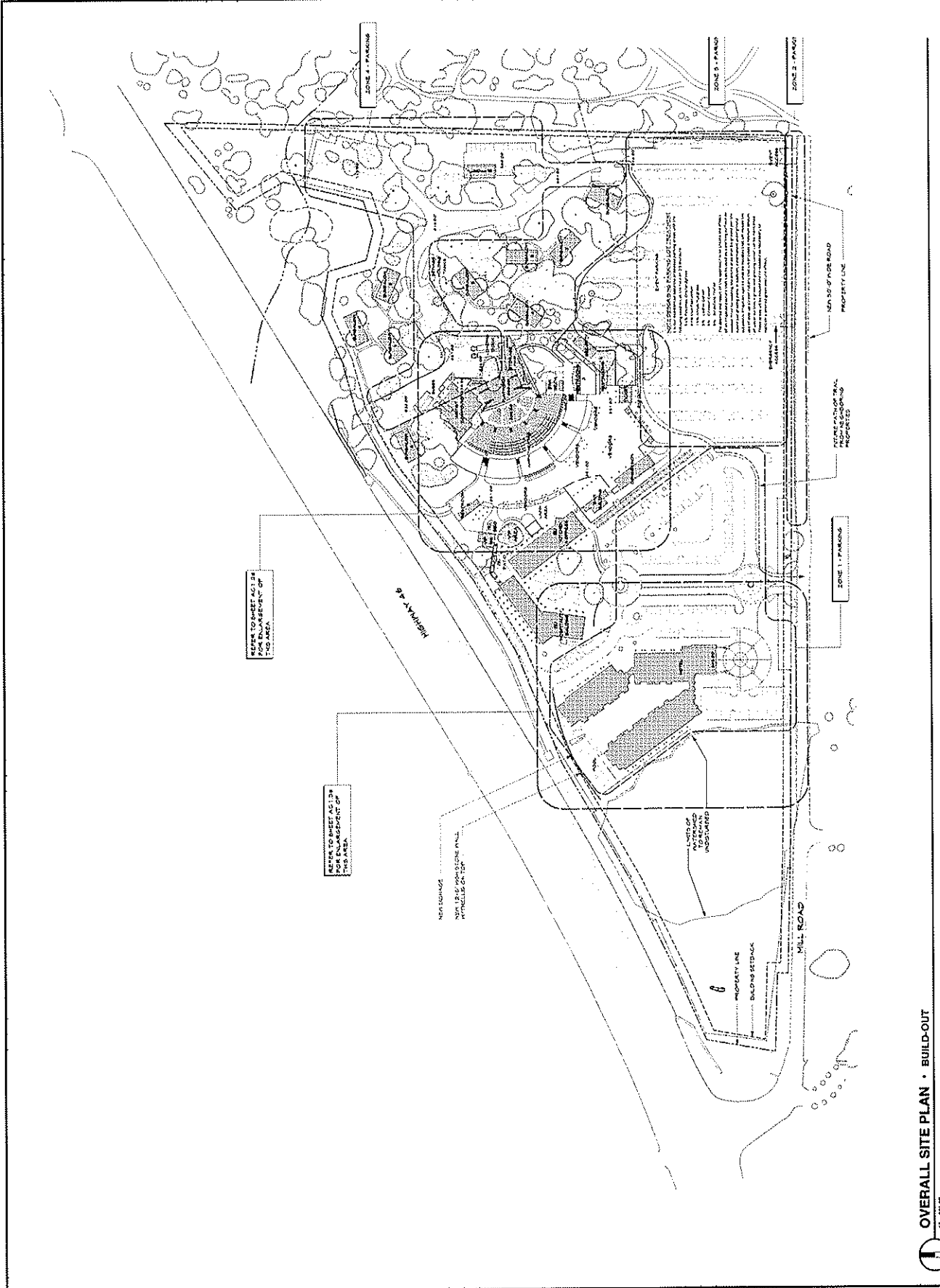
5. Provide temporary turn-around to current City Engineering Standard for phased construction streets that exceed 150 feet in length.

(Adopted by Planning Commission Resolution _____)

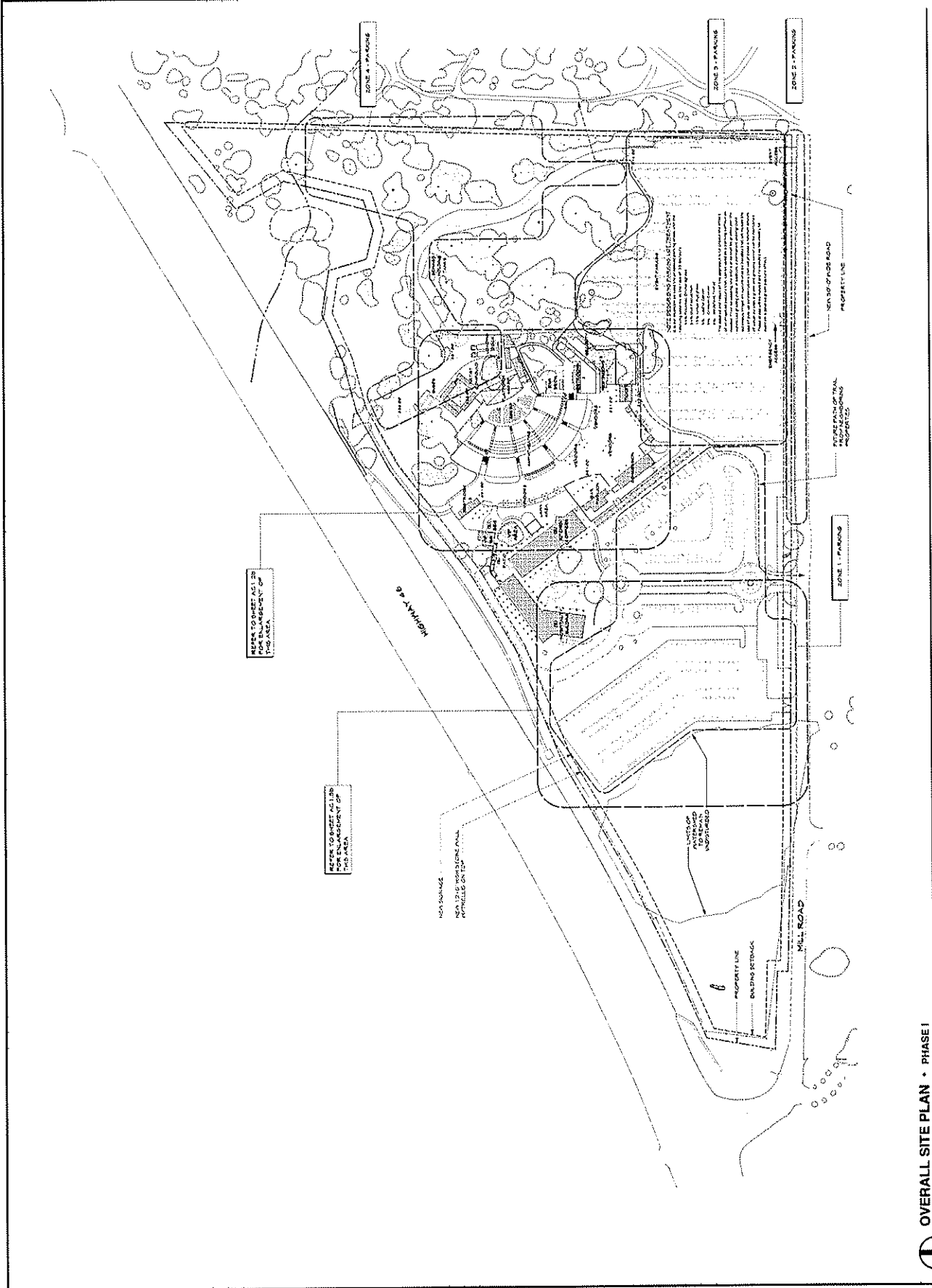
6. Project shall comply with all requirements in current, adopted edition of California Fire Code and Paso Robles Municipal Code.
7. Prior to the issuance of Certificate of Occupancy:
 - Final inspections shall be completed on all underground fire lines, fire sprinkler systems, fire alarm systems and chemical hood fire suppression systems.
 - Final inspections shall be completed on all buildings.

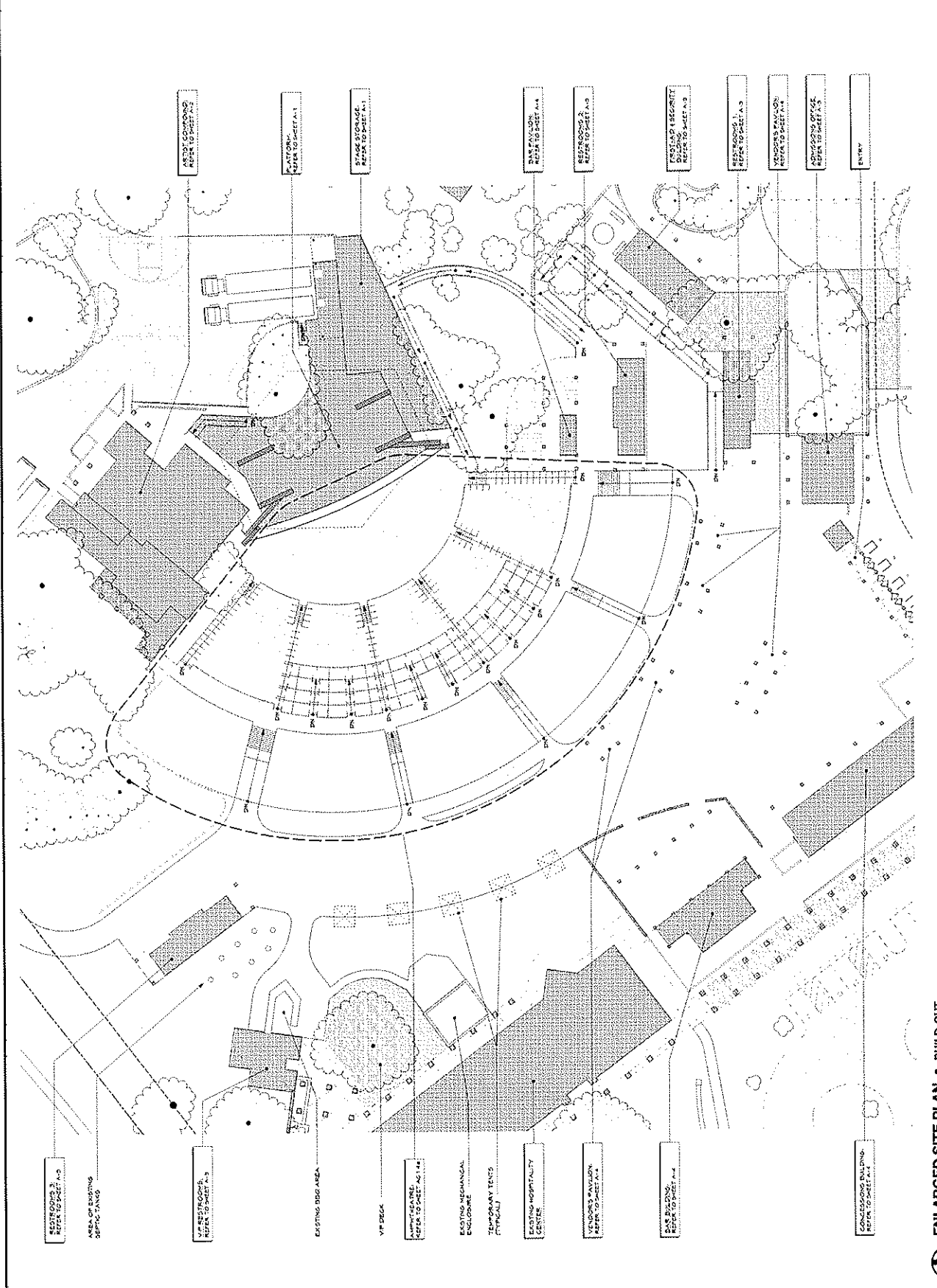
(Adopted by Planning Commission Resolution _____)

