

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT 12-005 & REZONE 12-003 & SPECIFIC PLAN AMENDMENT 12-003 (BUENA VISTA APARTMENTS - ARJUN)

DATE: SEPTEMBER 25, 2012

Needs: For the Planning Commission to consider an application filed by Don Benson on behalf of Arjun Buena Vista Properties, LLC, proposing the following applications:

- **Rezone 12-003:** to change the existing R1-B4 (Residential Single-Family, 1 acre lot) zoning designation to R3 (Residential Multifamily 12 units per acre). The rezone to R3 would bring the zoning designation into compliance with the existing General Plan Land Use designation (RMF-12).
- **Specific Plan Amendment 12-003:** to amend the Borkey Area Specific Plan (BASP) to accommodate the multi-family residential project, and establish updated Specific Plan fees;
- **Development Plan 12-005:** development plan to review the project site planning, architectural design and details, and landscaping.

Facts:

1. The project is located on the south side of Experimental Station Road, west of Buena Vista Drive. (see attached Vicinity Map).
2. The 12.5 -acre site includes the properties that are currently addressed 708, 802, 812, 908, 1002 Experimental Station Road (APN: 025-541-021, 025-391-006, 007, 80 & 81).
3. The General Plan designation is Residential Multi-Family, 12 units to the acre (RMF-12). The current zoning designation is R1-B4 (Residential Single Family, one-acre lot size). The request is to change the R1-B4 Zoning to R3, would bring the Zoning into compliance with the General Plan designation.

4. The project proposes to construct 141 unit market-rate apartment complex, with one care taker unit, for a total of 142 units. The project has a mix of attached two and three-story multi-family buildings that range from 3 to 8 units per building.
5. As required by the Zoning Code, when applying the 40 square feet per unit requirement of the Zoning Code, a minimum 5,680 square foot community building is required with this project. The plans provide for a 6,100 square foot building, where 3,444 square feet would be within the building interior, and 2,657 square feet would be on the exterior of the building within covered patio and porch areas.
6. Based on the 142 units, the Zoning Code requires that the project provide 3 tot lots and 2 other amenities. The project had been designed to provide 3 tot lots, 1 multi-sport court, 1 swimming pool, and 1 spa.
7. The project has provided 298 parking spaces, 143 within garages and 155 surface parking spaces. Of the 298 parking spaces, 28 spaces are for visitor parking.
8. An Arborist Report was prepared for the project and indicates that there are 22 oak trees located within the projects impact area. Of the 22 trees, 3 trees are requested to be removed. Of the 3 trees one of the trees (Tree No. 101) is dead.
9. The DRC reviewed the project on June 11, 2012. The DRC recommended that the Planning Commission approve this project and make the necessary recommendation to the City Council to approve the Rezone.
10. 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 Mitigated Negative Declaration (MND) was prepared and circulated for public review and comment.

11. As part of the circulation of the MND, the City received a letter from the Native American Heritage Commission (NAHC) recommending consultation with certain tribes, as required by SB 18.
12. SB 18 (2004) requires consultation with tribes for any specific plan amendment.

**Analysis
and**

Conclusion:

Rezone:

With the adoption of the General Plan Update in 2003, the land use designation for the subject site was changed from RSF-1 to RMF-12. The intent of the change was to provide for the opportunity to develop multi-family residential in proximity to schools shopping and other services. This site has close proximity to Kermit King Elementary School, as well as Cuesta College. The site is also in close proximity to future neighborhood commercial within River Oaks, and the Regency Shopping Center.

Rezoning the property to R3 would bring the zoning into compliance with the RMF-12 General Plan Land Use designation.

Architecture:

The Architect has made an effort to design the project to complement the existing residential homes along the northern side of Experimental Station Road. The following design elements were presented by the Architect at the DRC meeting:

- Buildings along Experimental Station Road have been oriented so that the fronts of the residences face the road;
- All parking spaces/garages are located behind the buildings and are not visible from the street;
- Landscaping and fencing design will be complementary to the landscaping and fencing along the south side of Experimental Station Road;

Parking:

The project has been designed to provide 298 parking spaces as required by the Zoning Code based on the 142 units. Of the 298 parking spaces, 143 spaces will be located within garages and 155 parking spaces will be surface parking spaces located within the apartment complex. 28 visitor parking spaces will be displaced throughout the site.

Hwy 46 views:

The project has been designed to have a 30-foot landscaped setback from the property line along Highway 46 East. The property line is approximately 20-feet from the top of the slope, therefore the building is approximately 50-foot setback from the top of the slope. The project will be providing decorative fencing, landscaping, and a pedestrian path within the setback area. The setback along with the architectural treatments on the building would seem to provide for enhanced views of the project from Highway 46.

The proposed project is consistent with the zoning code regulations for an R3 development. As noted above, the General Plan land use designation for this site is RMF-12. Therefore, the General Plan anticipates that a multi-family development should be on this site. The Rezone request would bring the zoning designation (which is currently R-1) in compliance with the General Plan, by changing it to R3.

Oak Trees:

As mentioned above, there are 22 oak trees located within the area where the project is proposed to be built. Of the 22 trees, three are proposed to be removed. Tree No. 49 is a 15-inch Valley Oak that has poor structure and Tree No. 70 is an old tree that has been abused as a result of trimming for utility lines and past road improvements. Tree No. 101 is dead. A resolution is attached requesting that the City Council allow the removal of the three trees. Mitigation measures are included that will required replacement trees be planted and that all other oak trees be protected and preserved during construction as required by the Oak Tree Ordinance.

Environmental Review:

An environmental review was prepared for this project where it was determined that mitigation is necessary to reduce the project impacts to less than significant. The impacts are related to Noise, Air Quality, Green House Gas and Biological Resources. The mitigation measures have been incorporated into the project conditions of approval.

SB-18: Tribal Consultation:

The BASP EIR included an analysis of cultural/archaeological resources and concluded that there were none in the specific plan area. SB 18's requirements for consultation apply nonetheless. On September 19, staff sent a letter to the list of tribes included in NAHC's letter. State Law provides that tribes have 90 days to request a consultation. Therefore, the Planning Commission can open the public hearing, but continue it to January 8, 2013 to allow tribes 90 days to respond.

Policy

Reference:

General Plan Land Use Element, Zoning Code, and 2006 Economic Strategy, Oak Tree Ordinance, California Public Resources Code.

Fiscal

Impact:

There are no specific fiscal impacts associated with approval of this Planned Development.

Options:

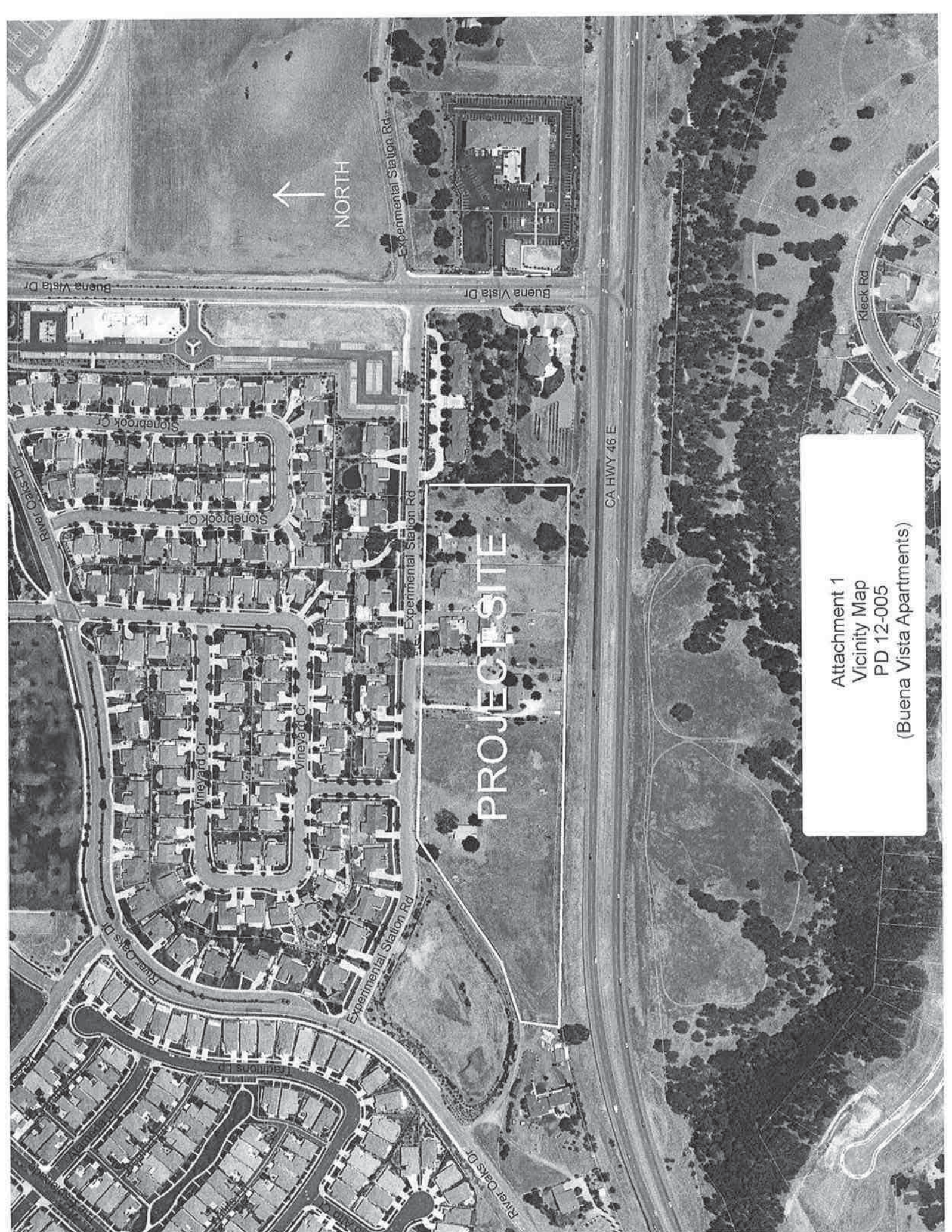
After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Continue the public hearing to the Planning Commission hearing on January 8, 2013.
- b. Amend, modify, or reject the above-listed action.

Prepared by Darren Nash

Attachments:

1. Vicinity Map
2. Site Plan
3. City Engineer's Memo
4. Draft Resolution to approve Mitigated Negative Declaration
5. Draft Ordinance adopting Rezone 12-002
6. Draft Resolution to approve PD 11-007
7. Draft Resolution to approve Oak Tree Removals
8. Mail and Newspaper Affidavits



NORTH
↑

PROJECT SITE

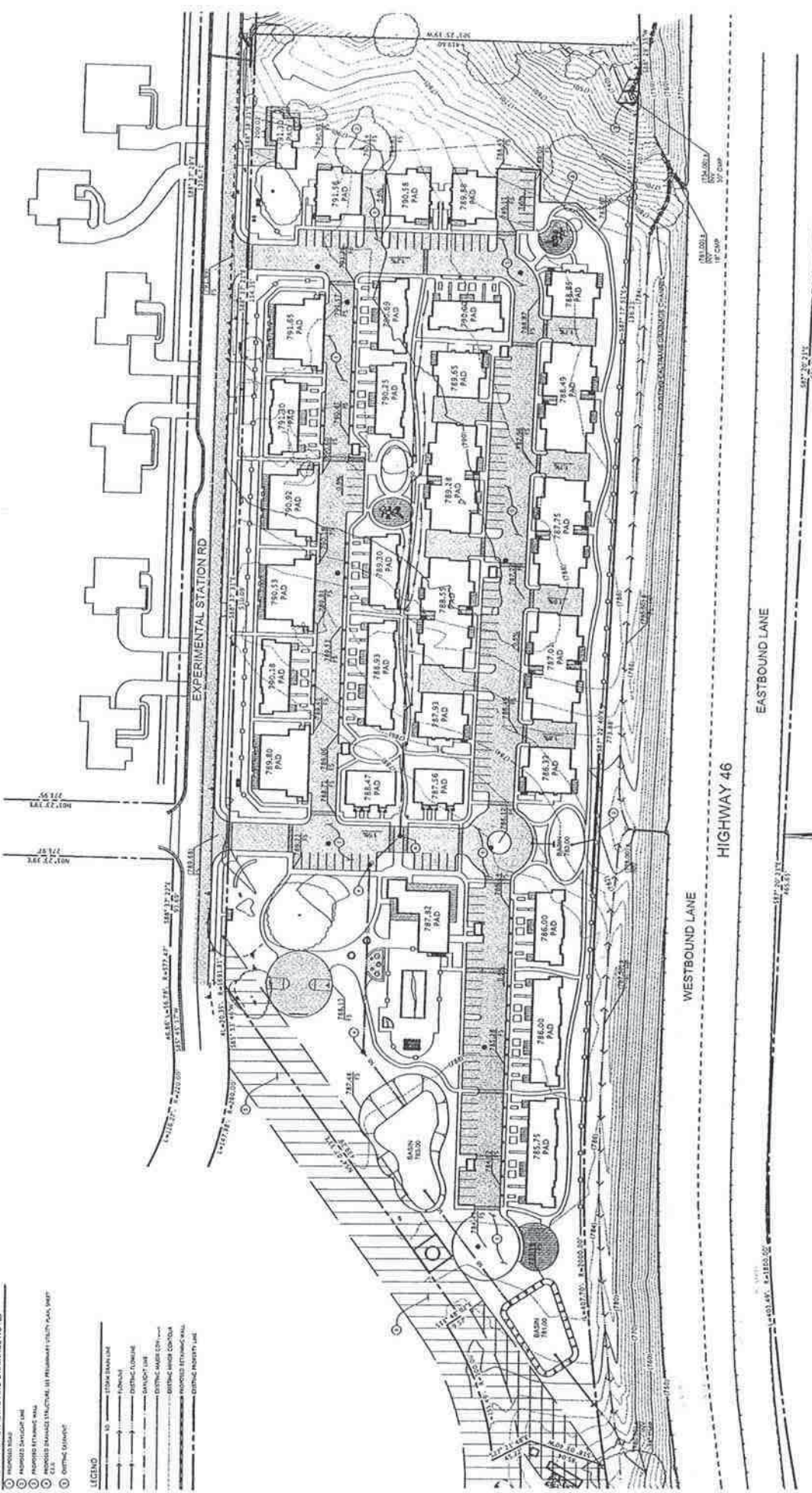
Attachment 1
Vicinity Map
PD 12-005
(Buena Vista Apartments)

PRELIMINARY GRADING AND DRAINAGE NOTES

- 1. EXISTING GRADE
- 2. PROPOSED GRADE
- 3. PROPOSED FINISH GRADE
- 4. PROPOSED FINISH GRADE AT PERIMETER (FINISH GRADE, W/OUT)
- 5. EXISTING DRAINAGE
- 6. PROPOSED DRAINAGE

LEGEND

- 1. 10' FROM BOUNDARY
- 2. 5' FROM BOUNDARY
- 3. 1' FROM BOUNDARY
- 4. 0.5' FROM BOUNDARY
- 5. 0.25' FROM BOUNDARY
- 6. 0.125' FROM BOUNDARY
- 7. 0.0625' FROM BOUNDARY
- 8. 0.03125' FROM BOUNDARY
- 9. 0.015625' FROM BOUNDARY
- 10. 0.0078125' FROM BOUNDARY
- 11. 0.00390625' FROM BOUNDARY
- 12. 0.001953125' FROM BOUNDARY
- 13. 0.0009765625' FROM BOUNDARY
- 14. 0.00048828125' FROM BOUNDARY
- 15. 0.000244140625' FROM BOUNDARY
- 16. 0.0001220703125' FROM BOUNDARY
- 17. 0.00006103515625' FROM BOUNDARY
- 18. 0.000030517578125' FROM BOUNDARY
- 19. 0.0000152587890625' FROM BOUNDARY
- 20. 0.00000762939453125' FROM BOUNDARY



C1.0

Buena Vista Apartments
#02 Experimental Station Road
Petaluma, California

Ajrun Buena Vista Properties, LLC
1005 Avenue Miraflojo
San Clemente, California 92672
Phone: (949) 433-5423

APRIS STUDIO ARCHITECTS
10000 Wilshire Blvd, Suite 1000
Beverly Hills, CA 90210
Phone: (310) 274-1111

Ashley Vance ENGINEERING, INC.
10000 Wilshire Blvd, Suite 1000
Beverly Hills, CA 90210
Phone: (310) 274-1111

Attachment 2
Site Plan
Buena Vista Apartments



PRELIMINARY GRADING PLAN

MEMORANDUM

TO: Darren Nash
FROM: John Falkenstien
SUBJECT: PD 12-005 Buena Vista Apartments
DATE: July 30, 2012

Streets

The project fronts on Experimental Station Road which is classified as a local street. While we recently updated our Public Works Standard Details and Specifications, we have not completed updates of the standard details for street sections to reflect the policies in the 2011 Circulation Element. One of the purposes of reviewing local street standards is to address neighborhood concerns with speeding; common throughout the City. A contributing cause of this behavior is the application of traditional highway lane widths to local streets.

These generous pavement widths provide comfort for the driver, leading to higher speeds and lack of attention, where attention is needed most. Experimental Station Road is no exception. Experimental Station Road accepts cut-through traffic between River Road and the highway. We receive regular complaints of speeding along the straight frontage of the subject project.