Exhibit B

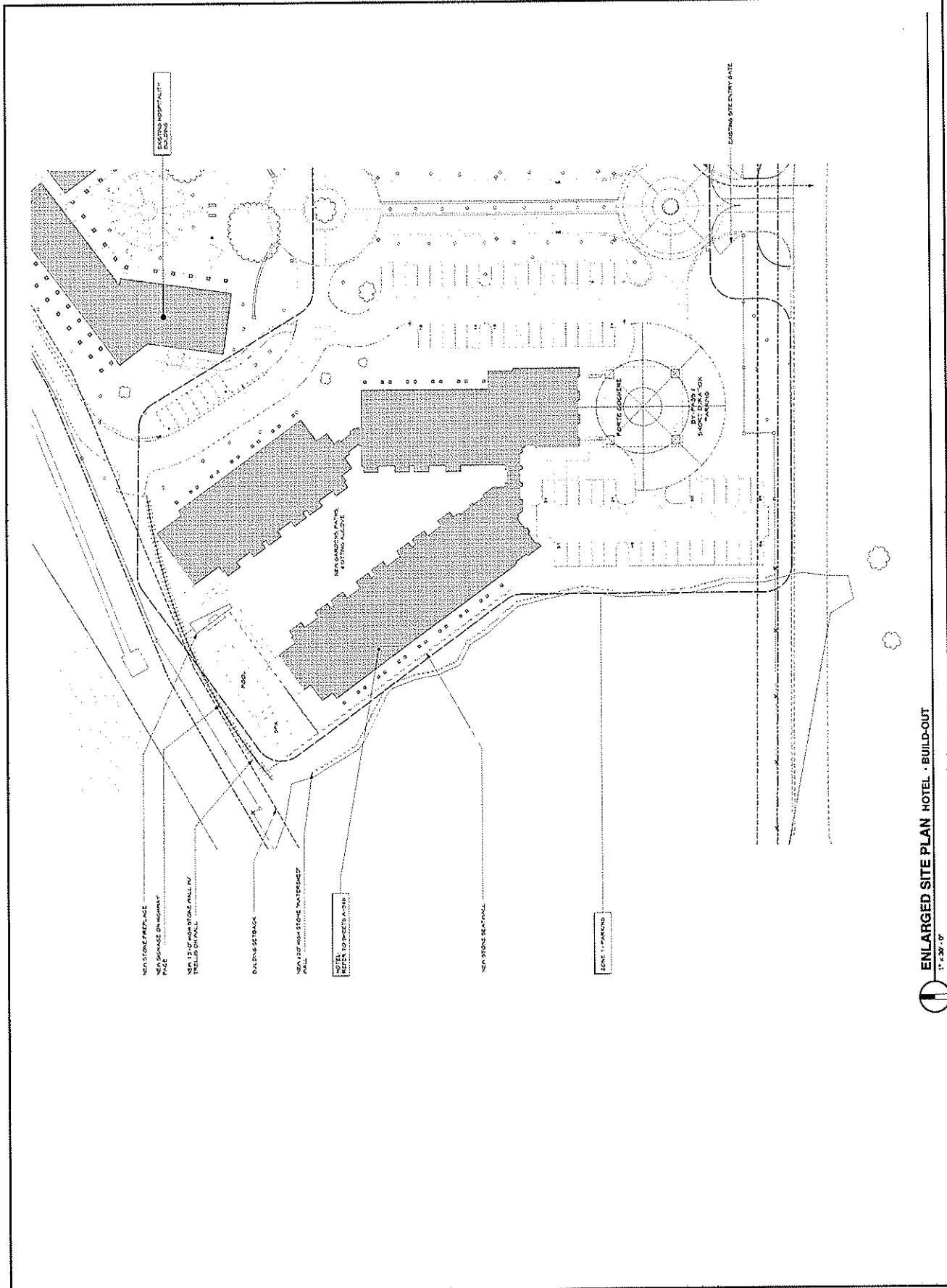


OVERALL SITE PLAN • BUILD-OUT
 1" = 80'-0"

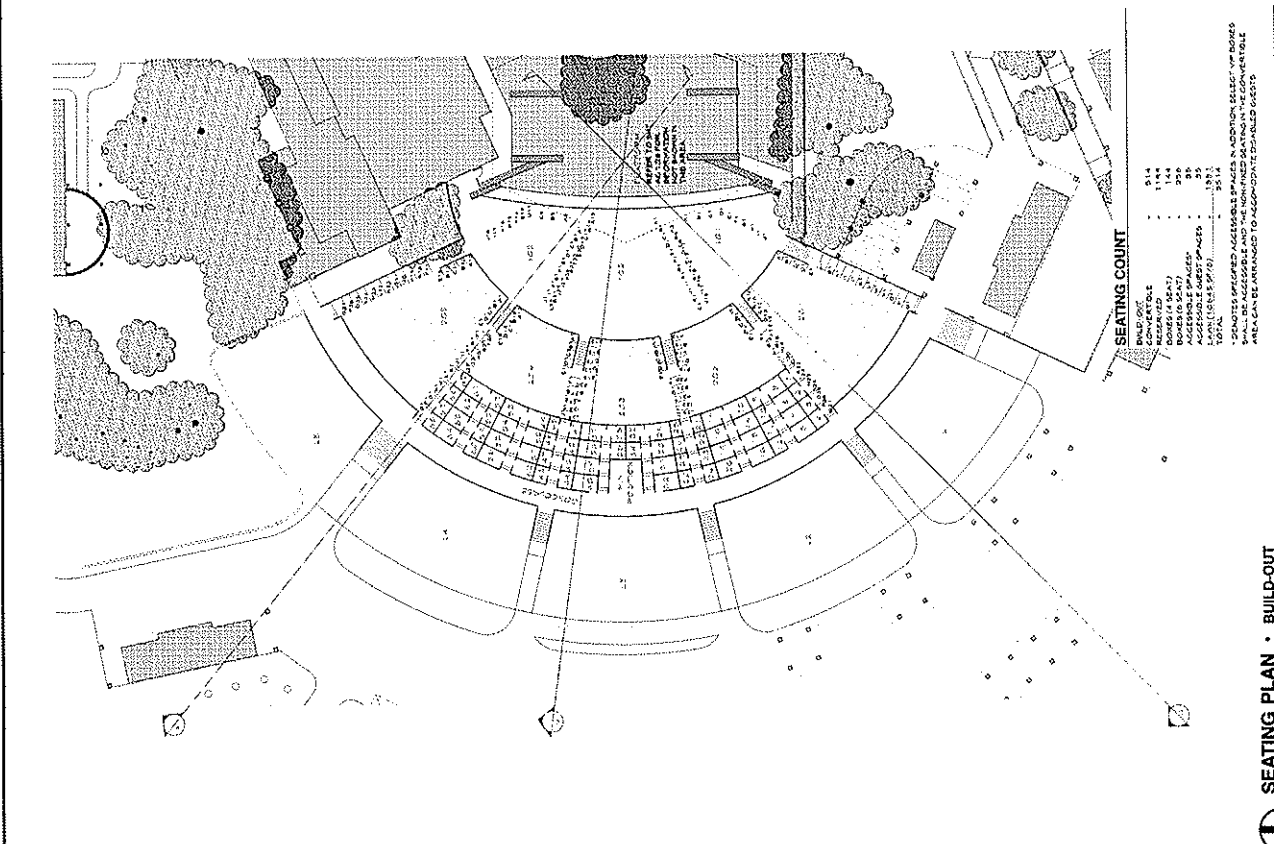




ENLARGED SITE PLAN • BUILD-OUT
 1" = 20' - 0"



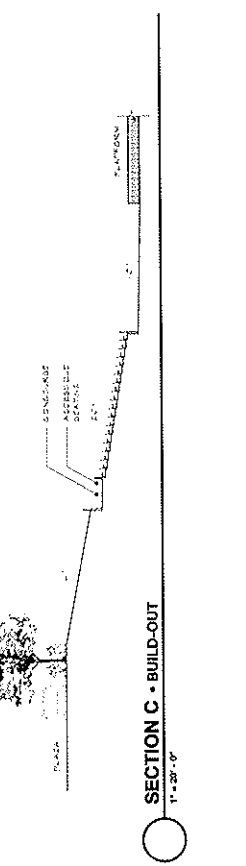
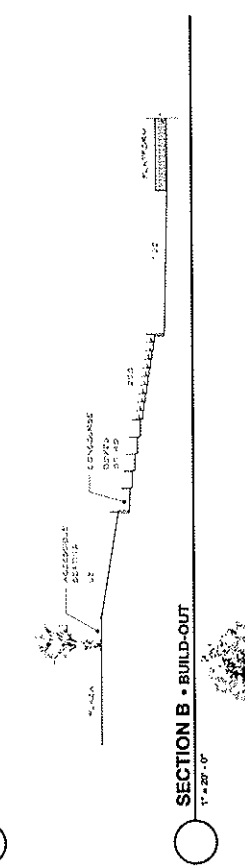
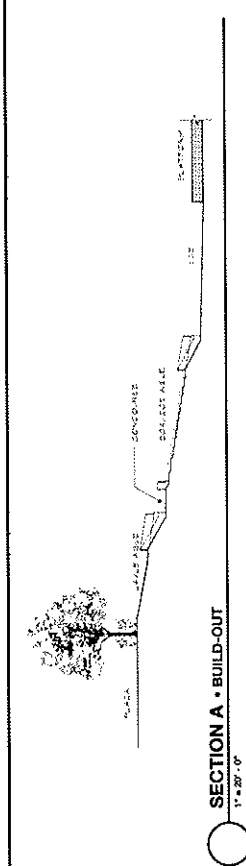
ENLARGED SITE PLAN HOTEL - BUILD-OUT
 1"=30'-0"

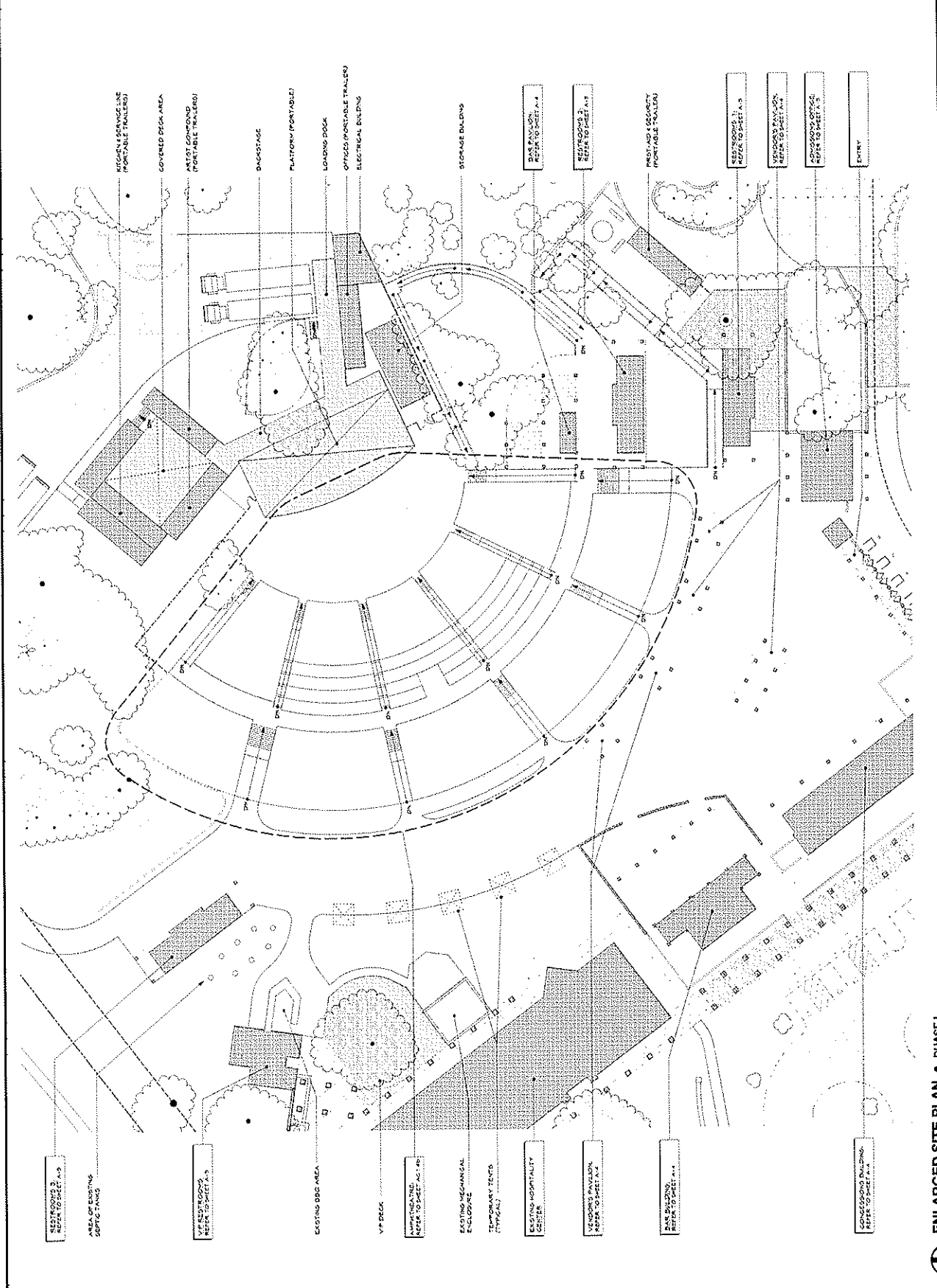


SEATING COUNT

BLIND BOX	514
RESERVED	1144
BOXES (4 SEAT)	324
ACCESSIBLE SPACES	36
ADJACENT SEATING	322
TOTAL	3514

* DENOTES PREPARED ACCESSIBLE SPACES IN ACCORDANCE WITH ADA
 ** ADJACENT SEATING IS NOT NEARLY AS AVAILABLE
 *** AREA CAN BE REARRANGED TO ACCOMMODATE DISABLED GUESTS