Traffic calming strategies incorporated into the design of frontage improvements will include a tighter curb to curb street section than traditional local street standards, with parking available on both sides. The architectural presentation of the project will encourage parking on Experimental Station Road, which tends to slow traffic and provide a better pedestrian environment. Curb extensions will be placed where parking is not available, near street intersections and to protect the oak tree.

Bikes and Pedestrians

The proposed project will construct pedestrian paths on site that will connect to new sidewalks on Experimental Station Road. Experimental Station Road improvements will compliment existing improvements in the neighborhood and will allow for pedestrian and bike access to Cuesta College and Kermit King Elementary School.

The Bicycle Master Plan conceives of a bike path connection under Highway 46E in the ravine area on the east boundary of the project. It is recommended that the open space in this area be dedicated to the public to accommodate this potential path.

Grading, Drainage and Storm Water Quality

The City is obligated by the Regional Water Quality Control Board to require all projects to implement low impact development best management practices to mitigate impacts to the quality of storm water run-off and to limit the increase in the rate and volume of storm water run-off to the maximum extent practical. As the Regional Board continues to work towards a long-term hydro-modification mitigation strategy, they require us to implement interim criteria. The storm water report submitted with the application addresses these requirements.

Attachment 3
City Engineer Memo
PD 12-005
(Buena Vista Apartments)

Sewer and Water

An 8-inch sanitary sewer main is available to the project in Experimental Station Road. As indicated on the preliminary plans, the entire project will be served by a private sewer lift station.

Water is available to the project from an 8-inch water main in Experimental Station Road.

Conditions of Approval

Experimental Station Road shall be improved with curb, gutter, sidewalk and paving in accordance with plans approved by the City Engineer.

All existing overhead utility lines along Experimental Station Road and the northeast boundary of the project shall be relocated underground.

Low impact development best management practices as outlined in the project submittals shall be incorporated into the project grading plans and shall meet design criteria adopted by the City in effect at the time of development of the project.

The open space area along the eastern boundary of the project shall be dedicated to the City.

RESOLUTION NO:

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
REZONE 12-003, BORKEY SPECIFIC PLAN AMENDMENT 12-003 &
PLANNED DEVELOPMENT 12-005
(Buena Vista Apartments)
APN: 025-391-006, 007, 080 & 081 & 025-541-021

WHEREAS, PD 12-005, RZ 12-003, SPA 12-003 (The Project), has been submitted by Don Benson on behalf of Arjun Buena Vista, LLC to establish a 142 unit apartment complex; and

WHEREAS, the project is proposed to be located on the 12.5-acre site on the south side of Experimental Station Road, west of Buena Vista Drive; and

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

Rezone: to change the existing R1-B4 (Residential Single-Family, 1 acre lot) zoning designation to R3 (Residential Multifamily 12 units per acre). The rezone to R3 would bring the zoning designation into compliance with the existing General Plan Land Use designation (RMF-12).

Specific Plan Amendment: to amend the Borkey Area Specific Plan to accommodate the multi-family residential project, and establish updated Specific Plan fees;

Development Plan: development plan to review the project site planning, architectural design and details, and landscaping.

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

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

WHEREAS, a public hearing was conducted by the Planning Commission on September 25, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, on September 25, 2012, the Planning Commission recommended that the City Council approve the Mitigated Negative Declaration; and

WHEREAS, a public hearing was conducted by the City Council on October 16, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Mitigated Negative Declaration; and

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

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

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment based on the attached Mitigation Agreement and mitigation measures described in the Initial Study and contained in the resolution approving Planned Development 12-005 (Section 3) as site specific conditions summarized below.

Topic of Mitigation	Condition #
Air Quality	AQ 1- AQ 5
Greenhouse Gas	GHG-1
Biological (Kit Fox & Oak Trees)	BR 1 – BR 16
Noise	N1-N3

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, approves a Mitigated Negative Declaration for PD 12-005, RZ 12-003, & SPA 12-003, in accordance with the California Environmental Quality Act; and

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of October, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Exhibit A

ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM CITY OF PASO ROBLES

- 1. PROJECT TITLE:** Buena Vista Apartments
- Concurrent Entitlements:** PD 12-005, RZ 12-003, SA 12-003
- 2. LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
- Contact:**
Phone: (805) 237-3970
Email:
- 3. PROJECT LOCATION:** South side of Experimental Station Road, west of Buena Vista, Paso Robles, CA (APN 025-541-021, 025-391-006, 007, 080 & 081)
- 4. PROJECT PROPONENT:** Arjun Buena Vista Properties, LLC
- Contact Person:** Donald Benson
- Phone:** (805) 237-6212
Email: dollarbill93447@yahoo.com
- 5. GENERAL PLAN DESIGNATION:** RMF-12 (Residential Multi-Family, 12 units per acre)
- 6. ZONING:** R1-B4 (Residential Single-family, 1 acre)

PROJECT DESCRIPTION: This is a proposal to establish a 142 unit apartment complex along with a club house, swimming pool, play areas, and other amenities.

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

Rezone: to change the existing R1-B4 (Residential Single-Family, 1 acre lot) zoning designation to R3 (Residential Multifamily 12 units per acre). The rezone to R3 would bring the zoning designation into compliance with the existing General Plan Land Use designation (RMF-12).

Specific Plan Amendment: to amend the Borkey Area Specific Plan to accommodate the multi-family residential project, and establish updated Specific Plan fees;

Development Plan: development plan to review the project site planning, architectural design and details, and landscaping.

7. **ENVIRONMENTAL SETTING:** The property currently consists of five parcels, each with existing residences and out-buildings. Structures on these parcels include existing single family homes or trailers, barns, garages, sheds, and fences. These parcels also have existing landscaping, driveways, materials and equipment storage, and debris. Portions of these parcels are currently used for pasture by horses, goats, and chickens. Various types of fencing surround each parcel. All areas of the proposed project have been substantially disturbed by human use.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (a-c): The project site is visible from Highway 46 East and surrounding local roadways. It is within an urbanized area of the City and is surrounded by existing residential neighborhoods to the north, east and west. The property backs up to Highway 46 East, along the projects southern border.

The visual quality of the site is fairly low, since the site is currently developed with larger single family residential lots with older homes, fencing and accessory uses, such as out buildings and horse pastures. While the project will alter the visual character of the existing site, the new development has been designed in a manner where residential units will front on Experimental Station Road. Landscaping and low fencing that will be installed to complement the landscape and fencing on the north side of the street. The units will back up to Highway 46 East, however views should be minimal as a result of the difference in elevation from the highway to the site and the 30-foot landscape buffer. The site is not within or adjacent to a scenic vista, gateway, or scenic highway as designated by the City's General Plan or other adopted plans or policies. Therefore, the project could not result in a substantial impact on scenic resources. Therefore, this project will not result in significant impacts to scenic resources.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
(Sources: 1, 2, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

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

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

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

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

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

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

Discussion: See II c. above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Given the existing characteristics of the site including the surrounding development, location to the State Highway and City infrastructure, development of this site would not have a significant impact to agricultural or forestry resources.

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

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: According to the SLOAPCD’s CEQA Air Quality Handbook (2012), a consistency analysis with the Clean Air Plan is required for a Program Level environmental review, and may be necessary for a Project Level environmental review, depending on the project being considered. Project-Level environmental reviews which may require consistency analysis with the Clean Air Plan (CAP) and Smart/Strategic Growth Principles adopted by lead agencies include: subdivisions, large residential developments and large commercial/industrial developments. For such projects, evaluation of consistency is based on a comparison of the proposed project with the land use and transportation control measures and strategies outlined in the CAP. If the project is consistent with these measures, the project is considered consistent with the CAP (SLOAPCD 2009).

The CAP includes a variety of policies and strategies, including land use policies intended to result in reductions in overall vehicle miles traveled, as well as, various transportation control measures. The CAP would reduce emissions through implementation of the following adopted control measures:

- Campus-Based Trip Reduction
- Voluntary Trip Reduction Program
- Local Transit System Improvements
- Regional Transit Improvements
- Bicycling and Bikeway Enhancements
- Park and Ride Lots
- Motor Vehicle Inspection and Control Program
- Traffic Flow Improvements
- Telecommuting, Teleconferencing, and Telelearning

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The CAP also includes various land use policies to encourage the use of alternative forms of transportation, increase pedestrian access and accessibility to community services and local destinations, reduce vehicle miles traveled within the County, and promote congestion management efforts.

The current zoning for the project site is R1, single-family residential. The proposed project would rezone the site to R-3, multi-family residential, with a proposed density of 11.6 units/acre. The proposed project would provide for the development of 142 residential dwellings within the urban core of the city with access to nearby commercial and transit services.

Existing transit service is located approximately 0.1 mile of the project site, along River Oaks Drive. A planned future “Class III” bikeway is located along Experimental Station Road, which extends along the northern boundary of the project site. “Class II” bikeways are also planned along the nearby segments of River Oaks Drive and Buena Vista Road. In addition, a “Class I” bike path is planned adjacent to the eastern boundary of the project site, extending southward beneath Highway 46 East, to the south towards Union Road. The specific location of this planned bike path has not yet been determined. The proposed site plan prepared for the project includes a “natural terrain” area within the eastern portion of the project site, which would accommodate the planned bike path. As such, the proposed project has been designed to provide ease of access to all existing and future planned transit, bicycle and pedestrian routes.

The above discussed project features would be anticipated to result in overall reductions in vehicle miles traveled (VMT) and associated mobile-source emissions. In addition, as discussed in Impact C below, the proposed project would not result in operational emissions that would exceed applicable SLOCAPCD-recommended significance thresholds. For these reasons, the proposed project would not conflict with or obstruct continued implementation of the CAP. **This impact is considered less than significant.**

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

Discussion: As noted in Impact C, below, short-term construction activities may result in localized concentrations of pollutants that could adversely affect nearby sensitive receptors. As a result, this impact is considered potentially significant. Refer to “Impact C” of this report for more detailed discussions of air quality impacts attributable to the proposed project and recommended mitigation measures.

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

Implementation of Mitigation Measure AQ-1, as identified in “Impact C” below, would reduce this impact to a **less-than-significant level**.

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <p>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: Attachment 4)</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Tables discussed in this section are included in Attachment 4 (Air Quality Study)

Discussion:

Short-term Construction Emissions

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

Construction of the proposed project would likely occur in two phases with initial development occurring within the western, approximately one-half, of the project site. Detailed construction information (i.e., equipment requirements and construction schedules) associated with each phase of development have not yet been identified. To be conservative, construction-generated emissions were quantified assuming that the entire project would be developed over an approximate 1.5 year period, based on the default modeling assumptions and construction phase durations identified in the CalEEMod computer program. This assumption assumes that project phases I and II would occur consecutively with total project buildout occurring prior to year 2014. Demolition, site preparation, grading and asphalt paving were assumed to occur during Phase I. Building construction for phases I and II were distributed over an estimated 300-day construction period, based on the default

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction schedule assumptions contained in the model. Equipment load factors were revised to match those identified in the Carl Moyer Program Guidelines (2011), per SLOAPCD recommendations. Asphalt paving emissions were quantified based on the area of asphalt paving and coating applications for parking stalls and handicap markers. No offsite hauling of fill material is anticipated to be required.

Estimated daily construction emissions of ROG, NO_x, PM₁₀ and PM_{2.5} associated with individual construction activities is presented in **Table 7**. Estimated maximum daily emissions in comparison to SLOAPCD significance thresholds, taking into account the potential overlapping of some construction activities, is summarized in **Table 8**. As indicated in **Table 8**, projected maximum daily emissions of ROG+NO_x would total approximately 88.79 lbs/day and emissions of DPM would total approximately 4.21 lbs/day. Daily construction-generated emissions would not exceed the SLOAPCD's corresponding daily significance thresholds of 137 and 7 lbs/day, respectively.

Estimated quarterly construction-generated emissions are summarized in **Table 9** and compared to SLOAPCD's significance thresholds in **Table 10**. As indicated in **Table 10**, projected maximum quarterly emissions of ROG+NO_x would total approximately 2.13 tons/quarter, which would not exceed SLOAPCD's significance threshold of 2.5 tons/quarter. Emissions of DPM would total 0.09 tons/quarter and emissions of fugitive dust would total 0.2 tons/quarter. Quarterly construction-generated emissions of DPM and fugitive dust would not exceed the SLOAPCD's corresponding quarterly significance thresholds of 0.13 and 2.5 tons/quarter, respectively.

Estimated quarterly construction-generated emissions are summarized in **Table 9** and compared to SLOAPCD's significance thresholds in **Table 10**. As indicated in **Table 10**, projected maximum quarterly emissions of ROG+NO_x would total approximately 2.13 tons/quarter, which would not exceed SLOAPCD's significance threshold of 2.5 tons/quarter. Emissions of DPM would total 0.09 tons/quarter and emissions of fugitive dust would total 0.2 tons/quarter. Quarterly construction-generated emissions of DPM and fugitive dust would not exceed the SLOAPCD's corresponding quarterly significance thresholds of 0.13 and 2.5 tons/quarter, respectively.

As noted above, daily and quarterly construction-generated emissions would not exceed applicable SLOAPCD's significance thresholds. However, the proposed project is located near existing sensitive receptors, the nearest of which include residential dwellings located north of the project site, across Experimental Station Road. The SLOAPCD has determined that construction activities located within 1,000 feet of sensitive receptors may result in localized pollutant concentrations that could adversely affect nearby receptors. As a result, this impact is considered *potentially significant*.

Mitigation Measures

See AQ-1 in Mitigation Summary, Attachment 3.

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

The above SLOAPCD-recommended mitigation measures have been incorporated to ensure compliance with SLOAPCD’s 20-percent opacity limit (APCD Rule 401) nuisance rule (APCD Rule 402) for the purpose of minimizing impacts to nearby sensitive receptors. Additional mitigation measures have also been included to encourage the reuse and recycling of construction materials to use of heavy-duty construction equipment meeting CARB’s Tier 2 engine emission standards, and to minimize emissions of TACs during demolition. As noted earlier in this report, uncontrolled maximum daily and quarterly construction-generated emissions would not exceed SLOAPCD’s significance thresholds. Implementation of the proposed mitigation measures would result in further reductions of construction-generated PM, including an estimated 60-percent reduction in fugitive PM. With mitigation, fugitive PM emissions would be reduced to approximately 7.3 lbs/day and approximately 0.8 tons/quarter. With mitigation, this impact would be considered *less than significant*.

Long-term Operational Emissions

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

As previously discussed, it is anticipated that development of the proposed project would occur in two phases. However, detailed construction schedules for development of the proposed project have not yet been identified. As a result, this analysis assumed that construction of the two phases could potentially occur consecutively with total project buildout occurring in Year 2014. Given that a project-specific traffic analysis has not been prepared for this project and to ensure a conservative analysis, the trip-generation rates for the proposed project were based on default rates identified in the CalEEMod computer program for weekday, Saturday, and Sunday conditions. However, it is important to note that based on data obtained from the City of Paso Robles Circulation Element Update (2011), the average daily trip-generation rate for multi-family land uses located within the city is approximately 20 percent lower than the rates identified in the CalEEMod computer program. As a result, actual project-generated mobile-source emissions would likely be lower than indicated in this report. However, to ensure a conservative analysis, this analysis relies on the default trip-generation rates contained in the CalEEMod computer program. Vehicle trips lengths were based on the default assumptions contained in the model for urban conditions. According to the project applicant, the proposed project would not include wood-burning hearth devices. Emissions were quantified for both existing and proposed land uses. Emissions modeling assumptions and results are included in **Appendix B of the Air Quality Study (Attachment 4)**.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Daily unmitigated operational emissions for existing and proposed land uses are summarized in **Table 11**. Annual unmitigated operational emissions are summarized in **Table 12**. Daily and annual unmitigated operational emissions in comparison to SLOAPCD significance thresholds are summarized in **Table 13**. It is important to note, however, that mitigation measures being incorporated to reduce GHG emissions, as discussed later in this report, would also result in reductions in operational emissions of criteria air pollutants. As indicated in **Table 13**, implementation of the GHG mitigation measures, as well as, anticipated reductions in mobile-source emissions due to the project’s proximity to existing local transit, would result in further reductions in operational emissions. As noted in **Table 13**, operational emissions of criteria air pollutants would not exceed SLOAPCD’s corresponding daily or annual significance thresholds. As a result, this impact is considered **less than significant**.

- d. Expose sensitive receptors to substantial pollutant concentrations?

(Source: Attachment 4)

Discussion:

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

Naturally-Occurring Asbestos

Naturally-occurring asbestos, which was identified as a TAC in 1986 by CARB, is located in many parts of California and is commonly associated with ultramafic rock. The project site is not located near any areas that are likely to contain ultramafic rock. As a result, risk of exposure to asbestos during the construction process would be considered less than significant. A map depicting the project site location in relation to areas likely to contain ultramafic rock is included in **Appendix A** of the Air Quality Study, Attachment 4.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Asbestos Material in Demolition

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). Various regulatory requirements may apply, 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 to the APCD, 2) an asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM (SLOAPCD 2012).

Asbestos containing materials could be encountered during demolition of the existing structures, which could adversely impact nearby sensitive land uses. As a result, this impact is considered *potentially significant*.