RESTROOMS 2
 REFER TO SHEET A.5

AREA OF EXISTING SEPTIC TANKS

RESTROOMS 3
 REFER TO SHEET A.5

EXISTING SSC AREA

VIP DECK
 REFER TO SHEET A.1 & 2

EXISTING MECHANICAL ENCLOSURE

TEMPORARY TENTS (TYPICAL)

EXISTING HOSPITALITY CENTER

VENDOR'S PAVILION
 REFER TO SHEET A.1 & 2

BAR BUILDING
 REFER TO SHEET A.1 & 2

CONCESSIONS BUILDING
 REFER TO SHEET A.1 & 2

RESTROOMS 4
 PORTABLE TRAILER

COVERED DECK AREA

OFFICE CAMPUS
 PORTABLE TRAILER

BACKSTAGE

PLATFORM (PORTABLE)

LOADING DOCK

OFFICES PORTABLE TRAILER

ELECTRICAL BUILDING

STORAGE BUILDING

RESTROOMS 1
 REFER TO SHEET A.4

RESTROOMS 2
 REFER TO SHEET A.4

RESTROOMS 3
 REFER TO SHEET A.4

RESTROOMS 4
 REFER TO SHEET A.4

RESTROOMS 5
 REFER TO SHEET A.5

RESTROOMS 6
 REFER TO SHEET A.5

RESTROOMS 7
 REFER TO SHEET A.5

ENTRY

ENLARGED SITE PLAN • PHASE I
 1" = 20' - 0"

PULIS
 Steven D. Pulis, AIA & Associates, LLP
 Architecture, Interiors & Construction
 1450 Broadway, Suite 1000
 San Francisco, California 94109
 (415) 774-1111
 Fax: (415) 774-1112

VINA ROBLES
 HOSPITALITY CENTER
 AMPHITHEATRE
 3700 MILL ROAD
 PASO ROBLES, CA

VINA ROBLES, INC
 PO BOX 689
 PASO ROBLES
 CA 95447
 (805) 237-4812

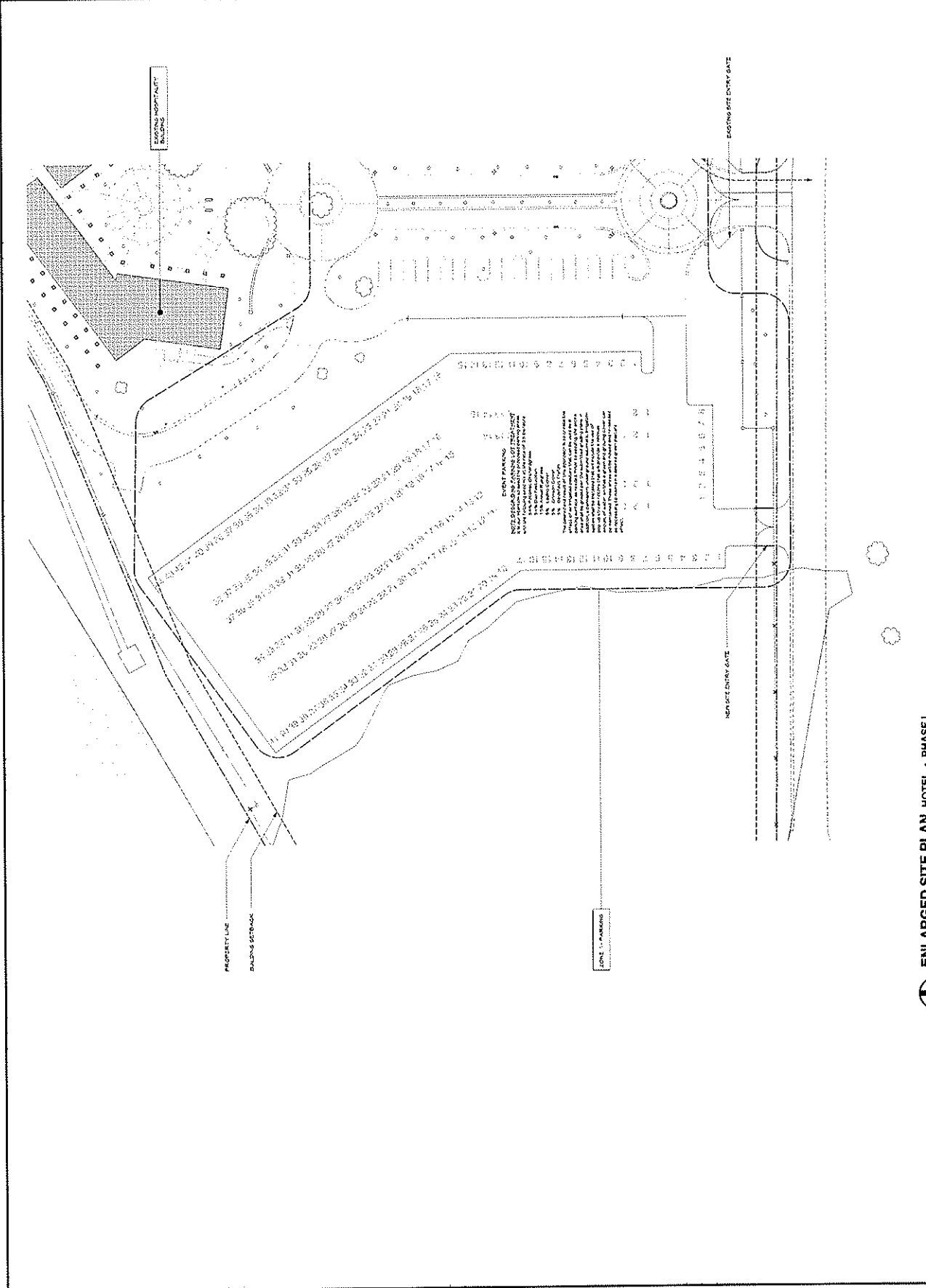
**ENLARGED SITE PLAN
 HOTEL - PHASE I**

DATE: 30 OCT 10
 DRAWN: JRM/LL

PROJECT NO: 0945

SCALE: 1" = 20' - 0"

AC1.3b



ENLARGED SITE PLAN HOTEL - PHASE I
 1" = 20' - 0"

PLOTS

Steven D. Potts, LLC & Associates, LLC

Wallace Group
 10000 N. 10th Street
 Suite 100
 Phoenix, AZ 85020
 Phone: (602) 955-1100
 Fax: (602) 955-1101
 Email: info@wallacegroup.com
 www.wallacegroup.com

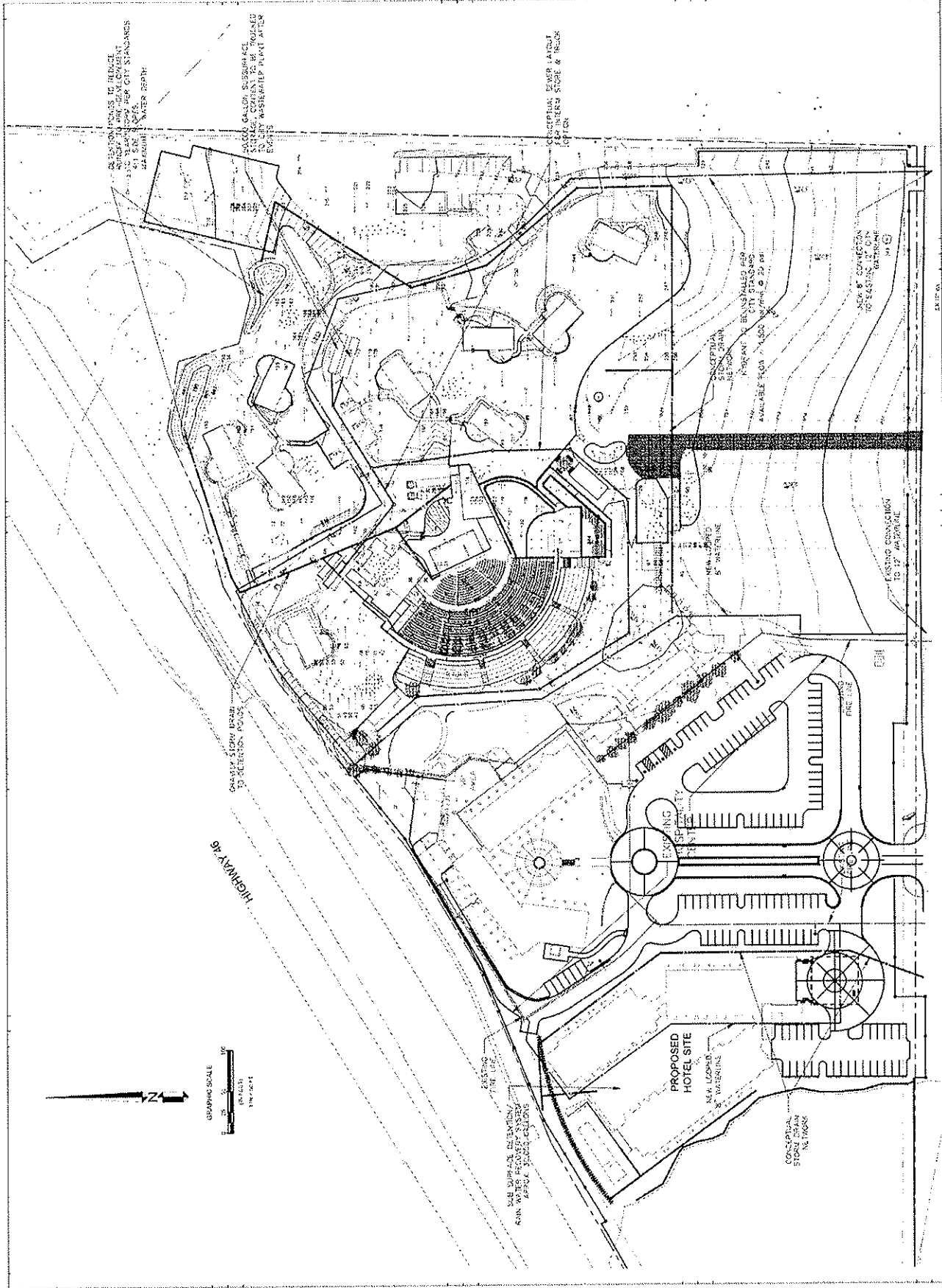


WALLACE GROUP
 ARCHITECTS
 10000 N. 10th Street
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 Fax: (602) 955-1101
 Email: info@wallacegroup.com
 www.wallacegroup.com

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 Architect: WALLACE GROUP
 10000 N. 10th Street
 Suite 100
 Phoenix, AZ 85020
 Phone: (602) 955-1100
 Fax: (602) 955-1101
 Email: info@wallacegroup.com
 www.wallacegroup.com

DATE: 10/10/2010
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/8" = 1'-0"

NO. 10000
 SHEET NO. 10000-01
 TOTAL SHEETS: 10000-02



PUTS
 Stephen D. Puts, M.A. & Associates, LLP
 ARCHITECT / PLANNING / INTERIOR DESIGN
 85791 80th Ave
 San Diego, CA 92126
 619.591.0011 Fax
 619.591.0011 Cell
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**VINA ROBLES
 MILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATRE**

VINA ROBLES, INC
 2700 MILL ROAD
 PASO ROBLES, CA

VINA ROBLES, INC
 PO BOX 689
 PASO ROBLES
 CA 94247
 (805) 227-4812

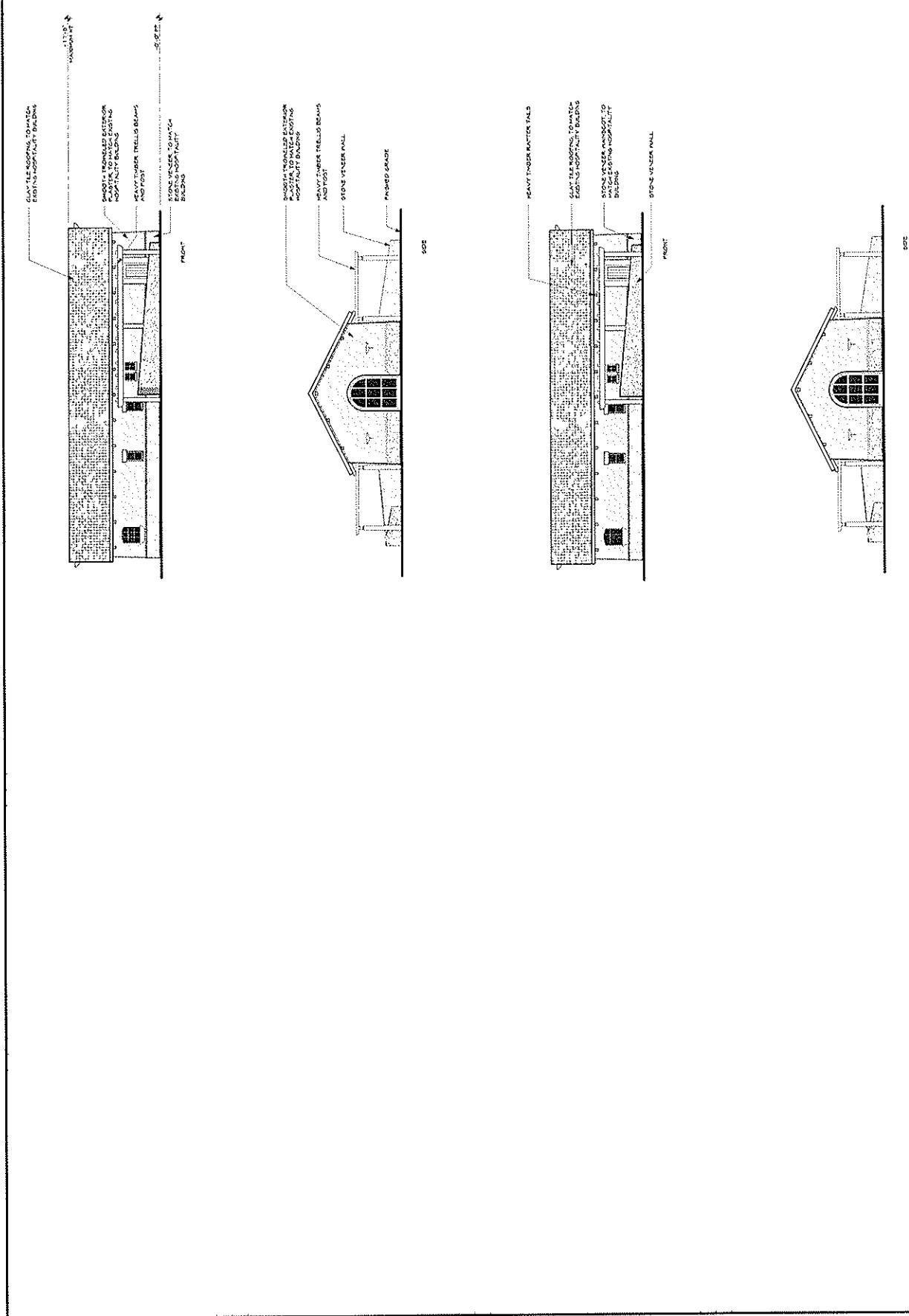
**ELEVATIONS
 BUNGALOW**



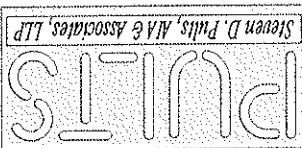
DATE: 11 FEB 11
APP'D: 13 JUN 11

DATE: 0945
SCALE:

A6.2



ELEVATIONS BUNGALOW
 1/8" = 1'-0"



ARCHITECT: PULITS, AIA & ASSOCIATES, LLP
 200 WEST 10TH STREET
 PASO ROBLES, CALIFORNIA 93242
 (805) 237-4812
 FAX: (805) 237-4813
 WWW.PULITS.COM

VINA ROBLES
MILL ROAD
HOSPITALITY CENTER
AMPHITHEATRE

3700 HILL ROAD
 PASO ROBLES, CA

VINA ROBLES, INC

PO BOX 699
 PASO ROBLES
 CA 93247
 (805) 237-4812

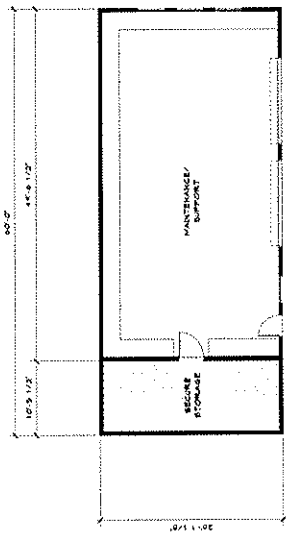
New Client
SUPPORT BUILDING
FLOOR PLAN & ELEVATIONS



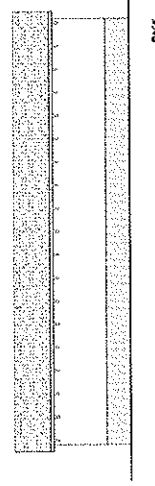
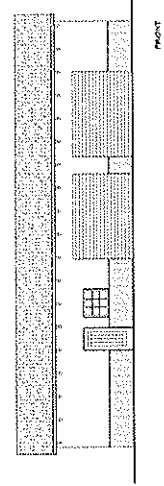
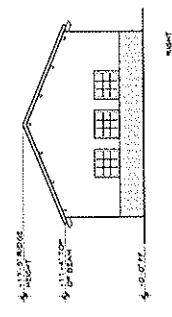
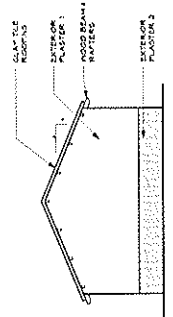
Date: 11 FEB 11
 Revise: 13 JAN 11

Job No: 0948

Sheet: **A-7** of 6



FLOOR PLAN SUPPORT BUILDING
 1/8" = 1'-0"



ELEVATIONS SUPPORT BUILDING
 1/8" = 1'-0"

PULLITS
 Steven D. Pullis, MAE Associates, LLP
 88571 1st Ave
 San Luis Obispo, CA 93426
 (805) 781-1111
 Fax: (805) 781-1112

*Architect: Steven D. Pullis, MAE Associates, LLP
 88571 1st Ave
 San Luis Obispo, CA 93426
 (805) 781-1111
 Fax: (805) 781-1112*

**VINA ROBLES
 MILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATRE**

3700 MILL ROAD
 PASO ROBLES, CA

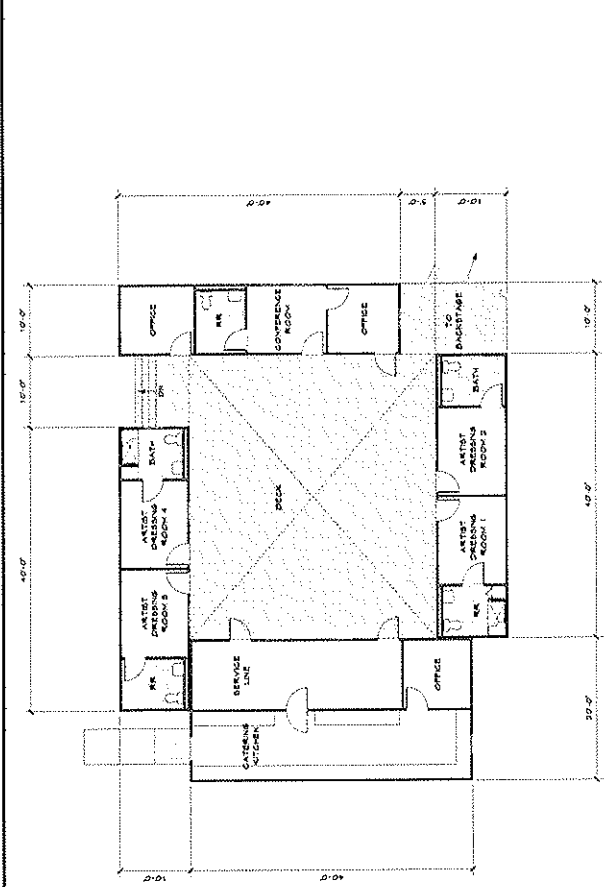
Client:
VINA ROBLES, INC
 PO BOX 655
 PASO ROBLES
 CA 93427
 (805) 327-4812

Scale/Graphic:
**ARTIST COMPOUND &
 OFFICE TRAILERS
 FLOOR PLAN & ELEVATIONS**

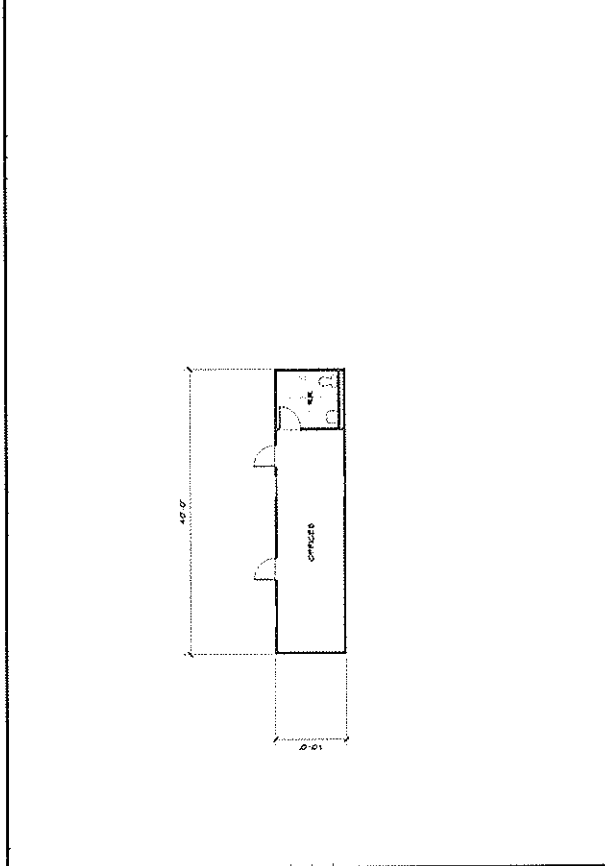


Date: 13 JUN 11
Sheet:
Scale:
 0945
 PHASE 1

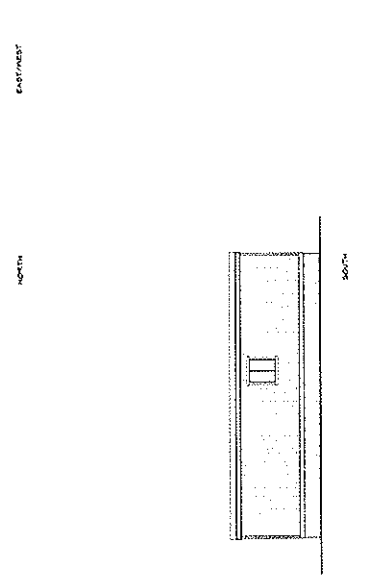
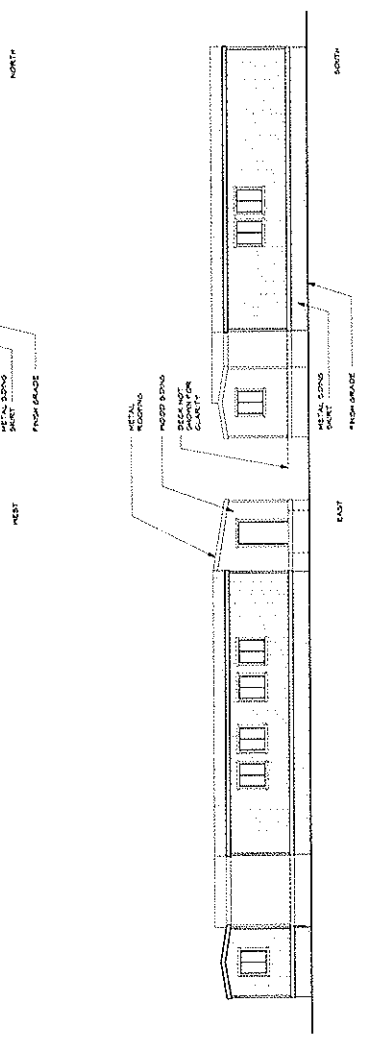
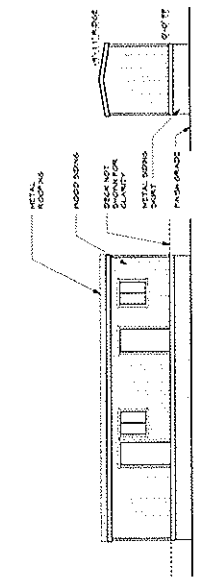
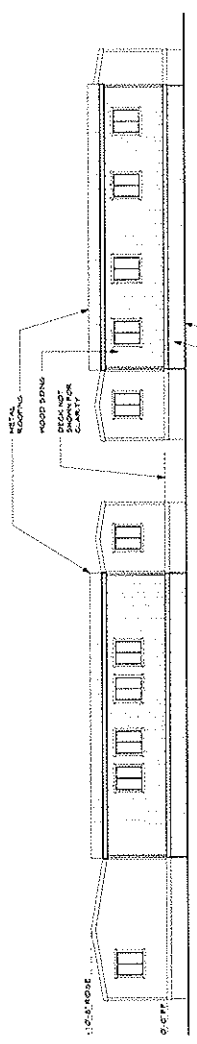
A-8