Construction-Generated PM

Implementation of the proposed project would result in the generation of fugitive PM and diesel particulate matter (DPM) emitted during construction. Fugitive PM emissions are primarily associated with earth-moving and material handling activities, as well as, vehicle travel on unpaved and paved surfaces. Fugitive PM emissions can result in localized concentrations of PM that could adversely impact nearby sensitive receptors.

DPM emissions are largely associated with the use of off-road diesel equipment during site grading and excavation, paving and other construction activities, as well as, onroad vehicles traveling to and from the project site. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. For residential land uses, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area.

As noted in Impact C, localized uncontrolled concentrations of fugitive PM and DPM could adversely affect nearby sensitive receptors. As a result, uncontrolled emissions of fugitive dust and DPM would be considered *potentially significant*.

Mitigation Measure:

Implement **AQ-1**, See Mitigation Measure Summary as identified in “Impact C” above.

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

Mitigation Measure **AQ-1** includes measures for the control of localized pollutant concentrations, including emissions of fugitive PM, DPM, and asbestos containing materials during demolition. With implementation of **Mitigation Measure AQ-1**, this impact would be considered less than significant.

Long-term Air Quality Impacts

Toxic Air Contaminants

Implementation of the proposed project would not result in the long-term operation of any major onsite stationary sources of TACs, nor would project implementation result in a significant increase in diesel-fueled vehicles traveling along area roadways.

As noted in the Air Quality Study (Attachment 4), refer to **Table 2** , the ARB recommends that sensitive land uses not be located within 500 feet of a major roadway. A major roadway is defined as a roadway designated as a “freeway”, urban roadways with volumes of 100,000 vehicles/day, or greater, or rural roadways with volumes of 50,000 vehicles/day, or greater. “Freeways” are generally defined as high-capacity facilities that primarily serve long-distance travel with access limited to interchanges that are typically spaced at least one mile apart. For proposed sensitive land uses located within 500 feet of a major roadway, a more detailed assessment of potential mobile-source health risks is recommended.

The nearest roadways within 500 feet of the project site include Highway 46, Experimental Station Road, and River Oaks Drive. No roadways designated as “freeway” are located within 500 feet of the project boundary (City of Paso Robles 2011). The nearest designated freeway is US 101 located approximately 1,700 feet west of the project site. The highest volume roadway in the project vicinity, Highway 46, averages approximately 26,000 vehicles/day (City of Paso Robles 2011). No roadways are located within 500 feet that would exceed the ARB’s definition of a “major roadway.” As a result, additional analysis of potential mobile-source health risks is not required. For these reasons, long-term exposure to TACs would be considered *less than significant*.

Mobile-Source Carbon Monoxide

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mobile-source emissions of CO are a direct function of traffic volume, speed, and delay. Transport of CO is extremely limited because it disperses rapidly with distance from the source under normal meteorological conditions. For this reason, modeling of mobile-source CO concentrations is typically recommended for sensitive land uses located near signalized roadway intersections that are projected to operate at unacceptable levels of service (i.e., LOS E or F). The nearest signalized intersection in relation to the project site is the intersection of Highway 46 and Buena Vista Road. This intersection was recently evaluated in the traffic analysis prepared by Penfield & Smith for the proposed Ayres Paso Robles, LTD. project Initial Study/Mitigated Negative Declaration (2012). Based on this analysis, the intersection of Highway 46 and Buena Vista Road currently operates at LOS B/C during pm/am peak hours, respectively. Implementation of the proposed project would not be anticipated to result in or contribute to unacceptable levels of service (i.e., LOS E, or worse) at this intersection. In addition, implementation of the proposed project would not result in localized emissions of CO that would exceed SLOAPCD's localized CO significance threshold of 550 lbs/day. For the reasons discussed above and given the relatively low background CO concentrations in the project area, this impact would be considered *less than significant*.

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

Discussion:

The occurrence and severity of odor impacts depends on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES: Would the project:

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|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(Source: Attachment 6,7&8)

Discussion (a-f):

- a. The property currently consists of five parcels, each with existing residences and out-buildings. Structures on these parcels include existing single family homes or trailers, barns, garages, sheds, and fences. These parcels also have existing landscaping, driveways, materials and equipment storage, and debris. Portions of these parcels are currently used for pasture by horses, goats, and chickens. Various types of fencing surround each parcel. All areas of the proposed project have been substantially disturbed for human use.

There is an isolated wetland adjacent to Experimental Station Road that will be completely removed. The wetland was created by residential nuisance water. A mitigation measure has been added that will require that a new bio-swale be created along with the creation of a storm water system to handle nuisance water from the project. See Attachment 3, Mitigation Measures Summary. There are no creeks, streams or other surface water resources located within the disturbed project area.

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

There are 23 oak trees that are located within the project area. There are another 30 oak trees located on the property, but out of the project area that will not be impacted by this project. Of the 23 oak trees in the project area, 3 trees are proposed to be removed, 1 of the 3 trees is dead. An Arborist Report has been provided that provides mitigation measures for the replacement trees for the two removed and the necessary mitigation measures to protect the remaining trees during construction and on-going operation of the apartment complex. Impacts to the oak trees will be less than significant with mitigation measures incorporated.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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There are no Habitat Conservation Plans or other related plans applicable in the City of Paso Robles.

V. CULTURAL RESOURCES: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(Source: Attachment 8)

Discussion (a-d):

There are no historic resources (as defined), located on the site. There are also no archaeological or paleontological resources known to be present on the site or in the near vicinity. Since the property is not located within proximity to a creek or river or known cultural resource it is unlikely that there are resources located on the site. Additionally, the property currently consists of five parcels, each with existing residences and out-buildings. Structures on these parcels include existing single family homes or trailers, barns, garages, sheds, and fences. These parcels also have existing landscaping, driveways, materials and equipment storage, and debris. Portions of these parcels are currently used for pasture by horses, goats, and chickens. Various types of fencing surround each parcel. All areas of the proposed project have been substantially disturbed for human use.

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

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS: Would the project:

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

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

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

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3) Discussion: Per the General Plan EIR, the project site is located in an area with soil conditions that have a low potential for liquefaction or other type of ground failure due to seismic events and soil conditions. To implement the EIR's mitigation measures to reduce this potential impact, the City has a standard condition to require submittal of soils and geotechnical reports, which include site-specific analysis of liquefaction potential for all building permits for new construction, and incorporation of the recommendations of said reports into the design of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides? Discussion: Per the General Plan Safety Element, the project site is in an area that is designated a low-risk area for landslides. Therefore, potential impacts due to landslides is less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3) Discussion: Per the General Plan EIR the soil condition is not erosive or otherwise unstable. As such, no significant impacts are anticipated. A geotechnical/ soils analysis will be required prior to issuance of building permits that will evaluate the site specific soil stability and suitability of grading and retaining walls proposed. This study will determine the necessary grading techniques that will ensure that potential impacts due to soil stability will not occur. An erosion control plan shall be required to be approved by the City Engineer prior to commencement of site grading.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Discussion: See response to item a.iii, above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property? Discussion: See response to item a.iii, above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Source: Attachment 4)

Discussion (a-b):

The Tables referenced in the sections below are included in the Air Quality & GHG Study, Attached as Attachment 4.

Estimated GHG emissions attributable to future development would be primarily associated with increases of CO₂ from mobile sources. To a lesser extent, other GHG pollutants, such as CH₄ and N₂O, would also be generated. Short-term and long-term GHG emissions associated with the development of the proposed project are discussed in greater detail, as follows:

Short-term Greenhouse Gas Emissions

Estimated increases in GHG emissions associated with construction of the proposed project are summarized in **Table 16**. Based on the modeling conducted, annual emissions of greenhouse gases associated with construction of the proposed project would range from approximately 323 to 535 MTCO₂e/year. In total, construction of the proposed project would generate approximately 859 MTCO₂e, which averages approximately 17 MTCO₂e/year when amortized over the assumed 50-year life of the project. There would also be a small amount of GHG emissions from waste generated during construction; however, this amount is speculative. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Long-term Greenhouse Gas Emissions

Estimated long-term increases in GHG emissions associated with the proposed project are summarized in **Table 17**. Based on the modeling conducted, operational GHG emissions would be predominantly associated with mobile sources, which would constitute roughly 75 percent of total project-generated GHG emissions. To a lesser extent, GHG emissions would also be associated with energy use, solid waste generation, as well as, water use and conveyance.

As noted in **Table 17**, the proposed project would generate a total of approximately 1,354 MTCO₂e/year at buildout. Project-generated GHG emissions would exceed the SLOAPCD’s significance threshold of 1,150 MTCO₂e/year. Project-generated GHG emissions would be considered to have a potentially significant impact on the environment, which could conflict with implementation of applicable plans, policies and regulations pertaining to the reduction of GHG emissions, including AB32.

Mitigation Measure

See GHG-1 in Mitigation Summary, Attachment 3.

Significance After Mitigation

Estimated GHG emissions, with implementation of the above measures, are summarized in **Table 18**. It is important to note that the proposed project has been designed to incorporate many of the features that have been identified as mitigation, such as the prohibited use of wood-burning hearth devices and incorporation of features to enhance pedestrian and bicycle use. It is also important to

note that the proposed pool and clubhouse have been designed to utilize energy to be obtained from a solar photovoltaic (PV) system. However, the size of the PV system has not yet been identified and, therefore, was not included in this analysis. These features have been included as mitigation to ensure implementation during project construction. As noted, implementation of the proposed mitigation measures would reduce buildout operational GHG emissions to approximately 1,043 MTCO₂e/year; an estimated reduction of approximately 311 MTCO₂e/year. With implementation of the proposed mitigation measures, this impact would be considered less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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hazard to the public or environment.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See VIII a. above.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed apartment complex project will not emit hazardous materials and will not impact schools within the vicinity.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not identified as a hazardous site per state Codes.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: (e. & f.) The project site is not located within an airport safety zone.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is not in the vicinity of wildland fire hazard areas.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project is designed to retain stormwater on-site through installation of various low-impact development (LID) features. The project was been designed to reduce impervious surfaces, preserve existing vegetation, and promote groundwater recharge by employing bioretention through implementation of these measures. Thus, water quality standards will be maintained and discharge requirements will be in compliance with State and local regulations. Therefore, impacts to water quality and discharge will be less than significant.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project would be on the City’s municipal water supply system, therefore it could not individually impact nearby well production. The site is designed to reduce impervious surfaces where possible and to direct surface drainage to onsite retention systems to facilitate groundwater recharge.

The City has sufficient groundwater resource capacity in combination with surface water resources to adequately serve this project. The proposed project complies with the RMF-12 General Plan designation, which anticipates a multi-family project with up to 12-units per acre, such as the proposed project. Therefore, this project would not substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the groundwater basin, and impacts to groundwater resources would be less than significant.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 10)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See answers IX a. – e. This project will result in less than significant impacts to water quality.

g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The site is not within or near a flood hazard area. Therefore this project could not result in flood related impacts to housing.

h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See IX h. above.

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See IX h. above. Additionally, there are no levees or dams in the City.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
j. Inundation by mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will implement the City's Storm Water Management Plan - Best Management Practices, and would therefore not conflict with these measures.

l. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will incorporate all feasible means to manage water runoff on the project site. There is no wetland or riparian areas in the near vicinity, and the project could not result in impacts to aquatic habitat. Therefore, the project will not result in significant impacts to these resources.

X. LAND USE AND PLANNING: Would the project:

a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is largely surrounded by residential land uses, with low density residences located to the north of the site, condominiums located on the adjacent site to the east, and a proposed small-lot single family residential project adjacent to the west. The project will therefore not physically divide an established community.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The project scope includes an amendment to the Zoning Code that would change the current R1 zoning to R3 to bring the zoning into compliance with the General Plan Land Use designation of RMF-12. It also includes an amendment to the Borkey Area Specific Plan for consistency. The proposed change of land use designation and zoning would complement and be compatible with the surrounding land.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

XI. MINERAL RESOURCES: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

XII. NOISE: Would the project result in:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: A Noise Impact Analysis was prepared for the project. The Analysis identified that as a result of the location of this project to Highway 46 East, that mitigation is necessary to bring indoor and outdoor noise levels for the apartment units, to a level of insignificance. The project will be conditioned to execute appropriate mitigation as provided in Attachment 3, Mitigation Measures Summary.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Noise Analysis also indicated that mitigation is necessary if any of the proposed units would be within 160-feet to any loading or unloading area for the San Antonio Winery site, to the east. Since nearest unit would be over 350-feet from the winery service driveway, no mitigation is necessary related to loading/unloading noise for the winery.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed apartment project would not create significant noise, and would therefore not result in contributing permanent increases in ambient noise levels.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See XII a. – c. above.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING: Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project is consistent with the General Plan land use plan of 12 units per acre, therefore the project will not induce substantial population growth.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (b-c): There are five existing homes and one mobile home that will be removed in order to accommodate this project. However 142 residential units will be built on the site, therefore this project will not displace a substantial number of housing.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Fire protection? (Sources: 1,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Police protection? (Sources: 1,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Other public facilities? (Sources: 1,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (a-e): Since this project is consistent with the RMF-12 Land Use designation, the addition of the 142 units will not result in a significant demand for additional new, and the incremental impacts to services can be mitigated through payment of development impact fees. Therefore, impacts that may result from this project on public services are considered less than significant.

XV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion (a&b):

The apartment project will be providing a combination of private and shared outdoor open space that would exceed the zoning code requirements for this size complex. The design also includes on-site pedestrian paths that would connect the open space areas, and multiple tot lot areas. Based on the outdoor paths, play areas and amenities, impacts to neighborhood or regional parks, other recreation facilities would be less than significant.

XVI. TRANSPORTATION/TRAFFIC: Would the project:

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

Discussion: The proposed project provides frontage improvements that includes a sidewalk and Class II bike lane which is consistent with City standards and the 2009 Bike Master Plan. The project will also be providing a transit stop. The project is consistent with the policies of the City's 2011 Circulation Element by providing facilities for multiple modes of transportation.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

(Source: Attachment 8)

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion (b): The traffic study prepared for this project by LSA evaluated project related traffic impacts for existing plus-project traffic conditions. The study determined that no project-specific impacts are projected for either Buena Vista Drive or the 3 nearby intersections, including N. River Rd/River Oaks Dr., Buena Vista/Experimental Station Road, and SR 46/Buena Vista Dr.

Based on the LOS analysis of the three study areas intersections, a significant intersection impact is forecast at Buena Vista Drive/SR-46. The project will be required to pay transportation impact fees established by City Council in affect at the time of occupancy to mitigate future impacts with planned improvements by the City and Caltrans.

Based on the proposed 141 unit multi-family project (and 1 care taker unit) being in compliance with the City’s General Plan Land Use Element, and based on this projects requirement to pay transportation impact fees, the impacts of this project related to Transportation and Traffic, will be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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

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

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

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

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

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Per the City's General Plan EIR, Urban Water Management Plan, and Sewer System Management Plan, the City's water and wastewater treatment facilities are adequately sized, including planned facility upgrades, to provide water needed for this project and treat effluent resulting from this project. Therefore, this project will not result in the need to construct new facilities.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Per the City’s SSMP The City’s wastewater treatment facility has adequate capacity to serve this project as well as existing commitments.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Per the City’s Landfill Master Plan, the City’s landfill has adequate capacity to accommodate construction related and operational solid waste disposal for this project.

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

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will comply with all federal, state, and local solid waste regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: As noted within this environmental document, and with the mitigation measures

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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outlined in the document, the projects impacts related to habitat for wildlife species (San Joaquin Kit Fox) will be less than significant with mitigation incorporated. There will be no impact to fish habitat as well as no impact to fish and wildlife populations. The site is routinely maintained and mowed, so impact to fish, wildlife, of plant habitat is less than significant.