FLOOR PLAN - ARTIST COMPOUND
 1/8" = 1'-0"

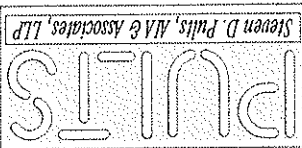


FLOOR PLAN - OFFICE TRAILER
 1/8" = 1'-0"



EXTERIOR ELEVATIONS - ARTIST COMPOUND
 1/8" = 1'-0"

EXTERIOR ELEVATIONS - OFFICE TRAILER
 1/8" = 1'-0"



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3700 MILL ROAD
 PASO ROBLES, CA

VINA ROBLES, INC

PO BOX 680
 PASO ROBLES
 CA 93447
 (805) 227-4812

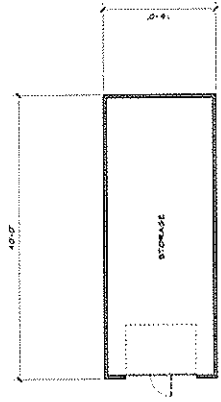
STORAGE BUILDING
 FLOOR PLAN &
 EXTERIOR ELEVATIONS



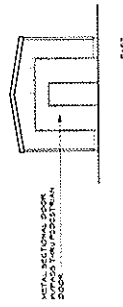
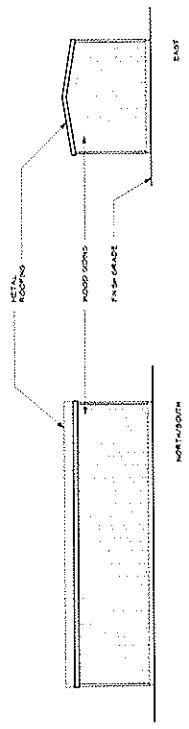
DATE: 13 JUN 11
 REVISED:

DATE: 09-05
 PHASE: 1

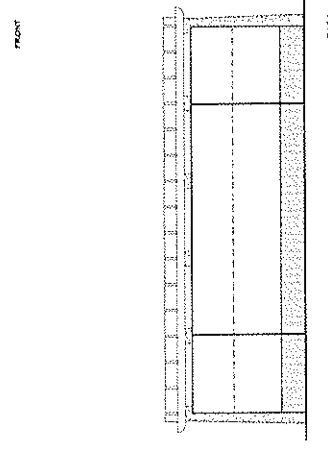
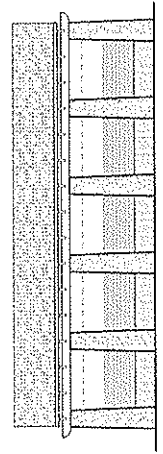
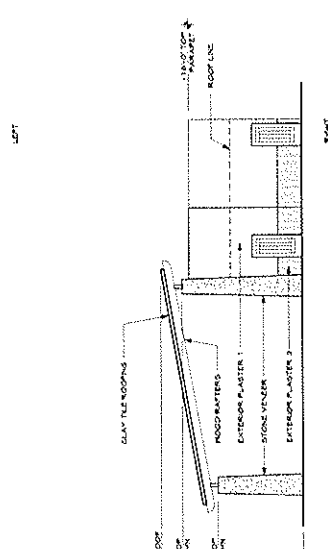
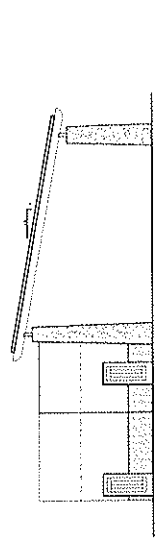
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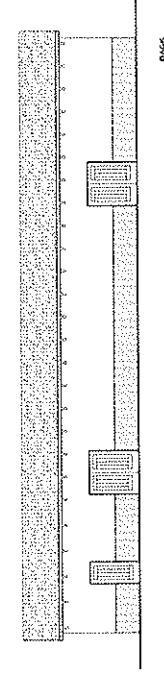
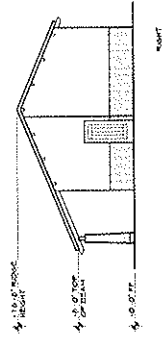
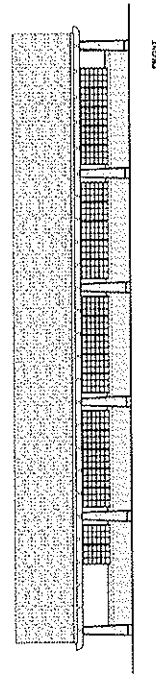
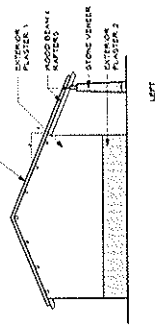
FLOOR PLAN - STORAGE BUILDING
 1/8" = 1'-0"



EXTERIOR ELEVATIONS - STORAGE BUILDING
 1/8" = 1'-0"



ELEVATIONS BAR BUILDING
 1/8" = 1'-0"



ELEVATIONS CONCESSIONS BUILDING
 1/8" = 1'-0"

Architect: Steven D. Putts, MA& Associates, LLP
 10000 Wilshire Blvd, Suite 1000
 Beverly Hills, CA 90210
 (310) 277-1111
 www.puttsma.com
 Project:

VINA ROBLES
 HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATRE

1700 MILL ROAD
 PASO ROBLES, CA

Client:
 VINA ROBLES, INC

PO BOX 658
 PASO ROBLES
 CA 93247
 (805) 227-4612

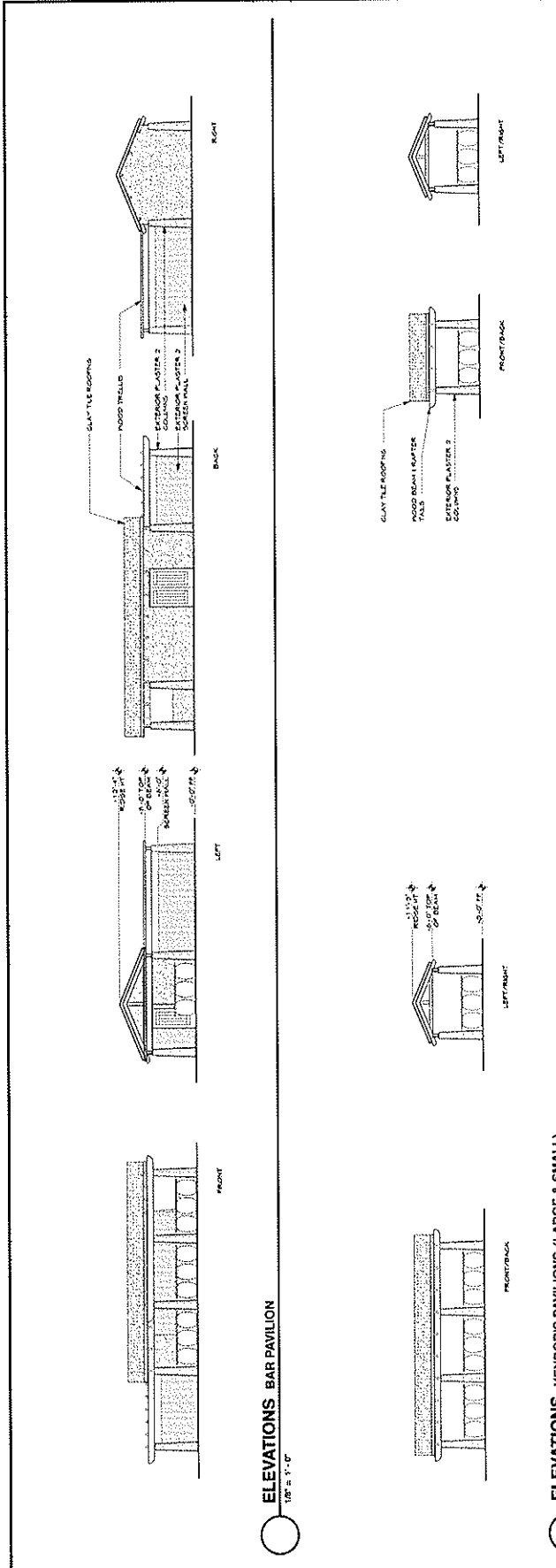
Date: 20 OCT 10
 ELEVATIONS
 BAR & VENDOR'S PAVILIONS



Date: 20 OCT 10
 Approved: 11 FEB 11
 13 JUN 11

Title: 0045
 Sheet:

A4.1
 of 2



Architect: Steven D. Pulls, AIA & Associates, LLP
 800-941-1988
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Project: VINA ROBELES INC
 3700 HILL ROAD
 PASO ROBLES, CA 93247
 Project: VINA ROBELES INC
 3700 HILL ROAD
 PASO ROBLES, CA 93247

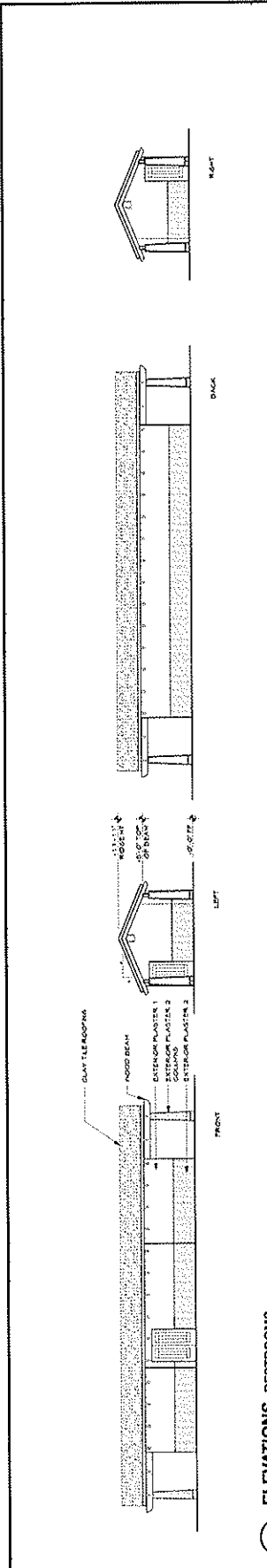
**VINA ROBELES
 MILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATRE**

VINA ROBELES, INC
 PO BOX 690
 PASO ROBLES
 CA 93247
 (805) 227-4812

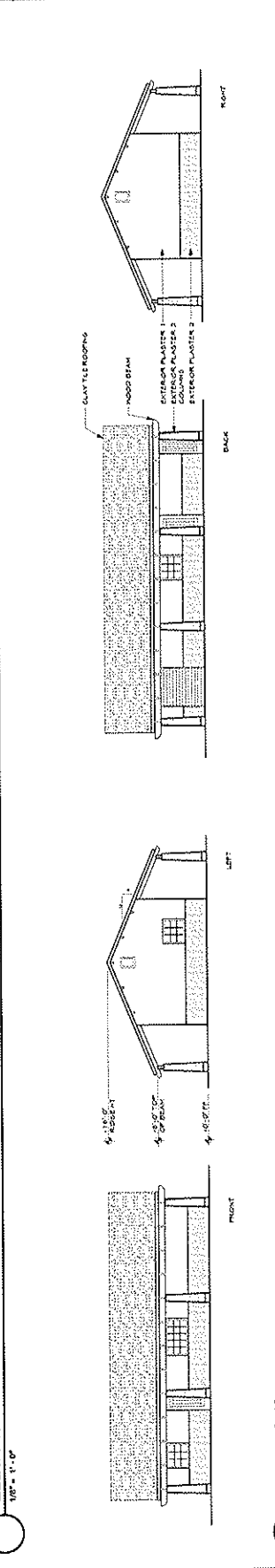
Task/Contract:
 RESTROOMS, FIRST-AID
 & ADMISSIONS