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

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

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

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

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

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

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

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

Attachments:

- 1. Vicinity Map**
- 2. Site Plan**
- 3. Mitigation Measure Summary**
- 4. Air Quality and GHG Assessment**
- 5. Biological Study with San Joaquin Kit Fox Evaluation**

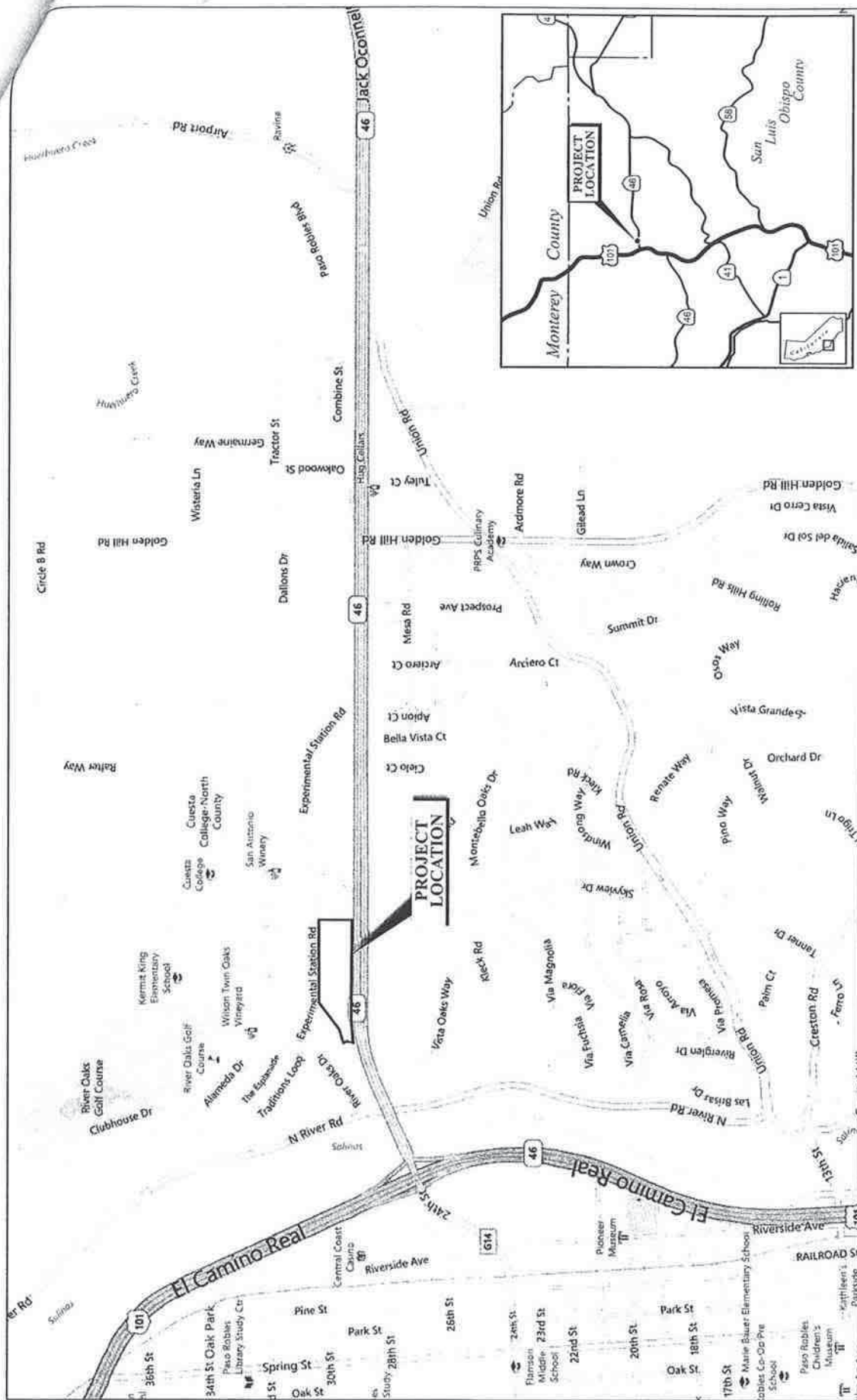


FIGURE 1

Buena Vista Apartments
Project Location

Attachment 1
Vicinity Map
Buena Vista Apartments

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FEET
SOURCE: Bing Maps
I:\DDBE\2011\Proj\Loc.cdr (7/3/12)

Mitigation Measures Summary

Air Quality:

AQ-1: In accordance with SLOAPCD-recommendations, projects with grading areas that are greater than 4 acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20-percent opacity limit (APCD Rule 401) and do not impact offsite areas prompting nuisance violations (APCD Rule 402) (Mutziger 2012):

Fugitive Dust:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures required shall be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20-percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

California Diesel Idling Regulations

- n. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- o. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- p. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
- q. The specific requirements and exceptions in the regulations can be reviewed at the following websites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/froal.pdf;
- r. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
 - 1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - 2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - 3. Use of alternative fueled/electrically-powered equipment is recommended; and
 - 4. Signs that specify the no idling areas must be posted and enforced at the site.
 - 5. Any proposed construction truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals.
 - 6. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

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

Additional Measures: The following additional mitigation measures shall also be implemented:

- s. To the extent practical, reuse and recycle construction waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard.
- t. Prior to the issuance of grading permits, the applicant shall demonstrate through updated modeling that the actual construction fleet that is secured will not exceed the construction phase thresholds when the construction mitigation is implemented. Should the actual fleet exceed any threshold, then phasing changes or other mitigation shall be proposed and approved by the APCD such that the project will be below the construction phase air quality thresholds of significance of 2.5 tons/quarter ROG+NO_x.
- u. Demolition of existing structures shall comply with applicable requirements, as 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.
- v. The contractor or builder shall use paints/coatings that comply with or that have a lower VOC content than specified in APCD Rule 433. APCD Rule 433 is available at website url: <http://www.arb.ca.gov/drdb/slo/cur.htm>.

Biological Resources:

- BR-1.** Nuisance water will be piped into the project's stormwater system. A new bioswale will be created to filter nuisance water from the subject parcel.
- A.** The bioswale is located along the southern property boundary, and will be part of the project's linear landscaping and stormwater detention system.
 - B.** Prior to issuance of a grading permit for work that would affect the wetland and swale feature, the Regional Water Quality Control Board and the California Department of Fish and Game will be contacted to determine if permits to impact the nuisance water wetland are required under the Porter Cologne Act, Clean Water Act, or Fish and Game Code. If permits are required, applications will be made to appropriate agencies and approvals received.
- BR-2.** 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-3.** An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- BR-4.** 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-5.** 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-6.** 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-7.** 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.
- BR-8.** Within one week of ground disturbance activities, **if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged.** A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.
- BR-9.** Occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within the 100 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing or flagging where it overlaps work areas
- BR-10.** Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
- BR-11.** Pre-construction surveys for burrowing owls shall be conducted not more than 14 days prior to any work that affects habitat containing burrows. The pre-construction surveys shall be conducted in a manner sufficient to determine no burrowing owls are present in the work areas. Pre-construction surveys shall be conducted throughout the year, when work is proposed, to account for breeding, wintering, and transient owls.
- BR-12.** If burrowing owls are present in the work areas during the breeding season (February 1 through August 31), the burrows must be monitored to determine if a breeding pair is present. If a breeding pair is confirmed, the burrow must be avoided and protected from impacts via a 250 foot setback from the burrow. If a breeding pair is not present, passive relocation may be used. If burrowing owls are present during the non-breeding season, a passive relocation effort, such as a one-way door, may be implemented. Monitoring and mitigation must be conducted under guidance from a qualified wildlife biologist. Mitigation and protection procedures should incorporate recommendations outlined in the burrowing owl protocol survey guidelines (California Burrowing Owl Consortium 1993).

- BR-13.** A focused pre-construction survey for legless lizard shall be conducted within the project site prior to construction. Pre-construction surveys shall be conducted where ground disturbance will occur in potential legless lizard habitat, around existing trees and shrubs where soils are friable. The pre-construction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
- Obtain approval from California Department of Fish and Game for project biologist to relocate of special status species prior to start of construction activities. Prepare and submit a Management Plan pertaining to the capture and relocation of legless lizards, including a map of proposed relocation sites, to CDFG.
 - Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat.
- BR-14.** Perform a focused survey for the presence of Western spadefoot toad beginning in January, during the rainy season. Surveys shall focus on determining presence or absence of adult or juvenile spadefoots on the Property, and on determining if the subject puddle is suitable for breeding.
- BR-15.** If spadefoot toads are found on the property, a Management Plan shall be developed. This plan shall address monitoring ground disturbance activities near breeding pools to relocate disturbed spadefoot toads, relocation of toads to appropriate habitat outside the Project area or creation of and relocation to on-site habitat.
- BR-16.** If the focused survey does not identify spadefoot toads on the Property, a biological monitor shall be present during initial site preparation and grubbing. If no spadefoot toads are found, construction activities may continue without daily monitoring. If special status species are found, a qualified biologist shall move them to the nearest safe location. At that time, the Project biologist shall have the authority to recommend additional monitoring if it is determined that spadefoot toads could move onto the Project site during construction, or be forced out of underground burrows during grading.
- BR-17.** Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.
- BR-18.** Prior to demolition of existing structures, a survey shall be conducted to determine if roosting bats or maternal bat colonies are present. Roosting bats may be excluded from the structure in consultation with the project biologist. Maternal bat colonies may not be disturbed. If maternal bat colonies are present, demolition shall not commence without consultation with the California Department of Fish and Game.

BR-19. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Department of Community Development, Planning Division (City) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **5.8 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the **Error! Reference source not found.** in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

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

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the **Error! Reference source not found.** in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$14,500**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of **Error! Reference source not found.** in San Luis Obispo County and the City of El Paso de Robles; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase [**Total number of mitigation acres required**] credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the **Error! Reference source not found.** in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$14,500**. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-20. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:

- i. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- ii. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-19 through BR-29. 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.

- iv. **In addition**, the qualified biologist shall implement the following measures:
 1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential kit fox den: 50 feet
 - Known or active kit fox den: 100 feet
 - Kit fox pupping den: 150 feet
 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

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

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

- BR-21.** 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-22.** 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-23.** 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-24.** 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 by construction workers 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-25.** 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-26.** 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-27.** 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-28.** 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-29.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
 - iii. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines

Monitoring (San Joaquin Kit Fox Measures BR-19 to BR-29): Compliance will be verified by the City of Paso Robles Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

GHG Mitigations

- GHG-1:** The following mitigation measures are recommended, at a minimum, to reduce operational GHG emissions associated with the proposed project:
- a. Installation of gas and wood-burning hearth devices shall be prohibited within dwelling units. One gas-fired fireplace may be allowed within the community building.
 - b. Proposed onsite occupied buildings shall exceed baseline Title 24 Building Envelope Energy Efficiency Standards by a minimum of 10 percent. The baseline GHG emissions from electricity and natural gas usage shall reflect 2008 Title 24 standards with no energy-efficient appliances.
 - c. The project shall install energy-efficient appliances, such as "Energy Star" rated appliances, including dish washers, clothes washers, ceiling fans, and refrigerators.
 - d. The project proponent shall demonstrate that the project-wide lighting efficiency shall be improved by at least 16% relative to current conventional lighting methods through the installation of energy-efficient lighting, (e.g., metal halide, high-pressure sodium, LEDs) for interior and exterior lighting areas. Unnecessary exterior lighting should be reduced, to the extent practical and where reductions in lighting would not pose a risk to public safety.
 - e. Incorporate water-reducing features into building and landscape design, including use of drought-tolerant landscaping, minimizing turf areas, and installation of water-efficient

irrigation systems in accordance with the City of Paso Robles Zoning Code, Chapter 21.22B, Landscape and Irrigation Ordinance.

- f. Provide a sufficient number of bicycle racks/storage areas to meet resident needs.
- g. The project site shall be designed so as not to impede pedestrian and bicycle access to existing and planned adjacent pedestrian and bicycle corridors.
- h. Buildings shall be designed to take advantage of sunlight to reduce electrical demand for daytime interior lighting and electrical demand (e.g., incorporation of skylights and solar energy systems), where practical.
- i. Low-flow bathroom and kitchen faucets, toilets, and showers shall be installed.
- j. The guest house and pool shall be designed to utilize energy-efficient equipment and, to the extent practical, solar heating and photovoltaic system(s).
- k. The project proponent shall submit proof to the Paso Robles Community Development Department Staff and the APCD that the measures in MM GHG-1 have been met at a time deemed appropriate by Community Development Department Staff.

Oak Trees:

- Oak 1.** Protect and monitor oaks on and adjacent to the Project Impact Area. Provide protection during construction for all trees not proposed for removal. Upon completion of grading plans and prior to issuance of permits, prepare a Tree Protection Plan Sheet illustrating locations of tree protection fencing and calling out specific measures for each tree in the Project Impact Area.
- a. All native trees will be tagged with permanent numbered tags (round aluminum tags, 1.25 inches in diameter). - Completed September 2004, checked May 2012.
 - b. Any changes in the project referenced in this report will need Project Arborist review to ensure the report is still valid.
 - c. Tree protection fencing (orange construction fencing) will be installed at the outer limit of the CRZ or, where feasible, the TPZ with t-posts placed in the ground no further apart than six (6) to eight (8) feet. Construction fencing will be firmly affixed with wire or zip ties. Trees that may be impacted shall be protected with construction fencing, depending on the impacts expected within the dripline (see Appendix D).
 - o Protective fencing is required between all construction activities and native trees. Fence locations will be established at the direction and approval of the Project Arborist prior to commencing construction.
 - o Protective fencing shall be installed prior to any site disturbance or construction, and shall remain in place until all construction is complete.
 - o No grading, trenching, materials storage, soil storage, debris or site disturbance shall occur within the protected area. No concrete, plaster, or paint washout shall be allowed within the protected area. No concrete, plaster, or paint washout shall be allowed within the tree protection zone. Under no circumstance shall lack of space be used as reason to remove protective fencing.
 - o Weather-proof signs shall be permanently posted on protection fences every 50 feet (maximum) with the following information:

Tree protection zone
No personnel, equipment, materials, and vehicles are allowed.
Do not remove or replace this fence.
Project Manager [name and phone number].

- d. An environmental monitor or arborist shall conduct a worker education meeting for the contractors and operators prior to ground-breaking activities. The briefing shall include a walk-through to identify each of the trees in the work area: the trees to be protected, and the trees that may be impacted or removed. The project manager shall be responsible for instructing workers about tree protection goals, implementing protection of root zones, dust control, and installing and maintaining protective fencing.
- e. The monitor shall check weekly to determine if the listed trees are being protected.

Oak 2. Monitor all tree impacts and removals. Prepare a monitoring program to implement the required mitigation measures.

- a. All impacts and disturbance within the root zone shall be documented and reported to the project manager and to the arborist who must treat and/or assess damaged branches and roots.
- b. Removals will be documented by the monitor who will tabulate mitigation obligations.
- c. The project will be reviewed by the arborist at various times of the development. Meetings with the arborist shall be arranged at least 48 hours in advance. The arborist shall review the project:
 - i. Prior to issuance of a grading permit to ensure proper installation of protective fencing and signage;
 - ii. At the time there is any work within the CRZ of an oak tree;
 - iii. Prior to certificate of occupancy;
 - iv. Any other critical times the arborist deems necessary (i.e., during installation of tot-lot improvements)
 - v. At the time of each monitoring site visit, a field report form (see example in Appendix D) will be filled out and given to the Project Manager and the City of Paso Robles Planning Department.

Oak 3. Replace oaks that are removed with eight (8) 24-inch boxed oaks.

- a. The City of Paso Robles Tree Preservation Ordinance¹ requires mitigation for native trees removed. The sizes protected are six inches (6") DBH or greater, for native deciduous trees. Replacement trees shall be locally grown, native stock (if available) of the same species as the removed tree.

¹ City of El Paso de Robles - Ordinance No. 835 N.S.

- b. Table 4 provides a summary of the mitigation obligation for removal of Trees 49 and 70. Replacement oak caliper diameter must be equivalent to 25% of the diameter of the removed trees².

TABLE 4. Tree replacement calculated to mitigate for proposed removals³. Trees will be replaced with 24-inch box trees with a minimum caliper of 1.5 inches.

Tag #	Common Name	Health/Aesthetic Rating	DBH (Inches)	Mitigation caliper required (Inches)	Number of 24" box trees, 1.5" caliper
49	Valley Oak	Fair (63%)	15.5	3.9	3
70	Valley Oak	Poor (38%)	32.0	8.0	5
Totals			47.5	11.9 ⁴	8 trees

- c. If a senescent or decadent tree rated "Poor" proposed for removal dies of natural causes during the planning process, the tree will be removed from the mitigation calculation.
- d. The environmental monitor will keep a running tally of the total number of trees removed during construction of the project. A final mitigation obligation determination will be provided by the environmental monitor to the project manager and to the City of Paso Robles.

Oak 4. Pruning and wound care shall be done under the supervision of a Certified Arborist or City approved tree care specialist.

- a. All cuts to roots over 1 inch and branches over 3 inches in diameter will be treated, as appropriate, to reduce fungal, bacterial, and insect infections. A Certified Arborist or tree care specialist shall be contracted to care for damaged roots and branches during construction. Appropriate antifungal, antibacterial, and pesticide treatments should be used on cut roots and branches. Black tree paint shall not be used on either roots or branches.
- b. Treat large wounds to roots and branches by cutting perpendicular to the root direction. Cut back to undamaged wood.
- c. Roots exposed during demolition and construction shall be treated, as appropriate, by a tree care specialist and covered by a layer of soil.

Oak 5. Prepare and implement a Mitigation Monitoring and Reporting Plan.

- a. The mitigation plan will include tree planting, protection, maintenance, and monitoring for seven (7) years. Success criteria will include tree height and total numbers of live trees at the end of seven years. The final landscape bond amount will not be returned until the success criteria have been met.

² For example, the replacement requirement for removal of two trees of 15 inches DBH (30 inches, total) would be 7.5 inches (caliper, measured at the base of the young tree). 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. (City of El Paso de Robles - Ordinance No. 835 N.S., page 5)

³ Tree 101 is not included in this table because it is dead.

⁴ Calculation: 47.5 inches * 25% = 11.9 inches mitigation ÷ 1.5 inches/mitigation tree = 7.9 mitigation trees

- b. The mitigation plantings will be monitored by a City-qualified tree specialist (biologist or arborist).

Oak 6. Use porous pavers when paving is required within the CRZ.

- a. Trees 71, 74 and 75 are large oaks located near proposed parking, driveways, and sidewalks. These hardscapes encroach within the CRZ of each tree. Any paving within the CRZ shall be done with porous pavers that will allow oxygen and moisture exchange to occur within the root zone. Porous pavers shall be approved by arborist. The pavers shall cover the CRZ at minimum, and should cover the largest possible portion of the paved area surrounding the tree with a minimum amount of base material.

Oak 7. Show all tree protection requirements on final grading plans.

- a. All trees to be protected from unauthorized impacts will be clearly shown on grading plans.
- b. Tree protection recommendations approved by the project arborist will be shown on the grading plans.

Oak 8. Tot lot construction shall minimize impacts to Tree 89.

- a. A 6-inch layer of mulch shall be placed in the CRZ of Tree 89.
- b. Configure the tot lot play equipment such that no foundations or ground-disturbing work is necessary within the CRZ.
- c. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand. Roots will be treated by the project arborist or approved tree care specialist.

Noise

- N-1 Construction shall be limited to the hours of 7:00am to 7:00pm on Monday through Saturday, in accordance with the City of Paso Robles Building Code.
- N-2 The following measures can be implemented to reduce potential construction noise impacts on nearby sensitive receptors:
- During all site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
 - The project contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest to the project site.
 - The construction contractor shall locate equipment staging in areas that would create the greatest practical distance between the construction related noise sources and the noise-sensitive receptors nearest to the project site during all project construction.
 - Construction contractors shall provide the Building Division with the name and phone number of the contact person in the event the noise levels become disruptive. The name and phone number shall also be posted on site, informing the public who to contact. The Building Division shall monitor compliance.
- N-3 The proposed residences that would be directly exposed to traffic noise from Highway 46 shall be required to implement the following mitigation measures to reduce the on-site traffic noise impacts:
- Second floor balconies associated with Buildings 16, 18, 21, 22, 23, 25, 27, 28, and 29 that are within 186-feet of Highway 46 centerline that are being used to meet the minimum open space requirement require a 5-foot high perimeter barrier around the perimeter of each balcony directly exposed to traffic noise from Highway 46 (i.e. not shielded by any intervening structures). If required, the sound barrier may be any combination of solid materials such as concrete masonry unit (CMU), glass, and/or acrylic. Balconies beyond those necessary to meet the minimum open space requirement do not need to comply with this mitigation.
 - The proposed multifamily residences located within 634 feet of the Highway 46 center line must be equipped with air conditioning or another form of mechanical ventilation (Buildings 14, 15, 16, 18, 21, 23, 27, 28 and 29).
- N-4 One of the following mitigation measures shall be required for dwelling units within 160-feet of loading/unloading areas adjacent commercial use (San Antonio Winery):
- A 6 foot high sound barrier shall be constructed adjacent to the loading/unloading area, or
 - Loading/unloading activities shall be restricted to hours of 7:00am through 10:00pm daily.

AIR QUALITY & GREENHOUSE GAS IMPACT ASSESSMENT

FOR THE PROPOSED

BUENA VISTA APARTMENTS PROJECT PASO ROBLES, CA

AUGUST 2012

PREPARED FOR:

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Attachment 4
Air Quality Study
Buena Vista Apartments

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APPENDICES

Appendix A: Areas of Known Naturally Occurring Asbestos

Appendix B: Emissions Modeling

LIST OF COMMON TERMS & ACRONYMS

AAM	Annual Arithmetic Mean
ADT	Average Daily Traffic
APCD	Air Pollution Control District
AQAP	Air Quality Attainment Plan
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CEQA	California Environmental Quality Act
CH ₄	Methane
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO _{2e}	Carbon Dioxide Equivalent
DPM	Diesel-Exhaust Particulate Matter or Diesel-Exhaust PM
DRRP	Diesel Risk Reduction Plan
FCAA	Federal Clean Air Act
GHG	Greenhouse Gases
HAP	Hazardous Air Pollutant
IPCC	Intergovernmental Panel on Climate Change
LOS	Level of Service
N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards or National AAQS
NESHAPs	National Emission Standards for HAPs
NO _x	Oxides of Nitrogen
OAP	Ozone Attainment Plan
O ₃	Ozone
Pb	Lead
PM	Particulate Matter
PM ₁₀	Particulate Matter (less than 10 µm)
PM _{2.5}	Particulate Matter (less than 2.5 µm)
ppb	Parts per Billion
ppm	Parts per Million
ROG	Reactive Organic Gases
SIP	State Implementation Plan
SLOAPCD	San Luis Obispo County Air Pollution Control District
SO ₂	Sulfur Dioxide
SCCAB	South Central Coast Air Basin
TAC	Toxic Air Contaminant
µg/m ³	Micrograms per cubic meter
U.S. EPA	United State Environmental Protection Agency
VMT	Vehicle Miles Traveled

AIR QUALITY

This section describes the existing air quality environment in the project vicinity and identifies potential air quality impacts associated with the proposed project. Project impacts are evaluated relative to applicable ambient air quality standards and thresholds of significance. Mitigation measures have been identified for significant air quality impacts. Emissions modeling assumptions and output files are included in **Appendix B**.

SETTING

Paso Robles is located in San Luis Obispo County, which is part of the South Central Coast Air Basin (SCCAB) and within the jurisdiction of the County of San Luis Obispo Air Pollution Control District (SLOAPCD). Air quality in the SCCAB is influenced by a variety of factors, including topography, local and regional meteorology. Factors affecting regional and local air quality are discussed below.

TOPOGRAPHY, METEOROLOGY & CLIMATE

Topography

The City of Paso Robles is located in the upper Salinas River Valley. The Paso Robles area is bordered on the south and west by the rugged mountainous ridges of the Santa Lucia Coastal Range, to the east by the low hills of the La Panza and Temblor ranges, and to the north by the low hills and flat-topped mesas of the Diablo Range. The highest elevations in the vicinity are located in the Santa Lucia Coastal Range, where many peaks are 2,000 to 3,400 feet above mean sea level. Substantial ridgelines are distributed throughout the western, southern, and eastern portions of the City. The effects of the Pacific Ocean is diminished inland and by these major intervening terrain features.

Local and Regional Meteorology

The climate of the county can be generally characterized as Mediterranean, with warm, dry summers and cooler, relatively damp winters. Along the coast, mild temperatures are the rule throughout the year due to the moderating influence of the Pacific Ocean. This effect is diminished inland in proportion to distance from the ocean or by major intervening terrain features, such as the coastal mountain ranges. As a result, inland areas are characterized by a considerably wider range of temperature conditions. Maximum summer temperatures average about 70 degrees Fahrenheit near the coast, while inland valleys are often in the high 90s. Minimum winter temperatures average from the low 30s along the coast to the low 20s inland (SLOAPCD 2001).

Regional meteorology is largely dominated by a persistent high pressure area which commonly resides over the eastern Pacific Ocean. Seasonal variations in the strength and position of this pressure cell cause seasonal changes in the weather patterns of the area. The Pacific High remains generally fixed several hundred miles offshore from May through September, enhancing onshore winds and opposing offshore winds. During spring and early summer, as the onshore breezes pass over the cool water of the ocean, fog and low clouds often form in the marine air layer along the coast. Surface heating in the interior valleys dissipates the marine layer as it moves inland (SLOAPCD 2001).

From November through April the Pacific High tends to migrate southward, allowing northern storms to move across the county. About 90 percent of the total annual rainfall is received during this period. Winter conditions are usually mild, with intermittent periods of precipitation followed by mostly clear days. Rainfall amounts can vary considerably among different regions in the county. In the Coastal Plain, annual rainfall averages 16 to 28 inches, while the Upper Salinas River Valley generally receives about 12 to 20 inches of rain. The Carrizo Plain is the driest area of the county with less than 12 inches of rain in a typical year (SLOAPCD 2001).

Airflow around the county plays an important role in the movement and dispersion of pollutants. The speed and direction of local winds are controlled by the location and strength of the Pacific High pressure system and other global patterns, by topographical factors, and by circulation patterns resulting from temperature differences between the land and sea. In spring and summer months, when the Pacific High attains its greatest strength, onshore winds from the northwest generally prevail during the day. At night, as the sea breeze dies, weak drainage winds flow down the coastal mountains and valleys to form a light, easterly land breeze (SLOAPCD 2001).

In the Fall, onshore surface winds decline and the marine layer grows shallow, allowing an occasional reversal to a weak offshore flow. This, along with the diurnal alternation of land-sea breeze circulation, can sometimes produce a "sloshing" effect. Under these conditions, pollutants may accumulate over the ocean for a period of one or more days and are subsequently carried back onshore with the return of the sea breeze. Strong inversions can form at this time, "trapping" pollutants near the surface (SLOAPCD 2001).

This effect is intensified when the Pacific High weakens or moves inland to the east. This may produce a "Santa Ana" condition in which air, often pollutant-laden, is transported into the county from the east and southeast. This can occur over a period of several days until the high pressure system returns to its normal location, breaking the pattern. The breakup of a Santa Ana condition may result in relatively stagnant conditions and a buildup of pollutants offshore. The onset of the typical daytime sea breeze can bring these pollutants back onshore, where they combine with local emissions to cause high pollutant concentrations. Not all occurrences of the "post Santa Ana" condition lead to high ambient pollutant levels, but it does play an important role in the air pollution meteorology of the county (SLOAPCD 2001).

Atmospheric Stability and Dispersion

Air pollutant concentrations are primarily determined by the amount of pollutant emissions in an area and the degree to which these pollutants are dispersed into the atmosphere. The stability of the atmosphere is one of the key factors affecting pollutant dispersion. Atmospheric stability regulates the amount of vertical and horizontal air exchange, or mixing, that can occur within a given air basin. Restricted mixing and low wind speeds are generally associated with a high degree of stability in the atmosphere. These conditions are characteristic of temperature inversions (SLOAPCD 2001).

In the atmosphere, air temperatures normally decrease as altitude increases. At varying distances above the earth's surface, however, a reversal of this gradient can occur. This condition, termed an inversion, is simply a warm layer of air above a layer of cooler air, and it has the effect of limiting the vertical dispersion of pollutants. The height of the inversion determines the size of the mixing volume trapped below. Inversion strength or intensity is measured by the thickness of the layer and the difference in temperature between the base

and the top of the inversion. The strength of the inversion determines how easily it can be broken by winds or solar heating (SLOAPCD 2001).

Several types of inversions are common to this area. Weak, surface inversions are caused by radiational cooling of air in contact with the cold surface of the earth at night. In valleys and low lying areas this condition is intensified by the addition of cold air flowing downslope from the hills and pooling on the valley floor. Surface inversions are a common occurrence throughout the county during the winter, particularly on cold mornings when the inversion is strongest. As the morning sun warms the earth and the air near the ground, the inversion lifts, gradually dissipating as the day progresses. During the late spring and early summer months, cool air over the ocean can intrude under the relatively warmer air over land, causing a marine inversion. These inversions can restrict dispersion along the coast, but they are typically shallow and will dissipate with surface heating (SLOAPCD 2001).

In contrast, in the summertime the presence of the Pacific high pressure cell can cause the air mass aloft to sink. As the air descends, compressional heating warms it to a temperature higher than the air below. This highly stable atmospheric condition, termed a subsidence inversion, is common to all of coastal California and can act as a nearly impenetrable lid to the vertical mixing of pollutants. The base of the inversion typically ranges from 1000 to 2500 feet above sea level; however, levels as low as 250 feet, among the lowest anywhere in the state, have been recorded on the coastal plateau in San Luis Obispo county. The strength of these inversions makes them difficult to disrupt. Consequently, they can persist for one or more days, causing air stagnation and the buildup of pollutants. Highest or worst-case ozone levels are often associated with the presence of this type of inversion (SLOAPCD 2001).

CRITERIA AIR POLLUTANTS

For the protection of public health and welfare, the Clean Air Act (CAA) required that the United States Environmental Protection Agency (U.S. EPA) establish National Ambient Air Quality Standards (NAAQS) for various pollutants. These pollutants are referred to as "criteria" pollutants because the US EPA publishes criteria documents to justify the choice of standards. These standards define the maximum amount of an air pollutant that can be present in ambient air without harm to the public's health. An ambient air quality standard is generally specified as a concentration averaged over a specific time period, such as one hour, eight hours, 24 hours, or one year. The different averaging times and concentrations are meant to protect against different exposure effects. The CAA allows states to adopt additional or more health-protective standards. The air quality regulatory framework and ambient air quality standards are discussed in greater detail later in this report.

Human Health & Welfare Effects

Common air pollutants and associated adverse health and welfare effects are summarized in **Table 1**. Within the SCCAB, the air pollutants of primary concern, with regard to human health, include ozone, particulate matter (PM) and carbon monoxide (CO). As depicted in **Table 1**, exposure to increased pollutant concentrations of ozone, PM and CO can result in various heart and lung ailments, cardiovascular and nervous system impairment, and death.

**Table 1
Common Pollutants & Adverse Effects**

Pollutant	Human Health & Welfare Effects
Particulate Matter (PM ₁₀ & PM _{2.5})	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (<i>haze</i>).
Ozone (O ₃)	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield. Damages rubber, some textiles and dyes.
Sulfur Dioxide (SO ₂)	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel; damage crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	Reduces the ability of blood to deliver oxygen to vital tissues, effecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO ₂)	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone and acid rain. Contributes to global warming, and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead	Anemia, high blood pressure, brain and kidney damage, neurological disorders, cancer, lowered IQ. Affects animals, plants, and aquatic ecosystems.

Source: CAPCOA 2010

ODORS

Typically odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from the psychological (i.e. irritation, anger, or anxiety) to the physiological, including circulatory and respiratory effects, nausea, vomiting, and headache.

Neither the state nor the federal governments have adopted rules or regulations for the control of odor sources. The SLOAPCD does not have an individual rule or regulation that specifically addresses odors; however, odors would be applicable to SLOAPCD's *Rule 204, Nuisance*. Any actions related to odors would be based on citizen complaints to local governments and the SLOAPCD. The SLOAPCD recommends that odor impacts be addressed in a qualitative manner. Such an analysis shall determine if the Project results in excessive nuisance odors, as defined under the California Code of Regulations, Health & Safety Code Section 41700, air quality public nuisance.

TOXIC AIR CONTAMINANTS

Toxic air contaminants (TACs) are air pollutants that may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air, but due to their high toxicity, they may pose a threat to public health even at very low concentrations. Because there is no threshold level below which adverse health impacts are not expected to occur, TACs differ from criteria pollutants for which acceptable levels of exposure can be determined and for which state and federal governments have set ambient air quality standards. TACs, therefore, are not considered

"criteria pollutants" under either the Federal Clean Air Act (FCAA) or the California Clean Air Act (CCAA), and are thus not subject to National or State AAQS. TACs are not considered criteria pollutants in that the federal and California Clean Air Acts do not address them specifically through the setting of National or State AAQS. Instead, the U.S. EPA and CARB regulate Hazardous Air Pollutants (HAPs) and TACs, respectively, through statutes and regulations that generally require the use of the maximum or best available control technology to limit emissions. In conjunction with District rules, these federal and state statutes and regulations establish the regulatory framework for TACs. At the national levels, the U.S. EPA has established National Emission Standards for HAPs (NESHAPs), in accordance with the requirements of the FCAA and subsequent amendments. These are technology-based source-specific regulations that limit allowable emissions of HAPs.

Within California, TACs are regulated primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB designates a substance as a TAC. Existing sources of TACs that are subject to the Air Toxics Hot Spots Information and Assessment Act are required to: (1) prepare a toxic emissions inventory; (2) prepare a risk assessment if emissions are significant; (3) notify the public of significant risk levels; and (4) prepare and implement risk reduction measures.

At the state level, the CARB has authority for the regulation of emissions from motor vehicles, fuels, and consumer products. Most recently, Diesel-exhaust particulate matter (DPM) was added to the CARB list of TACs. DPM is the primary TACs of concern for mobile sources. Of all controlled TACs, emissions of DPM are estimated to be responsible for about 70 percent of the total ambient TAC risk. The CARB has made the reduction of the public's exposure to DPM one of its highest priorities, with an aggressive plan to require cleaner diesel fuel and cleaner diesel engines and vehicles (CARB 2005).

At the local level, air districts have the authority over stationary or industrial sources. All projects that require air quality permits from the SLOAPCD are evaluated for TAC emissions. The SLOAPCD limits emissions and public exposure to TACs through a number of programs. The SLOAPCD prioritizes TAC-emitting stationary sources, based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors. The SLOAPCD requires a comprehensive health risk assessment for facilities that are classified in the significant-risk category, pursuant to AB 2588. No major existing sources of TACs have been identified in the project area.

Land Use Compatibility with TAC Emission Sources

The CARB published an informational guide entitled: *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) in 2005. The purpose of this guide is to provide information to aid local jurisdictions in addressing issues and concerns related to the placement of sensitive land uses near major sources of air pollution. The CARB's Handbook includes recommended separation distances for various land uses that are based on relatively conservative estimations of emissions based on source-specific information. However, these recommendations are not site specific and should not be interpreted as defined "buffer zones". It is also important to note that the recommendations of the Handbook are advisory and need to be balanced with other State and local policies (CARB 2005). Depending on site and project-specific conditions, an assessment of potential increases in exposure to TACs may be warranted

for proposed development projects located within the distances identified. CARB-recommended separation distances for various sources of emissions are summarized in **Table 2**.