Date: 20-05-10
Revised: 11 FEB 11
 19 JUN 11
Scale: 0/AS
Sheet: A3.1



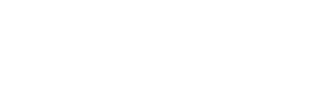
ELEVATIONS RESTROOMS
 1/8" = 1'-0"



ELEVATIONS VIP RESTROOMS
 1/8" = 1'-0"



ELEVATIONS FIRST-AID & SECURITY BUILDING
 1/8" = 1'-0"



ELEVATIONS ADMISSIONS BUILDING
 1/8" = 1'-0"

PUTS
Steven D. Puts, AIA & Associates, LLP

Architect: Planning Concepts
 4910 Grand Street, Suite 100
 San Francisco, CA 94116
 415-771-3068
 3025 E. 15th St.
 San Mateo, CA 94401
 650-353-1111
 Project: VINA ROBLES HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATER
 3700 MILL ROAD
 PASO ROBLES, CA
 VINA ROBLES, INC
 P.O. BOX 889
 PASO ROBLES
 CA 92571
 (805) 227-4812
 DATE: 02/02/11
 SHEET: A2.2
 SCALE: 1/8" = 1'-0"

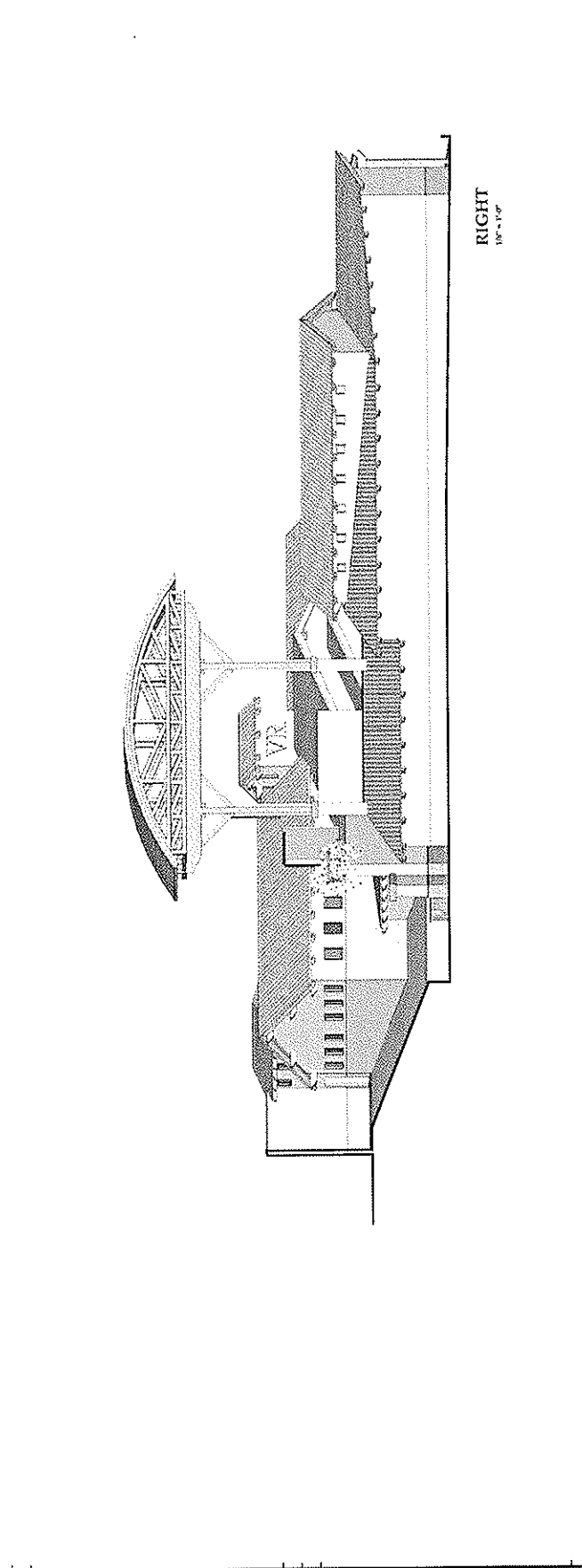
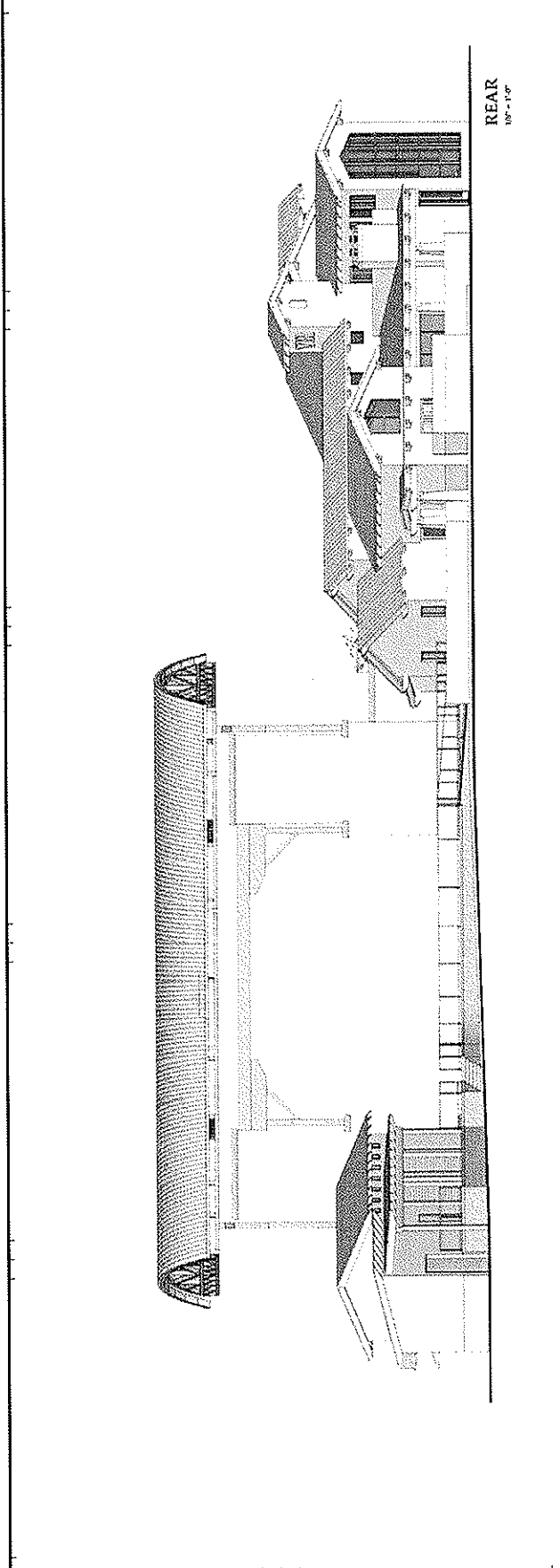
Project:
 VINA ROBLES HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATER
 3700 MILL ROAD
 PASO ROBLES, CA
 VINA ROBLES, INC
 P.O. BOX 889
 PASO ROBLES
 CA 92571
 (805) 227-4812
 DATE: 02/02/11
 SHEET: A2.2
 SCALE: 1/8" = 1'-0"

Project:
 VINA ROBLES HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATER
 3700 MILL ROAD
 PASO ROBLES, CA
 VINA ROBLES, INC
 P.O. BOX 889
 PASO ROBLES
 CA 92571
 (805) 227-4812
 DATE: 02/02/11
 SHEET: A2.2
 SCALE: 1/8" = 1'-0"

Project:
 VINA ROBLES HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATER
 3700 MILL ROAD
 PASO ROBLES, CA
 VINA ROBLES, INC
 P.O. BOX 889
 PASO ROBLES
 CA 92571
 (805) 227-4812
 DATE: 02/02/11
 SHEET: A2.2
 SCALE: 1/8" = 1'-0"

Project:
 VINA ROBLES HILL ROAD
 HOSPITALITY CENTER
 AMPHITHEATER
 3700 MILL ROAD
 PASO ROBLES, CA
 VINA ROBLES, INC
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**Table 20
Office of the California Attorney General
Methods to Offset or Reduce Global Warming Impacts
Applicable to the Proposed Project**

Emission-Reduction Method	Project Consistency
Energy Efficiency & Renewable Energy	
Incorporate green building practices and design elements.	<i>Substantially Consistent with Mitigation.</i> The proposed project would be required to comply with the California 2010 Green Building Standards. In addition, implementation of Mitigation Measure AQ-2,b would include additional requirements that are anticipated to further reduce energy demand associated with onsite structures. Such measures include energy efficient lighting, heating and cooling systems, appliances, and control systems.
Meet recognized green building and energy efficiency benchmarks.	
Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.	
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.	
Meet "reach" goals for building energy efficiency and renewable energy use.	
Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require use of passive solar design features.
Install light colored "cool" roofs and cool pavements.	<i>Partially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require the proposed project to incorporate cool pavements.
Install solar, wind, and geothermal power systems and solar hot water heaters.	<i>Partially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require onsite structures to be designed and constructed to be "solar ready" to facilitate the future installation of solar energy systems.
Install solar panels on unused roof and ground space and over carports and parking areas.	
Install energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.	
Where solar systems cannot be feasibly incorporated into the project at the outset, build "solar ready" structures.	
Water Conservation and Efficiency	
Incorporate water-reducing features into building and landscape design	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require installation of water-reducing features and water-efficient landscapes and use of water-efficient irrigation methods.
Create water-efficient landscapes.	
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls, and use water-efficient irrigation methods.	
Devise a comprehensive water conservation strategy appropriate for the project and location.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require installation of water-efficient fixtures and appliances.
Design buildings to be water efficient. Install water-efficient fixtures and appliances.	

Table 20
Office of the California Attorney General
Methods to Offset or Reduce Global Warming Impacts
Applicable to the Proposed Project

Emission-Reduction Method	Project Consistency
Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.	
Solid Waste Measures	
Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-1,m would require reuse and recycling of construction waste to the maximum extent feasible.
Integrate reuse and recycling into residential, industrial, institutional and commercial projects.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	would require the project to incorporate exterior storage areas for recyclables to the extent required by local ordinance. Interior recycling containers, signage, and education material will be located in public areas.
Provide education and publicity about reducing waste and available recycling services.	
Land Use Measures	
Incorporate public transit into project design.	<i>Partially Consistent with Mitigation.</i> The proposed project site is not serviced by public transit. The proposed Traffic Demand Management Program includes a shuttle bus service that would provide transportation to onsite events from the City of Paso Robles.
Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.	<i>Partially Consistent with Mitigation.</i> In accordance with Mitigation Measure 2,b the proposed project would preserve, to the extent practical, existing trees. Landscaping would be included in the project design.
Transportation and Motor Vehicles	
Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation	<i>Substantially Consistent with Mitigation.</i> The proposed project site is not serviced by public transit. Mitigation Measure AQ-2,b , would provide preferential parking for alternative transportation, low-emission, and car/van pooling vehicles.
Create a ridesharing program. Promote existing ride sharing programs, e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.	<i>Substantially Consistent with Mitigation.</i> Implementation of Mitigation Measure AQ-2,b would require amphitheater operators to encourage event attendees to utilize alternative means of transportation and car/van pooling..
Source: CAGO 2010.	

RESOLUTION NO.

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 11-004
3700 MILL ROAD, APN 025-701-003
APPLICANT – VINA ROBLES, INC.**

WHEREAS, Conditional Use Permit (CUP) 11-004 has been filed by Vina Robles, Inc.; and

WHEREAS, CUP 11-004 is a proposal to establish a 60-room hotel, 10 duplex-bungalow lodging units, and a 3,300 seat outdoor amphitheater and ancillary buildings; and

WHEREAS, the project is consistent with the General Plan land use designation and Zoning of Parks and Open Space (POS) and the Paso Robles Airport Land Use Plan, Airport Overlay – Zone 5, 2006 Economic Strategy, and the Gateway Design Standards; and

WHEREAS, a Planned Development Amendment (PD 02-002) has been filed in conjunction with this CUP; and

WHEREAS, the Planning Commission held a duly noticed public hearings on July 26, 2011 and August 9, 2011 on this project to accept public testimony on CUP 11-004 and PD Amendment 02-002, and associated entitlements; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received the Planning Commission finds it acceptable to establish a 60-room hotel, 10 duplex-bungalow lodging units, and a 3,300 seat outdoor amphitheater and ancillary buildings at the proposed location.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 11-004, subject to the following conditions:

STANDARD CONDITIONS

1. The project shall be operated in substantial conformance with the following conditions established in this resolution:
2. 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.
3. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
4. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
5. Use and operation of the business and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITONS

6. The applicant shall prepare and implement a parking and traffic management plan to control and guide event related traffic entering and exiting the site on Mill Road, in accordance with Exhibit A. Said parking and traffic management plans shall be submitted to the Community Development Director for approval prior to occupancy of the amphitheater. The applicant shall post temporary traffic management signs on Mill Road to discourage drivers exiting the site from turning right onto the eastbound Highway 46 East for the purpose of making U-turns further to the east in order to head westbound on Highway 46 East.
7. The applicant shall submit an event security and safety plan, identifying staff security and safety procedures, training requirements, number of security staff and their positions for concert events to be approved by the Police Department and Emergency Services Department.
8. No pyrotechnics or light show activities shall be cast higher than 500 feet above the amphitheater stage. All parking lot, site and building lighting shall be downcast and shielded in compliance with the City's Zoning Ordinance.
9. The applicant shall comply with all applicable noise and nuisance regulations, including the General Plan Noise Element standards and the Municipal Code.
10. The applicant shall be limited to no more than 50 concert events per year, with no more than 10 "capacity" events (3,300 attendees).
11. Concerts shall be limited to evening hours, and shall conclude no later than 12:00 a.m.
12. The applicant shall submit a Transportation Demand Management (TDM) Plan that includes an event shuttle program with local hotels to reduce the number of vehicles traveling to the site. The TDM Plan shall be approved by the Community Development Director prior to issuance of certificate of occupancy for the amphitheater.
13. The applicant shall not have staff or traffic control devices, signs or fixtures encroach into the Caltrans right-of-way.
14. If the City receives complaints or is made aware of operational problems resulting from the amphitheater use, the Planning Commission shall reconsider this CUP with the purpose of developing solutions to address issues that may arise.

PASSED AND ADOPTED THIS 9th day of August, 2011 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN STEVE GREGORY

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

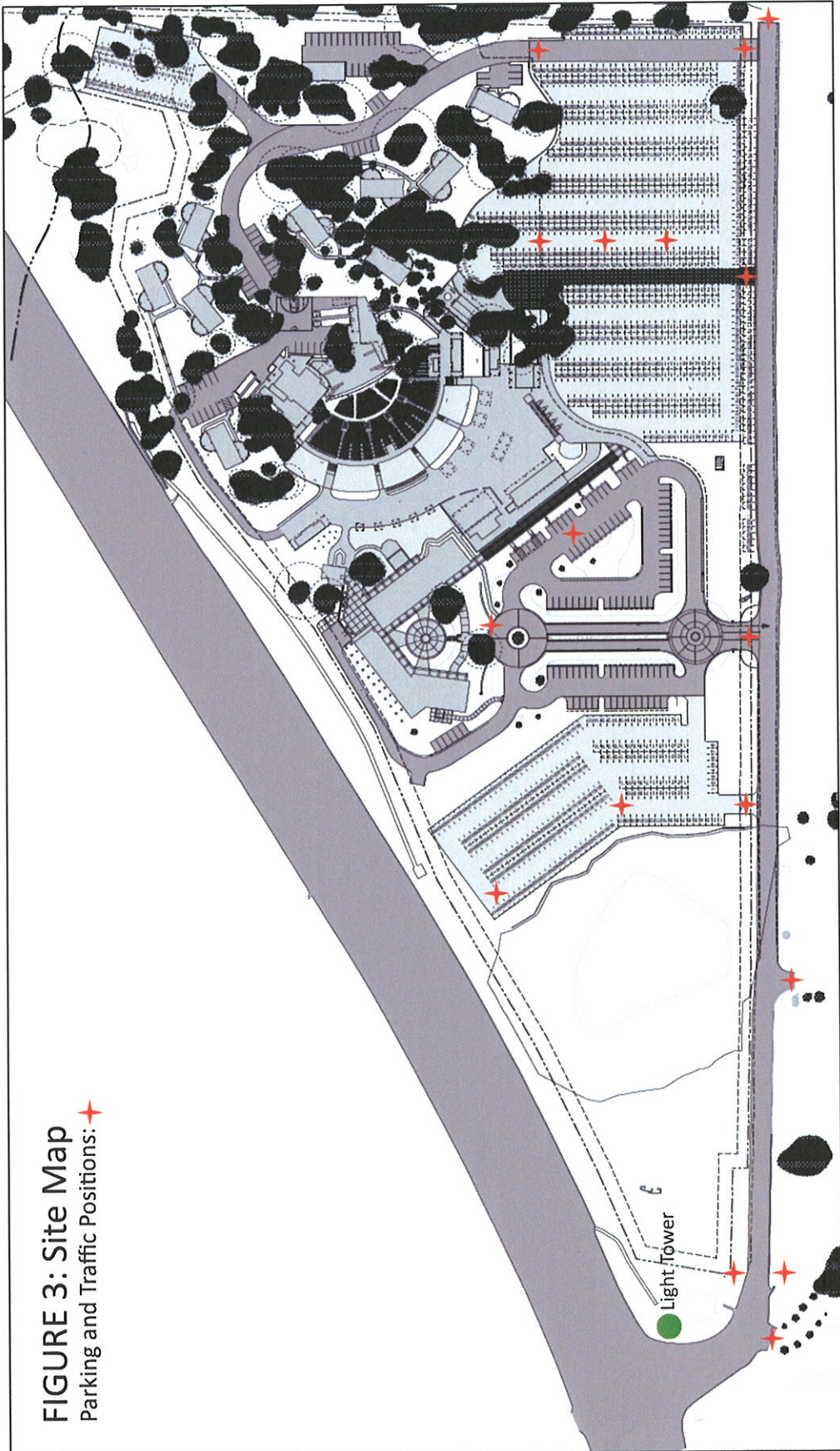
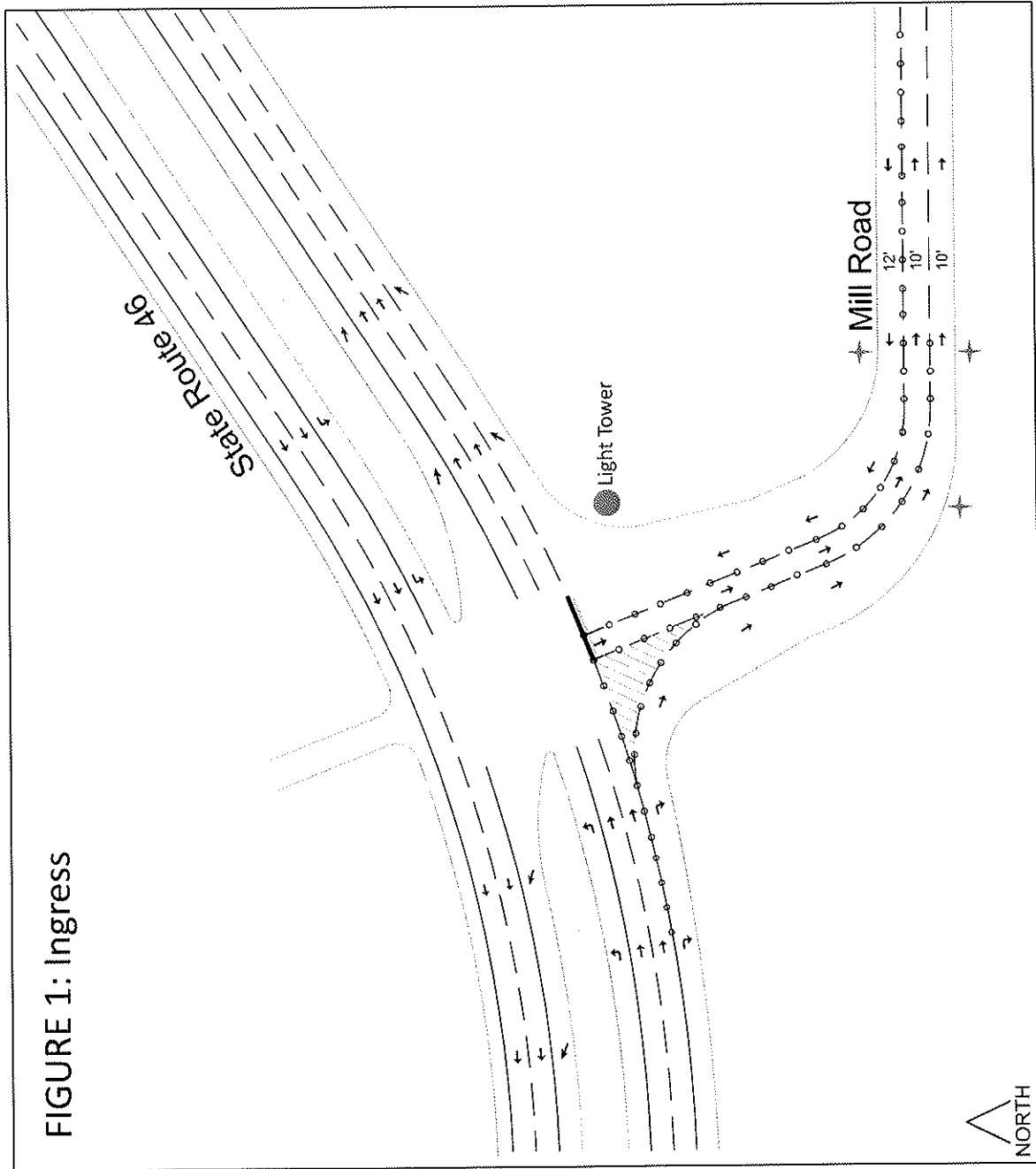