**Table 2
Recommendations on Siting New Sensitive Land Uses
Near Air Pollutant Sources**

Source Category	Advisory Recommendations
Freeways and High-Traffic Roads	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.
Distribution Centers	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.
Rail Yards	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.
Ports	<ul style="list-style-type: none"> Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the CARB on the status of pending analyses of health risks.
Refineries	<ul style="list-style-type: none"> Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.
Chrome Platers	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.
Dry Cleaners Using Perchloroethylene	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district. Do not site new sensitive land uses in the same building with perchloroethylene dry cleaning operations.
Gasoline Dispensing Facilities	<ul style="list-style-type: none"> Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.
<p><i>Recommendations are advisory, are not site specific, and may not fully account for future reductions in emissions, including those resulting from compliance with existing/future regulatory requirements.</i></p> <p><i>Source: CARB 2005</i></p>	

ASBESTOS

Asbestos is the common name for a group of naturally-occurring fibrous silicate minerals that can separate into thin but strong and durable fibers. Naturally-occurring asbestos, which was identified as a TAC in 1986 by CARB, is located in many parts of California and is commonly associated with ultramafic rock. The project site is not located near any areas that are likely to contain ultramafic rock. A map depicting known areas of naturally occurring areas within the County is included in **Appendix A**.

REGULATORY FRAMEWORK

Air quality within the SCCAB is regulated by several jurisdictions including the U.S. EPA, CARB, and the SLOAPCD. Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. Although U.S. EPA regulations may not be superseded, both state and local regulations may be more stringent.

FEDERAL

U.S. Environmental Protection Agency

At the federal level, the U.S. EPA has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the FCAA, which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990.

Federal Clean Air Act

The FCAA required the US EPA to establish National Ambient Air Quality Standards (NAAQS or National AAQS), and also set deadlines for their attainment. Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions. NAAQS are summarized in **Table 3**.

The FCAA also required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The FCAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The U.S. EPA has responsibility to review all state SIPs to determine conformance with the mandates of the FCAA, and the amendments thereof, and determine if implementation will achieve air quality goals. If the U.S. EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area that imposes additional control measures.

STATE

California Air Resources Board

The CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act of 1988. Other CARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control districts and air quality management districts, establishing California Ambient Air Quality Standards (CAAQS), which in many cases are more stringent than the NAAQS, and setting emissions standards for new motor vehicles. The CAAQS are summarized in **Table 3**. The emission standards established for motor vehicles differ depending on various factors including the model year, and the type of vehicle, fuel and engine used.

**Table 3
Summary of Ambient Air Quality Standards & Attainment Designations**

Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary ^(a)	Attainment Status
Ozone (O ₃)	1-hour	0.09 ppm	Non-Attainment	–	Not Designated***
	8-hour	0.070 ppm		0.075 ppm	
Particulate Matter (PM ₁₀)	AAM	20 µg/m ³	Non-Attainment	–	Unclassified/Attainment
	24-hour	50 µg/m ³		150 µg/m ³	
Fine Particulate Matter (PM _{2.5})	AAM	12 µg/m ³	Attainment	15 µg/m ³	Unclassified/Attainment
	24-hour	No Standard		35 µg/m ³	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment	35 ppm	Attainment/Maintenance
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO ₂)	AAM	0.030 ppm	Attainment	0.053 ppm	Unclassified
	1-hour	0.18 ppm		–	
Sulfur Dioxide (SO ₂)	AAM	–	Attainment	0.03 ppm	Unclassified
	24-hour	0.04 ppm		0.14 ppm	
	3-hour	–		0.5 ppm (1300 µg/m ³)**	
	1-hour	0.25 ppm		–	
Lead	30-day Average	1.5 µg/m ³	Attainment	–	No Attainment Information
	Calendar Quarter	–		1.5 µg/m ³	
	Rolling 3-Month Average	–		0.15 µg/m ³	
Sulfates	24-hour	25 µg/m ³	Attainment	No Federal Standards	
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m ³)	Attainment		
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m ³)	No Information Available		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/kilometer-visibility of 10 miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70%.	Attainment		

* For more information on standards visit :<http://ww.arb.ca.gov/research/aaqs/aaqs2.pdf>
 ** Secondary Standard
 *** San Luis Obispo County ozone attainment status is pending.
 Source: SLOAPCD 2011

California Clean Air Act

The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date.

The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

Assembly Bills 1807 & 2588 - Toxic Air Contaminants

Within California, TACs are regulated primarily through AB 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics Hot Spots Information and Assessment Act of 1987). The Tanner Air Toxics Act sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB designates a substance as a TAC. Existing sources of TACs that are subject to the Air Toxics Hot Spots Information and Assessment Act are required to: (1) prepare a toxic emissions inventory; (2) prepare a risk assessment if emissions are significant; (3) notify the public of significant risk levels; and (4) prepare and implement risk reduction measures.

LOCAL

County of San Luis Obispo Air Pollution Control District

The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the region are maintained. Responsibilities of the SLOAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

As noted earlier in this report, the SCCAB is currently designated nonattainment for the State ozone and PM₁₀ ambient air quality standards. In accordance with California Clean Air Act requirements, the SLOAPCD is required to develop a plan to achieve and maintain the state ozone standard by the earliest practicable date. The Clean Air Plan (CAP) outlines the SLOAPCD's strategies to reduce ozone precursor emissions from a wide variety of stationary and mobile sources. The 2001 CAP was adopted by the Air Pollution Control Board at their hearing on March 26, 2002.

AMBIENT AIR QUALITY & ATTAINMENT

Most populated areas of San Luis Obispo County enjoyed good air quality, however, ozone levels exceeding both federal and state standards are often measured on numerous days in the rural eastern portion of the county due to transported pollution. A few exceedances also

typically occur in the north county inland and other areas due to locally formed emissions, as well as, transported pollution from wildfires.

SLOAPCD monitors ambient air quality conditions at stations located throughout the County, including a station located on Santa Fe Avenue in Paso Robles. Based on the last three years of available data (2009 to 2011), the federal 8-hour ozone standard has not been exceeded, however, the state 8-hour ozone standard was exceeded on three days in 2010. No days exceeding the state one hour ozone standard of 0.09 ppm were recorded. Data for PM concentrations is somewhat limited at this location, though exceedance of the state's PM10 standards were noted in 2011. Countywide, for this same period, exceedances of the state and federal 8-hour ozone standards, the state 1-hour ozone standard, as well as, federal and state PM10 and PM2.5 standards have occurred on multiple occasions. As noted in **Table 3**, the County is currently designated nonattainment for the state ozone and PM10 standard (SLOAPCD 2010, CARB 2012).

IMPACTS ANALYSIS

Air quality impacts attributable to the proposed project are summarized in **Table 4**.

**Table 4
Summary of Project-Related Air Quality Impacts**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY				
A) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

METHODOLOGY

Short-term Impacts

Short-term construction emissions associated with the proposed project were calculated using the CalEEMod computer program. Detailed construction phasing and equipment requirements

associated with the proposed project were not available at the time this analysis was prepared. Equipment requirements, hours of use, construction employee trips, and emission factors were based on the default parameters contained in the models. Equipment load factors were adjusted to reflect those currently identified in the Carl Moyer Program Guidelines (2011). Asphalt paving emissions were adjusted based on the calculated areas of coating application. Exposure to localized pollutant concentrations were qualitatively assessed. Modeling assumptions and output files are included in **Appendix B** of this report.

Long-term Impacts

Long-term operational emissions of criteria air pollutants associated with the proposed project were calculated using the CalEEMod computer program. Vehicle trip-generation rates and non-employee commute trip distances were adjusted to reflect anticipated project-specific conditions. Exposure to localized pollutant concentrations were qualitatively assessed. Modeling assumptions and output files are included in **Appendix B** of this report. Exposure to TACs and odors were qualitatively assessed.

THRESHOLDS OF SIGNIFICANCE

To assist in the evaluation of air quality impacts, the SLOAPCD has developed recommended significance thresholds, which are contained in the SLOAPCD's *CEQA Air Quality Handbook* (2012). For the purposes of this analysis, project emissions are considered potentially significant impacts if any of the following SLOAPCD thresholds are exceeded:

Construction Impacts

The threshold criteria established by the SLOAPCD to determine the significance and appropriate mitigation level for a project's short-term construction emissions are presented in **Table 5**.

Table 5
SLOAPCD Thresholds of Significance for Construction Impacts

Pollutant	Threshold ⁽¹⁾		
	Daily (lbs/day)	Quarterly Tier 1 (tons)	Quarterly Tier 2 (tons)
Ozone Precursors (ROG + NO _x) ⁽²⁾	137	2.5	6.3
Diesel Particulate Matter (DPM) ⁽²⁾	7	0.13	0.32
Fugitive Particulate Matter (PM ₁₀), Dust	None	2.5	None

1. Daily and quarterly emissions thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 tons PM₁₀ quarterly threshold.

ROG and NOx Emissions

- Daily: For construction projects expected to be completed in less than one quarter (90 days), exceedance of the 137 lb/day threshold requires Standard Mitigation Measures;
- Quarterly – Tier 1: For construction projects lasting more than one quarter, exceedance of the 2.5 ton/qr threshold requires Standard Mitigation Measures and Best Available Control Technology (BACT) for construction equipment. If implementation of the Standard Mitigation and BACT measures cannot bring the project below the threshold, off-site mitigation may be necessary; and,

- Quarterly – Tier 2: For construction projects lasting more than one quarter, exceedance of the 6.3 ton/qtr threshold requires Standard Mitigation Measures, BACT, implementation of a Construction Activity Management Plan (CAMP), and off-site mitigation.

Diesel Particulate Matter (DPM) Emissions

- Daily: For construction projects expected to be completed in less than one quarter, exceedance of the 7 lb/day threshold requires Standard Mitigation Measures;
- Quarterly - Tier 1: For construction projects lasting more than one quarter, exceedance of the 0.13 tons/quarter threshold requires Standard Mitigation Measures, BACT for construction equipment; and,
- Quarterly - Tier 2: For construction projects lasting more than one quarter, exceedance of the 0.32 ton/qtr threshold requires Standard Mitigation Measures, BACT, implementation of a CAMP, and off-site mitigation.

Fugitive Particulate Matter (PM₁₀), Dust Emissions

- Quarterly: Exceedance of the 2.5 ton/qtr threshold requires Fugitive PM₁₀ Mitigation Measures and may require the implementation of a CAMP.

Operational Impacts

Criteria Air Pollutants

The threshold criteria established by the SLOAPCD to determine the significance and appropriate mitigation level for long-term operational emissions from a project are presented in **Table 6**.

**Table 6
SLOAPCD Thresholds of Significance for Operational Impacts**

Pollutant	Threshold ⁽¹⁾	
	Daily (lbs/day)	Annual (tons/year)
Ozone Precursors (ROG + NO _x) ⁽²⁾	25	25
Diesel Particulate Matter (DPM) ⁽²⁾	1.25	None
Fugitive Particulate Matter (PM ₁₀), Dust	25	25
CO	550	None

1. Daily and annual emissions thresholds are based on the California Health & Safety Code Division 26, Part 3, Chapter 10, Section 40918 and the CARB Carl Moyer Guidelines for DPM.
2. URBEMIS – use winter operational emission data to compare to operational thresholds.

Toxic Air Contaminants

If a project has the potential to emit toxic or hazardous air pollutants, or is located in close proximity to sensitive receptors, impacts may be considered significant due to increased cancer risk for the affected population, even at a very low level of emissions. For the evaluation of such projects, the SLOAPCD recommends the use of the following thresholds:

- Type A Projects: new proposed land use projects that generate toxic air contaminants (such as gasoline stations, distribution facilities or asphalt batch plants) that impact sensitive receptors. Air districts across California are uniform in their recommendation to use the significance thresholds that have been established under each district's "Hot Spots" and permitting programs. The SLOAPCD has defined the excess cancer risk significance threshold at 10 in a million for Type A projects in SLO County; and,

- Type B Projects: new land use projects that will place sensitive receptors (e.g., residential units) in close proximity to existing toxics sources (e.g., freeway). The APCD has established a CEQA health risk threshold of 89 in-a-million for the analysis of projects proposed in close proximity to toxic sources. This value represents the population weighted average health risk caused by ambient background concentrations of toxic air contaminants in San Luis Obispo County. The SLOAPCD recommends Health Risk screening and, if necessary, Health Risk Assessment (HRA) for any residential or sensitive receptor development proposed in proximity to toxic sources.

Localized CO concentrations

Localized CO concentrations associated with the proposed project would be considered less-than-significant impact if: (1) Traffic generated by the proposed project would not result in deterioration of intersection level of service (LOS) to LOS E or F; or (2) the project would not contribute additional traffic to an intersection that already operates at LOS of E or F (Caltrans 1996).

Odors

Screening of potential odor impacts is typically recommended for the following two situations:

- Projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate; and
- Residential or other sensitive receptor projects or other projects that may attract people locating near existing odor sources.

If the proposed project would locate receptors and known odor sources within one mile of each other, a full analysis of odor impacts is recommended. Known odor sources of primary concern, as identified by the SLOAPCD, include: landfills, transfer stations, asphalt batch plants, rendering plants, petroleum refineries, and painting/coating operations, as well as, composting, food processing, wastewater treatment, chemical manufacturing, and feedlot/dairy facilities (SLOAPCD 2009).

PROJECT IMPACTS AND MITIGATION MEASURES

A. Would the project conflict with or obstruct implementation of the applicable air quality plan?

According to the SLOAPCD's *CEQA Air Quality Handbook* (2012), a consistency analysis with the Clean Air Plan is required for a Program Level environmental review, and may be necessary for a Project Level environmental review, depending on the project being considered. Project-Level environmental reviews which may require consistency analysis with the Clean Air Plan (CAP) and Smart/Strategic Growth Principles adopted by lead agencies include: subdivisions, large residential developments and large commercial/industrial developments. For such projects, evaluation of consistency is based on a comparison of the proposed project with the land use and transportation control measures and strategies outlined in the CAP. If the project is consistent with these measures, the project is considered consistent with the CAP (SLOAPCD 2009).

The CAP includes a variety of policies and strategies, including land use policies intended to result in reductions in overall vehicle miles traveled, as well as, various transportation control measures. The CAP would reduce emissions through implementation of the following adopted control measures:

- Campus-Based Trip Reduction
- Voluntary Trip Reduction Program
- Local Transit System Improvements
- Regional Transit Improvements
- Bicycling and Bikeway Enhancements
- Park and Ride Lots
- Motor Vehicle Inspection and Control Program
- Traffic Flow Improvements
- Telecommuting, Teleconferencing, and Telelearning

The CAP also includes various land use policies to encourage the use of alternative forms of transportation, increase pedestrian access and accessibility to community services and local destinations, reduce vehicle miles traveled within the County, and promote congestion management efforts.

The current zoning for the project site is R1, single-family residential. The proposed project would rezone the site to R-3, multi-family residential, with a proposed density of 11.6 units/acre. The proposed project would provide for the development of 142 residential dwellings within the urban core of the city with access to nearby commercial and transit services.

Existing transit service is located approximately 0.1 mile of the project site, along River Oaks Drive. A planned future "Class III" bikeway is located along Experimental Station Road, which extends along the northern boundary of the project site. "Class II" bikeways are also planned along the nearby segments of River Oaks Drive and Buena Vista Road. In addition, a "Class I" bike path is planned adjacent to the eastern boundary of the project site, extending southward, south of Highway 46. The specific location of this planned bike path has not yet been determined. The proposed site plan prepared for the project includes a "natural terrain" area within the eastern portion of the project site, which would accommodate the planned bike path. As such, the proposed project has been designed to provide ease of access to all existing and future planned transit, bicycle and pedestrian routes.

The above discussed project features would be anticipated to result in overall reductions in vehicle miles traveled (VMT) and associated mobile-source emissions. In addition, as discussed in Impact C below, the proposed project would not result in operational emissions that would exceed applicable SLOCAPCD-recommended significance thresholds. For these reasons, the proposed project would not conflict with or obstruct continued implementation of the CAP. This impact is considered **less than significant**.

B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

As noted in Impact C, below, short-term construction activities may result in localized concentrations of pollutants that could adversely affect nearby sensitive receptors. As a result, this impact is considered **potentially significant**. Refer to "Impact C" of this report for more detailed discussions of air quality impacts attributable to the proposed project and recommended mitigation measures.

Mitigation Measures

Implementation of Mitigation Measure AQ-1, as identified in "Impact C" below, would reduce this impact to a **less-than-significant** level.

C. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?*

Short-term Construction Emissions

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

Construction of the proposed project would likely occur in two phases with initial development occurring within the western, approximately one-half, of the project site. Detailed construction information (i.e., equipment requirements and construction schedules) associated with each phase of development have not yet been identified. To be conservative, construction-generated emissions were quantified assuming that the entire project would be developed over an approximate 1.5 year period, based on the default modeling assumptions and construction phase durations identified in the CalEEMod computer program. This assumption assumes that project phases I and II would occur consecutively with total project buildout occurring prior to year 2014. Demolition, site preparation, grading and asphalt paving were assumed to occur during Phase I. Building construction for phases I and II were distributed over an estimated 300-day construction period, based on the default construction schedule assumptions contained in the model. Equipment load factors were revised to match those identified in the Carl Moyer Program Guidelines (2011), per SLOAPCD recommendations. Asphalt paving emissions were quantified based on the area of asphalt paving and coating applications for parking stalls and handicap markers. No offsite hauling of fill material is anticipated to be required.