FIGURE 3: Site Map
Parking and Traffic Positions: ★

FIGURE 1: Ingress



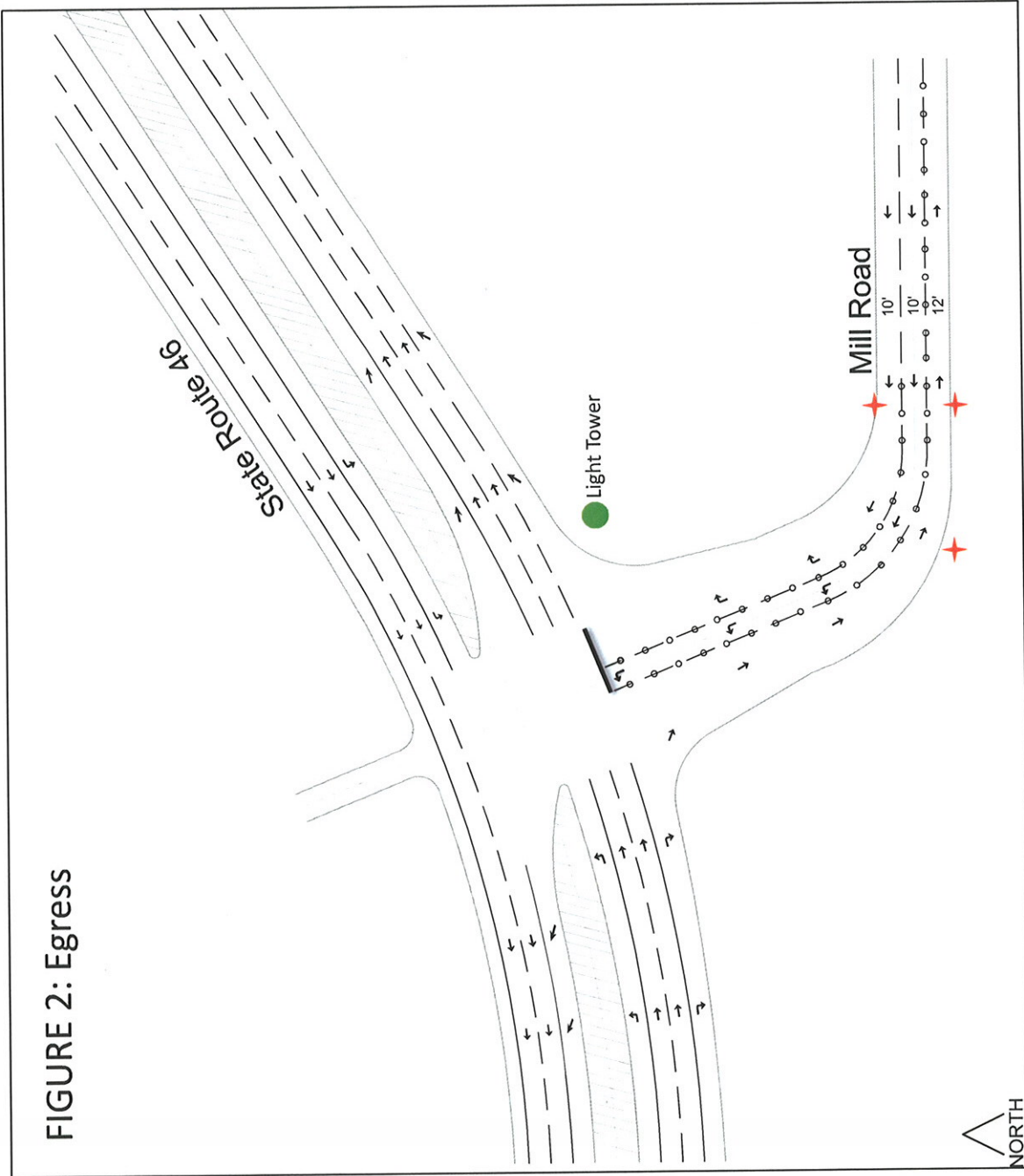


FIGURE 2: Egress

Exhibit 10
Public Notices

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

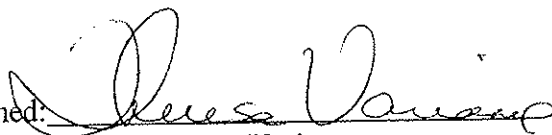
Newspaper: Tribune

Date of
Publication: June 17, 2011

Hearing
Date: July 26, 2011
(Planning Commission)

Project: Notice of Intent to Adopt a Mitigated
Negative Declaration and a Planned
Development Amendment 02-002 and
Conditional Use Permit 11-004 (Vina
Robles, Inc.)

I, Theresa Variano, 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: 
Theresa Variano

forms\newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
**NOTICE OF INTENT TO ADOPT A MITIGATED
NEGATIVE DECLARATION AND A PLANNED
DEVELOPMENT AMENDMENT 02-002 AND
CONDITIONAL USE PERMIT 11-004**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, July 26, 2011, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider adoption of a Mitigated Negative Declaration in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:

Planned Development Amendment 02-002 and Conditional Use Permit 11-004: A request filed by Vina Robles, Inc., to modify an existing Planned Development entitlement to relocate a 78 unit hotel on the property and to add an outdoor amphitheater and ancillary buildings. The project is proposed at the existing Vina Robles hospitality center located at 3700 Mill Road, Paso Robles, CA. APN 025-701-003. The property is in the Parks and Open Space zoning district.

The public review period for the Mitigated Negative Declaration (MND) is June 20, 2011 through July 19, 2011. The proposed MND may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the proposed Planned Development, Conditional Use Permit and corresponding MND may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the 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 Susan DeCarli at (805) 237-3970.

If you challenge this application in court, you may be limited to raising only those issues you or someone 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.

Susan DeCarli, AICP
City Planner
June 17, 2011 6945830

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Susan DeCarli, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project Planned Development Amendment 02-002/Conditional Use Permit 11-004, mailed on this 19th day of July, 2011.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Susan DeCarli
Susan DeCarli

From: Partch, Karl J <karl.partch@baml.co...
Sent: Friday, July 15, 2011 8:40 AM
To: Council; Planning
Subject: Vina Robles Amphitheater support

Dear Paso Robles Planning Commission and Paso Robles City Council;

We have lived in Paso Robles for over five years now and continue to be impressed with the balanced and thoughtful approach the city leaders take towards development projects.

We would like to express our enthusiastic support for the proposed outdoor amphitheatre at the Vina Robles winery on East 46. The project is appropriately sized for the needs of Paso Robles, filling a niche between the larger Paso Robles Event Center and ad hoc capacity at the local wineries. (Though I suspect that any vocal opposition to the project can be traced back to those with a vested interest in the Event Center) The access out on east 46 keeps notable traffic disruption out of downtown and residential areas. Additionally, the Vina Robles people have a proven track record of constructing attractive , elegant facilities. They also have a vested interest in designing , executing and operating the project in such a manner as not to diminish the upscale nature of their existing property. Vina Robles would have the most to lose if they fail to execute the project in a manner that is best for the city.

On a separate note, we would also like to commend the decision not to allow a used car lot on the former Hometown Nursery site on Spring Street. We agree that it is not in keeping with the intentions of the master plan for downtown Paso.

The Paso Robles City Council and Planning commission have a long track record of developing the community in an intelligent manner, neither caving into the demands of deep pockets developers at the expense of community character nor blindly following an stagnating "No Growth" policy.

The balance you have been maintaining in our city is commendable. Keep up the good work.

Karl J. Partch
Kathy E. Partch
4884 Echo Ranch Road
Paso Robles, CA 93446
805-237-0119

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**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

July 19, 2011

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

**SUBJECT: APCD Comments Regarding the Vina Robles Amphitheater & Hotel
Environmental Initial Study**

Dear Mrs. DeCarli,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process for the amphitheater and hotel project proposed at 3700 Mill Road in Paso Robles. We specifically appreciate the opportunity to work with the applicant prior to the issuance of the project's Initial Study to provide guidance on the air quality impact evaluation and in developing the appropriate mitigation.

The proposed project would initially develop a 3,500 seat boutique amphitheater to an existing winery hospitality center and in the future would develop at a new location on the site, a previously approved 78-room hotel. The amphitheater would have a combination of portable, fixed, premium, and lawn seating with ancillary buildings consisting of an admissions building, restrooms, first-aid/security building, concessions, and an artist's compound. The artist's compound will include dressing rooms, a catering space and administrative offices. The intent is to provide an intimate, state of the art, boutique venue that attracts the highest caliber talent in the industry. The destination, boutique hotel would offer luxury level standard rooms, luxury suites and detached bungalows.

We have completed our review of the Initial Study and the following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE IMPACTS-Exceeds Threshold

The applicant evaluated the construction impacts of this project using the URBEMIS2007 version 9.2.4 computer model for estimating construction emissions related to the development

of land uses. The worst case unmitigated modeling results were 2.71 tons of ozone precursors per quarter and 0.15 tons of diesel particulate matter, both of which indicate that the construction phase impacts could exceed the APCD's significance threshold values of 2.5 and 0.13 ton/quarter respectively.

The initial study includes Mitigation Measure AQ-1 which the applicant would implement to bring the construction impacts below the APCD's significance thresholds. **The APCD accepts Mitigation Measure AQ-1 as adequate to mitigate the construction equipment impacts however, we also require the addition of the following standard construction phase measures:**

Dust Control Measures

The project, as described in the referral, will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Demolition of Asbestos Containing Materials

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated; or utility pipelines are scheduled for**

removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Electrical generation plants or the use of standby generator
- Internal combustion engines
- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE IMPACTS- Criteria Pollutant Threshold Exceedence

The applicant evaluated the operational impacts of this project running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts will likely exceed the APCD's CEQA significance threshold value for ozone precursors as identified in Table 3-2 in the CEQA Handbook.

The initial study includes Mitigation Measure AQ-2a and b which the applicant would implement to bring the operational phase impacts below the APCD's significance

thresholds. These measures do not include two project items that the APCD understands will also reduce emissions. These items, listed below, may be included in other Initial Study (IS) mitigation requirements. If they are, then they should be referenced in the air quality mitigation section of the IS. If they are not included as requirements elsewhere in the IS, then they need to be added in as Air Quality Mitigation Measures. Those items are:

- 1. Transportation Demand Measure:** The project applicant will provide a shuttle service to and from the city of Paso Robles for project events.
- 2. Capacity Event Restriction:** The project applicant will be conditioned to only holding 10 capacity events per year. This will ensure consistency with the project's air quality assessment that evaluated the impacts of 10 at capacity and 40 average capacity events per year. Should the applicant want to exceed the assumption used to define the project's impacts, then they will need to quantify the impact changes and define APCD approved additional mitigation.

To clarify, MM AQ-2a, off-site mitigation, was developed in cooperation with the APCD and is based on average impacts over the project-life. The year chosen for this impact evaluation was 2025. Further, the \$15,165.90 off-site mitigation fee necessary to bring the project's operational phase criteria air pollutant impacts to a level of insignificance includes monies for projects and a 10% APCD fee to implement off-site mitigation projects.

Beyond the above identified additions to Mitigation Measure AQ-2a and b, the APCD also requires the addition of the following standard operational phase measure:

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2009 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Vina Robles Amphitheater & Hotel Initial Study
July 19, 2011
Page 5 of 5

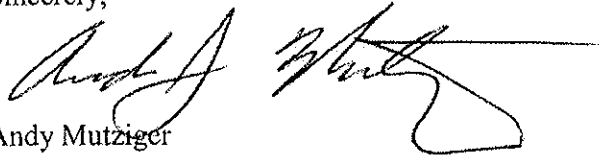
OPERATIONAL PHASE IMPACTS- Greenhouse Gases

The APCD's CEQA Handbook recommends that projects evaluate project greenhouse gas (GHG) impacts and implement feasible mitigation measures. Table 19 in the IS identifies the project's baseline GHG impacts as well as future GHG impacts after the applicant implements the proposed TDM program and mitigation measures (MM AQ-2b), and their compliance with future regulatory requirements. **Since the off-site mitigation measure (MM AQ-2a) is criteria pollutant driven and does not have a set GHG benefit requirement, reference to GHG benefit from off-site mitigation needs to be removed from Table 19.**

Further, on page 49, the second paragraph of the Significance after Mitigation section needs to remove the reference to off-site mitigation as a GHG benefit with the final claim of mitigation benefit being 17 rather than 29%.

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

Sincerely,



Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Vina Robles, INC.
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

July 18, 2011

Susan DeCarli
City of El Paso de Robles
100 Spring Street
Paso Robles, CA 93446

SLO 46 32.66
Vina Robles Amphitheatre
SCH 2011061052

Subject: Vina Robles Amphitheatre Mitigated Negative Declaration

Dear Ms. DeCarli:

Thank you for the opportunity to the subject project's environmental document. Caltrans offers the following comments:

1. **Topic I, Aesthetics, paragraph d.** Design and operations of the project is subject to the California Vehicle Code section 21466.5, Light Impairing Driver Vision. Please ensure this project, when it is operational, is in compliance with the light requirements of this section.
2. **Topic XVI, Transportation/Traffic, paragraph a.** On page 23, second paragraph, it states, "Caltrans did not find that controlled traffic at the intersection of Mill Road and Highway 46 East was warranted for safety needs." This is a somewhat awkward sentence, and taken in its presented context, provides an overly simplistic conclusion to a fairly complex situation and should be removed from the text.

Discussion: The geometrics of this segment of SR 46 are recently improved, with stop control on the Mill Road approach. The applicant offered a traffic management plan that is very complex, requires repeated, temporary encroachment onto an interregional facility, and would require the intermittent stopping of through traffic in the travel lanes and frequent, recurring personnel exposure on SR 46 to implement the plan. The primary intent of the management plan was to provide for a faster exit of concert attendees at the expense of highway user. The frequency, complexity, and general nature of the plan is not acceptable to Caltrans.

In response, and at Caltrans' recommendation, the applicant offered a more robust analysis (to include micro-simulation) to determine what effects, if any, project traffic would have on the operational performance of the subject intersection. Given the time of day that the venue will be operational and the anticipated background traffic volumes, this analysis demonstrates that although Mill Street will suffer some congestion, the intersection of Mill Street & SR 46 will operate satisfactory with

Susan DeCarli
July 18, 2011
Page 2

project traffic. To the extent possible, this analysis provides indications that it will operate safely. But, as far as concluding that Caltrans found in the negative that no safety issues will arise is not supported. At this time there are no collision patterns and the current accident rate is less than half the statewide average. Moreover, the accident rate at this location is indeterminate because of the recent improvement.

If the lead agency has concerns about the traffic safety impacts at this location, it would be incumbent upon the applicant to provide a permanent solution that is not dependent upon temporary measures.

Thank you for considering these comments. I can be reached at (805) 549-3632 if you have any questions about our correspondence.

Sincerely,



Chris Shaeffer
Development Review Coordinator
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