Estimated daily construction emissions of ROG, NO_x, PM₁₀ and PM_{2.5} associated with individual construction activities is presented in **Table 7**. Estimated maximum daily emissions in comparison to SLOAPCD significance thresholds, taking into account the potential overlapping of some construction activities, is summarized in **Table 8**. As indicated in **Table 8**, projected maximum daily emissions of ROG+NO_x would total approximately 88.79 lbs/day and emissions of DPM would total approximately 4.21 lbs/day. Daily construction-generated emissions would not exceed the SLOAPCD's corresponding daily significance thresholds of 137 and 7 lbs/day, respectively.

Estimated quarterly construction-generated emissions are summarized in **Table 9** and compared to SLOAPCD's significance thresholds in **Table 10**. As indicated in **Table 10**, projected maximum quarterly emissions of ROG+NO_x would total approximately 2.13 tons/quarter, which would not exceed SLOAPCD's significance threshold of 2.5 tons/quarter. Emissions of DPM would total 0.09 tons/quarter and emissions of fugitive dust would total 0.2 tons/quarter. Quarterly construction-generated emissions of DPM and fugitive dust would not exceed the SLOAPCD's corresponding quarterly significance thresholds of 0.13 and 2.5 tons/quarter, respectively.

**Table 7
Estimated Daily Construction Emissions Without Mitigation**

Construction Activity	Daily Emissions (lbs)					Total PM _{2.5}
	ROG	NO _x	PM ₁₀			
			Dust	Exhaust	Total	
Summer Conditions						
Demolition (Phase I)	6.86	54.0	1.73	2.77	4.48	2.78
Site Preparation (Phase I)	7.24	57.57	18.35	2.90	21.25	12.84
Grading (Phase I)	7.84	63.18	8.98	3.10	12.08	6.42
Building Construction (Phase I & II)	6.06	34.65	1.69	2.25	3.96	2.32
Architectural Coatings (Phase I & II)	23.84	2.81	0.31	0.25	0.56	0.26
Asphalt Paving (Phase I)	3.37	17.76	-	1.74	1.51	1.51
Asphalt Paving (Phase II)	3.75	17.76	-	1.74	1.51	1.51
Winter Conditions						
Demolition (Phase I)	6.87	54.04	1.73	2.77	4.48	2.78
Site Preparation (Phase I)	7.26	57.59	18.35	2.90	21.25	12.84
Grading (Phase I)	7.86	63.21	8.98	3.10	12.08	6.42
Building Construction (Phase I & II)	6.19	34.78	1.69	2.25	3.96	2.32
Architectural Coatings (Phase I & II)	23.86	2.83	0.31	0.25	0.56	0.26
Asphalt Paving (Phase I)	3.37	17.76	-	1.74	1.51	1.51
Asphalt Paving (Phase II)	3.75	17.76	-	1.74	1.51	1.51
<i>Note: Detailed construction phasing information is not yet available. To be conservative, assumes that development of proposed project phases would occur consecutively with complete buildout occurring prior to year 2014. Emissions were quantified based on default construction schedule durations contained in the CalEEMod computer model. Emissions associated with the application of architectural coatings were assumed to begin approximately 5 months after start of building construction through the end of building construction. Asphalt paving emissions are based on the estimated exterior parking spaces and driveway area for each phase. Refer to Table 8 and Table 10 for a comparison of maximum daily emissions in comparison to SLOAPCD significance thresholds. Refer to Appendix B for modeling output files and assumptions.</i>						

As noted above, daily and quarterly construction-generated emissions would not exceed applicable SLOAPCD's significance thresholds. However, the proposed project is located near existing sensitive receptors, the nearest of which include residential dwellings located north of the project site, across Experimental Station Road. The SLOAPCD has determined that

construction activities located within 1,000 feet of sensitive receptors may result in localized pollutant concentrations that could adversely affect nearby receptors. As a result, this impact is considered **potentially significant**.

Table 8		
Maximum Daily Emissions Compared to SLOAPCD Significance Thresholds		
Construction Period/Phase	Maximum Daily Emissions (lbs)	
	ROG+NO _x	DPM
Summer Conditions – Phase I		
Demolition	60.86	2.77
Site Preparation	64.81	2.90
Grading	71.02	3.10
Building Construction, Paving, Coating	88.49	4.21
Maximum Daily Emissions:	88.49	4.21
SLOAPCD Significance Thresholds:	137	7
Exceed SLOAPCD Thesholds?:	No	No
Summer Conditions – Phase II		
Building Construction, Paving, Coating	85.78	3.99
SLOAPCD Significance Thresholds:	137	7
Exceed SLOAPCD Thesholds?:	No	No
Winter Conditions – Phase I		
Demolition	60.91	2.77
Site Preparation	64.85	2.90
Grading	71.07	3.10
Building Construction, Paving, Coating	88.79	4.21
Maximum Daily Emissions:	88.79	4.21
SLOAPCD Significance Thresholds:	137	7
Exceed SLOAPCD Thesholds?:	No	No
Winter Conditions – Phase II		
Building Construction, Paving, Coating	86.04	3.99
SLOAPCD Significance Thresholds:	137	7
Exceed SLOAPCD Thesholds?:	No	No
<p><i>Note: Detailed construction phasing information is not yet available. To be conservative, assumes that development of proposed project phases would occur consecutively with complete buildout occurring prior to year 2014. Emissions were quantified based on default construction schedule durations contained in the CalEEMod computer model. Emissions associated with the application of architectural coatings were assumed to begin approximately 5 months after start of building construction through the end of building construction. Asphalt paving emissions are based on the estimated open space and driveway area for each phase. Construction activities occurring in future years would result in lower emissions.</i></p> <p>Refer to Appendix B for modeling output files and assumptions.</p>		

**Table 9
Estimated Quarterly Construction Emissions Without Mitigation**

Quarter	Quarterly Emissions (tons)				
	ROG+NO _x	PM ₁₀			Total PM _{2.5}
		Dust	Exhaust	Total	
Year 2012, Quarter 3	2.10	0.20	0.09	0.29	0.16
Year 2012, Quarter 4	1.35	0.06	0.07	0.13	0.08
Year 2013, Quarter 1	1.70	0.06	0.08	0.14	0.08
Year 2013, Quarter 2	2.13	0.07	0.08	0.14	0.08
Year 2013, Quarter 3	2.13	0.07	0.08	0.14	0.08
Year 2013, Quarter 4	1.11	0.03	0.04	0.07	0.04

Note: Detailed construction phasing information is not yet available. Conservatively assumes that development of proposed project phases would occur consecutively with complete buildout occurring prior to year 2014. Emissions were quantified based on default construction schedule durations contained in the CalEEMod computer model. Emissions associated with the application of architectural coatings were assumed to begin approximately 5 months after start of building construction through the end of building construction. Asphalt paving emissions are based on the estimated open space and driveway area for each phase.

Refer to **Table 10** for a comparison of quarterly emissions in comparison to SLOAPCD significance thresholds.
Refer to **Appendix B** for modeling output files and assumptions.

**Table 10
Summary of Estimated Construction Emissions Without Mitigation
in Comparison to SLOAPCD Significance Thresholds**

Criteria	Emissions	SLOAPCD Significance Threshold	Exceed Significance Threshold?
Maximum Daily Emissions (ROG+NO _x):	88.79 lbs/day	137 lbs/day	No
Maximum Quarterly Emissions (ROG+NO _x):	2.13 tons/qtr	2.5 tons/qtr	No
Maximum Daily Emissions (DPM):	4.21 lbs/day	7.0 lbs/day	No
Maximum Quarterly Emissions (DPM):	0.09 tons/qtr	0.13 tons/qtr	No
Maximum Quarterly Emissions (Fugitive PM):	0.2 tons/qtr	2.5 tons/qtr	No

Refer to **Appendix B** for modeling output files and assumptions.

Mitigation Measures

MM AQ-1: In accordance with SLOAPCD recommendations, projects with grading areas that are greater than 4 acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20-percent opacity limit (APCD Rule 401) and do not impact offsite areas prompting nuisance violations (APCD Rule 402) (Mutziger 2012):

Fugitive Dust:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures required shall be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20-percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

California Diesel Idling Regulations

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

- 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- o. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - p. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
 - q. The specific requirements and exceptions in the regulations can be reviewed at the following websites: www.arb.ca.gov/msprogltruck-idlingl2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf;
 - r. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
 - 1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - 2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - 3. Use of alternative fueled/electrically-powered equipment is recommended; and
 - 4. Signs that specify the no idling areas must be posted and enforced at the site.
 - 5. Any proposed construction truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals.
 - 6. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - 7. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);

Additional Measures: The following additional mitigation measures shall also be implemented:

- s. To the extent practical, reuse and recycle construction waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- t. Prior to the issuance of grading permits, the applicant shall demonstrate through updated modeling that the actual construction fleet that is secured will not exceed the construction phase thresholds when the construction mitigation is implemented. Should the actual fleet exceed any threshold, then phasing changes or other mitigation shall be proposed and approved by the APCD such that the project will be below the construction phase air quality thresholds of significance of 2.5 tons/quarter ROG+NO_x.
- u. Demolition of existing structures shall comply with applicable requirements, as 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.
- v. The contractor or builder shall use paints/coatings that comply with or that have a lower VOC content than specified in APCD Rule 433. APCD Rule 433 is available at website url: <http://www.arb.ca.gov/drdb/slo/cur.htm>.

Significance After Mitigation

The above SLOAPCD-recommended mitigation measures have been incorporated to ensure compliance with SLOAPCD's 20-percent opacity limit (APCD Rule 401) nuisance rule (APCD Rule 402) for the purpose of minimizing impacts to nearby sensitive receptors. Additional mitigation measures have also been included to encourage the reuse and recycling of construction materials to use of heavy-duty construction equipment meeting CARB's Tier 2 engine emission standards, and to minimize emissions of TACs during demolition. As noted earlier in this report, uncontrolled maximum daily and quarterly construction-generated emissions would not exceed SLOAPCD's significance thresholds. Implementation of the proposed mitigation measures would result in further reductions of construction-generated PM, including an estimated 60-percent reduction in fugitive PM. With mitigation, fugitive PM emissions would be reduced to approximately 7.3 lbs/day and approximately 0.8 tons/quarter. With mitigation, this impact would be considered **less than significant**.

Long-term Operational Emissions

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

As previously discussed, it is anticipated that development of the proposed project would occur in two phases. However, detailed construction schedules for development of the proposed project have not yet been identified. As a result, this analysis assumed that construction of the two phases could potentially occur consecutively with total project buildout occurring in Year 2014. Given that a project-specific traffic analysis has not been prepared for this project and to ensure a conservative analysis, the trip-generation rates for the proposed project were based on default rates identified in the CalEEMod computer program for weekday, Saturday, and Sunday conditions. However, it is important to note that based on data obtained from the City of Paso Robles Circulation Element Update (2011), the average daily trip-generation rate for multi-family land uses located within the city is approximately 20 percent lower than the rates identified in the CalEEMod computer program. As a result, actual project-generated mobile-source emissions would likely be lower than indicated in this report. However, to ensure a conservative analysis, this analysis relies on the default trip-generation rates contained in the CalEEMod computer program. Vehicle trips lengths were based on the default assumptions contained in the model for urban conditions. According to the project applicant, the proposed project would not include wood-burning hearth devices. Emissions were quantified for both existing and proposed land uses. Emissions modeling assumptions and results are included in **Appendix B**.

Daily unmitigated operational emissions for existing and proposed land uses are summarized in **Table 11**. Annual unmitigated operational emissions are summarized in **Table 12**. Daily and annual unmitigated operational emissions in comparison to SLOAPCD significance thresholds are summarized in **Table 13**. It is important to note, however, that mitigation measures being incorporated to reduce GHG emissions, as discussed later in this report, would also result in reductions in operational emissions of criteria air pollutants. As indicated in **Table 13**, implementation of the GHG mitigation measures, as well as, anticipated reductions in mobile-source emissions due to the project's proximity to existing local transit, would result in further reductions in operational emissions. As noted in **Table 13**, operational emissions of criteria air pollutants would not exceed SLOAPCD's corresponding daily or annual significance thresholds. As a result, this impact is considered **less than significant**.

**Table 11
Estimated Operational Daily Emissions Without Mitigation**

Source	Daily Emissions (lbs/day)						
	ROG	NO _x	CO	PM ₁₀			Total PM _{2.5}
				Fugitive	Exhaust	Total ⁽¹⁾	
Phase I⁽²⁾ – Summer Conditions							
Existing Land Uses ⁽³⁾	0.66	0.43	4.1	0.26	0.01	0.57	0.32
Proposed Project – Phase I ⁽⁴⁾	2.94	2.96	18.46	1.85	0.08	1.96	0.17
Net Increase:	2.28	2.53	14.36	1.59	0.07	1.39	-0.15
Phase I⁽²⁾ – Winter Conditions							
Existing Land Uses ⁽³⁾	0.68	0.45	4.18	0.26	0.01	0.57	0.32
Proposed Project – Phase I ⁽⁴⁾	3.07	3.11	19.07	1.85	0.08	1.96	0.17
Net Increase:	2.39	2.66	14.89	1.59	0.07	1.39	-0.15
Buildout (Phase I & II)⁽²⁾ – Summer Conditions							
Existing Land Uses ⁽³⁾	0.66	0.43	4.1	0.26	0.01	0.57	0.32
Proposed Project – Phase I & II ⁽⁴⁾	10.93	11.81	71.76	8.55	0.34	9.00	0.74
Net Increase:	10.27	11.38	67.66	8.29	0.33	8.43	0.42
Buildout (Phase I & II)⁽²⁾ – Winter Conditions							
Existing Land Uses ⁽³⁾	0.68	0.45	4.18	0.26	0.01	0.57	0.32
Proposed Project – Phase I & II ⁽⁴⁾	11.42	12.48	72.99	8.55	0.34	9.00	0.74
Net Increase:	10.74	12.03	68.81	8.29	0.33	8.43	0.42
<ol style="list-style-type: none"> 1. May include indirect emissions from energy use not reflected in exhaust and fugitive categories. 2. Detailed construction phase schedules are not yet available. To be conservative, this analysis assumes that development of project phases I & II could occur consecutively with total project buildout occurring in year 2014. Operational emissions for Phase I are based on year 2013 emissions, assuming an estimated total of 40 units. Operational emissions would be lower for future years. 3. Includes potential use of wood-burning hearth devices and reductions associated with proximity to existing transit. 4. Based on the default trip-generation rates identified in the CalEEMod computer program. Based on trip-generation rates identified in the City of Paso Robles Circulation Element Update (2011) average-daily trip-generation rates may be approximately 20% lower, which would result in lower operational emissions. Does not reflect anticipated reductions with implementation of GHG-reduction measures/proximity to transit. Winter emissions include one gas-fired fireplace to be located in the community building. <p>Refer to Appendix B for modeling output files and assumptions.</p>							

**Table 12
Estimated Operational Annual Emissions Without Mitigation**

Source	Annual Emissions (tons/year)						Total PM _{2.5}
	ROG	NO _x	CO	PM ₁₀			
				Fugitive	Exhaust	Total ⁽¹⁾	
Phase I - Year 2013 ⁽²⁾							
Existing Land Uses ⁽³⁾	0.09	0.07	0.48	0.04	0.00	0.05	0.01
Proposed Project – Phase I ⁽⁴⁾	0.64	0.64	4.49	0.35	0.02	0.48	0.15
Net Increase:	0.55	0.57	4.01	0.31	0.02	0.43	0.14
Buildout (Phase I & II) - Year 2014 ⁽²⁾							
Existing Land Uses ⁽³⁾	0.09	0.07	0.48	0.04	0.00	0.05	0.01
Proposed Project – Phase I & II ⁽⁴⁾	1.88	2.01	12.25	1.23	0.06	1.31	0.13
Net Increase:	1.79	1.94	11.77	1.19	0.06	1.26	0.12
<p>1. May include indirect emissions from energy use not reflected in exhaust and fugitive categories.</p> <p>2. Detailed construction phase schedules are not yet available. To be conservative, this analysis assumes that development of project phases I & II could occur consecutively with total project buildout occurring in year 2014. Operational emissions would be lower for future years.</p> <p>3. Includes wood-burning hearth devices and reductions associated with proximity to existing transit.</p> <p>4. Based on the default trip-generation rates identified in the CalEEMod computer program. Based on trip-generation rates identified in the City of Paso Robles Circulation Element Update (2011) average-daily trip-generation rates may be approximately 20% lower, which would result in lower operational emissions. Assumes no wood-burning hearth devices would be installed. Does not reflect anticipated reductions with implementation of GHG-reduction measures/proximity to transit. Includes one gas-fired fireplace to be located in the community building.</p> <p>Refer to Appendix B for modeling output files and assumptions.</p>							

Table 13
Estimated Operational Emissions
in Comparison to SLOAPCD Significance Thresholds

Criteria	Emissions	SLOAPCD Significance Threshold	Exceed Significance Threshold?
Buildout (Phase I & II) - Without Mitigation			
Maximum Daily ROG+NO _x Emissions (Winter):	22.77 lbs/day	25 lbs/day	No
Maximum Annual ROG+NO _x Emissions:	3.73 tons/year	25 tons/year	No
Maximum Daily DPM Emissions:	0.01 lbs/day	1.25 lbs/day	No
Maximum Daily Fugitive PM Emissions:	8.29 lbs/day	25 lbs/day	No
Maximum Annual Fugitive PM Emissions:	1.19 tons/year	25 tons/year	No
Maximum Daily CO Emissions:	68.81 lbs/day	550 lbs/day	No
Buildout (Phase I & II) - With Access to Local Transit and GHG-Reduction Measures⁽¹⁾			
Maximum Daily ROG+NO _x Emissions (Winter):	19.39 lbs/day	25 lbs/day	No
Maximum Annual ROG+NO _x Emissions:	3.20 tons/year	25 tons/year	No
Maximum Daily DPM Emissions:	0.01 lbs/day	1.25 lbs/day	No
Maximum Daily Fugitive PM Emissions:	6.32 lbs/day	25 lbs/day	No
Maximum Annual Fugitive PM Emissions:	0.91 tons/year	25 tons/year	No
Maximum Daily CO Emissions:	58.42 lbs/day	550 s/day	No
<i>Note: Detailed construction phase schedules are not yet available. To be conservative, this analysis assumes that development of project phases I & II could occur consecutively with total project buildout occurring in year 2014.</i>			
<i>1. Includes reductions associated with proximity to existing transit and implementation of GHG-reductions measures.</i>			
<i>Refer to Appendix B for modeling output files and assumptions.</i>			

D. Would the project expose sensitive receptors to substantial pollutant concentrations?

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

Short-term Air Quality Impacts

Naturally-Occurring Asbestos

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

Asbestos Material in Demolition

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). Various regulatory requirements may apply, 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 to the APCD, 2) an asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM (SLOAPCD 2012).

Asbestos containing materials could be encountered during demolition of the existing structures, which could adversely impact nearby sensitive land uses. As a result, this impact is considered **potentially significant**.

Construction-Generated PM

Implementation of the proposed project would result in the generation of fugitive PM and diesel particulate matter (DPM) emitted during construction. Fugitive PM emissions are primarily associated with earth-moving and material handling activities, as well as, vehicle travel on unpaved and paved surfaces. Fugitive PM emissions can result in localized concentrations of PM that could adversely impact nearby sensitive receptors.

DPM emissions are largely associated with the use of off-road diesel equipment during site grading and excavation, paving and other construction activities, as well as, onroad vehicles traveling to and from the project site. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. For residential land uses, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area.

As noted in Impact C, localized uncontrolled concentrations of fugitive PM and DPM could adversely affect nearby sensitive receptors. As a result, uncontrolled emissions of fugitive dust and DPM would be considered **potentially significant**.

Mitigation Measure:

Implement **MM AQ-1**, as identified in "Impact C" above.

Significance After Mitigation

Mitigation Measure **AQ-1** includes measures for the control of localized pollutant concentrations, including emissions of fugitive PM, DPM, and asbestos containing materials during demolition. With implementation of **Mitigation Measure AQ-1**, this impact would be considered less than significant.

Long-term Air Quality Impacts

Toxic Air Contaminants

Implementation of the proposed project would not result in the long-term operation of any major onsite stationary sources of TACs, nor would project implementation result in a significant increase in diesel-fueled vehicles traveling along area roadways.

As noted earlier in this report (refer to **Table 2**), the ARB recommends that sensitive land uses not be located within 500 feet of a major roadway. A major roadway is defined as a roadway designated as a "freeway", urban roadways with volumes of 100,000 vehicles/day, or greater, or rural roadways with volumes of 50,000 vehicles/day, or greater. "Freeways" are generally defined as high-capacity facilities that primarily serve long-distance travel with access limited to interchanges that are typically spaced at least one mile apart. For proposed sensitive land uses located within 500 feet of a major roadway, a more detailed assessment of potential mobile-source health risks is recommended.

The nearest roadways within 500 feet of the project site include Highway 46, Experimental Station Road, and River Oaks Drive. No roadways designated as "freeway" are located within 500 feet of the project boundary (City of Paso Robles 2011). The nearest designated freeway is US 101 located approximately 1,700 feet west of the project site. The highest volume roadway in the project vicinity, Highway 46, averages approximately 26,000 vehicles/day (City of Paso Robles 2011). No roadways are located within 500 feet that would exceed the ARB's definition of a "major roadway." As a result, additional analysis of potential mobile-source health risks is not required. For these reasons, long-term exposure to TACs would be considered **less than significant**.

Mobile-Source Carbon Monoxide

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

Mobile-source emissions of CO are a direct function of traffic volume, speed, and delay. Transport of CO is extremely limited because it disperses rapidly with distance from the source

under normal meteorological conditions. For this reason, modeling of mobile-source CO concentrations is typically recommended for sensitive land uses located near signalized roadway intersections that are projected to operate at unacceptable levels of service (i.e., LOS E or F).

The nearest signalized intersection in relation to the project site is the intersection of Highway 46 and Buena Vista Road. This intersection was recently evaluated in the traffic analysis prepared by Penfield & Smith for the proposed Ayres Paso Robles, LTD. project Initial Study/Mitigated Negative Declaration (2012). Based on this analysis, the intersection of Highway 46 and Buena Vista Road currently operates at LOS B/C during pm/am peak hours, respectively. Implementation of the proposed project would not be anticipated to result in or contribute to unacceptable levels of service (i.e., LOS E, or worse) at this intersection. In addition, implementation of the proposed project would not result in localized emissions of CO that would exceed SLOAPCD's localized CO significance threshold of 550 lbs/day. For the reasons discussed above and given the relatively low background CO concentrations in the project area, this impact would be considered **less than significant**.

E. Would the project create objectionable odors affecting a substantial number of people?

The occurrence and severity of odor impacts depends on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

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

GREENHOUSE GASES AND CLIMATE CHANGE

This section describes the existing setting related to climate change, including a summary of the regulatory framework and the local greenhouse gas (GHG) emissions inventory. Potential GHG impacts associated with the proposed project are evaluated and mitigation measures have been identified for significant impacts. Emissions modeling assumptions and output files are included in **Appendix B**.

SETTING

The earth's climate has been warming for the past century. It is believed that this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the earth. As the infrared energy is absorbed, the air surrounding the earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past two decades. The 10 warmest years of the last century all occurred within the last 15 years. It appears that the decade of the 1990s was the warmest in human history [NOAA 2010]. Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases. The following is a brief description of the most commonly recognized GHGs.

GREENHOUSE GASES

- *Carbon dioxide (CO₂)* is an odorless, colorless natural greenhouse gas. CO₂ is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
- *Methane (CH₄)* is a flammable greenhouse gas. A natural source of methane is from the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.
- *Nitrous oxide (N₂O)*, also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.
- *Water vapor* is the most abundant, important, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.
- *Ozone* is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.
- *Aerosols* are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

- *Hydrofluorocarbons (HFCs)* are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. The global warming potential is the potential of a gas to contribute to global warming; it is based on a reference scale with carbon dioxide at one. HFCs are human-made for applications such as air conditioners and refrigerants.
- *Chlorofluorocarbons (CFCs)* are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987. The project would not emit CFCs.
- *Perfluorocarbons (PFCs)* have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture. The project would not emit PFCs.
- *Sulfur hexafluoride (SF6)* is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection. The project would not emit SF6.

EFFECTS OF CLIMATE CHANGE

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About three-quarters of human emissions of CO₂ to the global atmosphere during the past 20 years are due to fossil fuel burning. Atmospheric concentrations of CO₂, CH₄, and N₂O have increased 31 percent, 151 percent, and 17 percent respectively since the year 1750 (CEC 2008). GHG emissions are typically expressed in carbon dioxide-equivalents (CO₂e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH₄ has the same contribution to the greenhouse effect as approximately 21 tons of CO₂. Therefore, CH₄ is a much more potent GHG than CO₂.

Worldwide, California is ranked as the 12th largest emitter of GHGs (CEC 2008). Based on the most recent GHG emissions inventory, California's gross annual emissions of GHGs in 2004 totaled approximately 500 million metric tons (MMT) of CO₂e. Most of California's emissions, approximately 81 percent, consist of carbon dioxide produced from fossil fuel combustion (CEC 2006, 2007). The transportation sector is the single largest category of California's GHG emissions,

accounting for approximately 39 percent of the state's total GHG emissions, followed by electricity consumption (from both in-state and out-of-state providers), which accounts for a total of roughly 28 percent of the state's total GHG emissions. The contribution from each of the various other use sectors contribute roughly 6 to 10 percent each to the total GHG emissions inventory (CEC 2008).

According to the Intergovernmental Panel on Climate Change's Working Group II report: Climate Change 2007: Impacts, Adaptation and Vulnerability (2007), climate change impacts to North America may include (IPCC 2007):

- Diminishing snowpack
- Increasing evaporation
- Exacerbate shoreline erosion
- Exacerbate inundation from sea level rising
- Increased risk and frequency of wildfire
- Increased risk of insect outbreaks
- Increased experiences of heat waves
- Rearrangement of ecosystems as species and ecosystems shift northward and to higher elevations

For California, climate change has the potential to incur/exacerbate the following environmental impacts:

Air Pollution

- Increased frequency, duration, and intensity of conditions conducive to air pollution formation (particularly ozone)

Water Resources

- Reduced precipitation
- Changes to precipitation and runoff patterns
- Reduced snowfall (precipitation occurring as rain instead of snow)
- Earlier snowmelt
- Decreased snowpack
- Increased agricultural demand for water

Agricultural Impacts

- Increased growing season
- Increased growth rates of weeds, insect pests and pathogens

Coastal Impacts

- Inundation by sea level rise

Forests and Natural Landscapes Impacts

- Increased incidents and severity of wildfire events
- Expansion of the range and increased frequency of pest outbreaks

LOCAL GHG EMISSIONS

In May 2008, the City Council of the City of Paso Robles passed and adopted a resolution to join the ICLEI and participate in the Cities for Climate Protection (CCP) Campaign and promote public awareness about climate change. The CCP Campaign is a program under the ICLEI that assists cities to adopt policies and implement quantifiable measures to reduce local GHG emissions, improve air quality, and enhance urban livability and sustainability.

In April 2010, a greenhouse gas emissions inventory for the City of Paso Robles was completed to establish baseline conditions in the city. This inventory estimates the quantity of GHGs in 2005 in

order to establish a baseline against which to measure future emissions and in order to understand where the highest percentages of emission are being generated. According to the GHG inventory, the community emitted approximately 155,106 metric tons of CO₂e in calendar year 2005. The largest emitter was the transportation sector. The majority of emissions from the transportation sector were the result of gasoline consumption in private vehicles traveling on local roads, and state highways, including U.S. Highway 101 (US 101) and State Routes 46 East and 46 West.

As with the majority of California municipalities, travel by on-road motorized vehicle constitutes the greatest percentage of greenhouse gas emissions in Paso Robles (44.6 percent). Approximately 62 percent of the emissions (42,945 metric tons CO₂e) in the transportation sector came from travel on local roads (City of Paso Robles 2010).

REGULATORY FRAMEWORK

FEDERAL

International and federal legislation has been enacted to deal with global climate change issues. The Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. The Montreal Protocol governs compounds that deplete ozone in the stratosphere, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform. The Protocol provided that these compounds were to be phased out by 2000 (2005 for methyl chloroform).

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess "the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation."

On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change. Under the Convention, governments do the following: gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

A particularly notable result of the United Nations Framework Convention on Climate Change efforts was a treaty known as the Kyoto Protocol. When countries sign the treaty, they demonstrate their commitment to reduce their emissions of greenhouse gases or engage in emissions trading. More than 160 countries, representing 55 percent of global emissions—are currently participating in the protocol. In 1998, United States Vice President Al Gore symbolically signed the Protocol; however, in order for the Protocol to be formally ratified, it must be ratified by the United States Senate. The Senate has not ratified the Protocol and, furthermore, in anticipation of the Protocol, approved a nonbonding "Sense of the Senate" resolution in July 1997 by a margin of 95-0 that expressed opposition to the treaty's provisions, most notably the disparity in greenhouse gas emissions reduction obligations between industrialized nations and developing nations. In 2001, President George W. Bush indicated that he would not submit the treaty for ratification, which effectively tabled the Protocol indefinitely.

In October 1993, President Bill Clinton announced his Climate Change Action Plan, which had a goal to return greenhouse gas emissions to 1990 levels by the year 2000. This was to be accomplished through 50 initiatives that relied on innovative voluntary partnerships between the private sector and government aimed at producing cost-effective reductions in greenhouse gas emissions.

Massachusetts v. EPA (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that the EPA regulate four greenhouse gases, including carbon dioxide, under Section 202(a)(1) of the Clean Air Act. A decision was made on April 2, 2007, in which the Court held that petitioners have a standing to challenge the EPA and that the EPA has statutory authority to regulate emissions of greenhouse gases from new motor vehicles.

STATE

Senate Bill 1771 - Greenhouse Gas Emission Reductions: Climate Change

Senate Bill 1771, chaptered in September of 2000, specified the creation of the non-profit organization, the California Climate Action Registry. The Registry helps various California entities establish greenhouse gas (GHG) emissions baselines. Also, the Registry enables participating entities to voluntarily record their annual GHG emissions inventories.

A.B. 1493 – Reduction of GHGs from Passenger Vehicles/Light Duty Trucks

California Assembly Bill 1493 (Pavley), enacted on July 22, 2002, required the CARB to develop and adopt regulations that reduce greenhouse gases emitted by passenger vehicles and light-duty trucks. Regulations adopted by the CARB would apply to 2009 and later model year vehicles. The CARB estimates that the regulation would reduce climate change emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030.

Executive Order No. S-3-05

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following greenhouse gas emission reduction targets:

1. By 2010, reduce greenhouse gas emissions to 2000 levels;
2. By 2020, reduce greenhouse gas emissions to 1990 levels; and
3. By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

Climate Action Team

To meet these targets, the Governor directed the Secretary of the California Environmental Protection Agency (CalEPA) to lead a Climate Action Team made up of representatives from the Business, Transportation and Housing Agency; the Department of Food and Agriculture; the Resources Agency; the Air Resources Board; the Energy Commission; and the Public Utilities Commission. The Climate Action Team's Report to the Governor in 2006 contains recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met.

Assembly Bill 32 - California Global Warming Solutions Act of 2006

In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 establishes a cap on statewide greenhouse gas emissions and sets forth the

regulatory framework to achieve the corresponding reduction in statewide emissions levels. AB 32 charges the CARB, the state agency charged with regulating statewide air quality, with implementation of the act. The regulatory steps laid out in AB 32 require CARB to begin developing discrete early actions to reduce greenhouse gases while also preparing a scoping plan to identify how best to reach the 2020 limit. The reduction measures to meet the 2020 target are to be adopted by the start of 2011.

The Board identified nine discrete early action measures including regulations affecting landfills, motor vehicle fuels, refrigerants in cars, tire pressure, port operations and other sources in 2007 that included ship electrification at ports and reduction of high global warming potential (GWP) gases in consumer products. Regulatory development for the remaining measures is ongoing. In December 2007, the Board adopted a regulation requiring the largest industrial sources to report and verify their greenhouse gas emissions. The reporting regulation serves as a solid foundation to determine greenhouse gas emissions and track future changes in emission levels. In February 2008, the Board approved a policy statement encouraging voluntary early actions and establishing a procedure for project proponents to submit quantification methods to be evaluated by CARB. CARB, along with California's local air districts and the California Climate Action Registry (CCAR), is working to implement this program. In December 2008, a Scoping Plan was approved by CARB, which provides the outline for actions to reduce greenhouse gases in California (CARB 2008).

Senate Bill 97 - CEQA: Greenhouse Gas Emissions

Senate Bill 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010. This bill also protected projects until January 1, 2010 that were funded by the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, or the Disaster Preparedness and Flood Protection Bond Act of 2006 (Proposition 1B or 1E) from claims of inadequate analysis of GHG as a legitimate cause of action. Thus, this "protection" is highly limited to a handful of projects and for a short time period (CAPCOA 2008).

Governor's Office of Planning and Research

The Governor's Office of Planning and Research published a technical advisory on CEQA and Climate Change, as required under SB 97, on June 19, 2008. The guidance did not include a suggested threshold, but stated that the OPR has asked CARB to "...recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of greenhouse gas emissions throughout the state." The OPR does recommend that CEQA analyses include the following components:

- Identify GHG emissions
- Determine significance
- Mitigate impacts

Executive Order S-01-07

Executive Order S-01-07 was enacted by the Governor on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's

transportation fuels by at least 10 percent by 2020. It also requires that a Low Carbon Fuel Standard for transportation fuels be established for California.

Western Climate Initiative

The Western Climate Initiative was signed on February 26, 2007 by five states: Washington, Oregon, Arizona, New Mexico, and California. British Columbia, Canada joined on April 20, 2007. Members of the Initiative plan on collaborating to identify, evaluate, and implement ways to reduce greenhouse gas emissions in the states collectively and to achieve related co-benefits. Members also plan to design a regional market-based multi-sector mechanism, such as a load-based cap and trade program, by August 2008. In addition, a multi-state registry will track, manage, and credit entities that reduce greenhouse gas emissions. The Initiative published its regional greenhouse gas reduction goals on August 22, 2007, which include a reduction of 15 percent below 2005 levels by 2020.

Senate Bill 375

SB 375 became effective January 1, 2009. SB 375 requires CARB to develop regional reduction targets for GHG emissions, and prompts the creation of regional plans to reduce emissions from vehicle use throughout the state. California's Metropolitan Planning Organizations (MPOs) have been tasked with creating "Sustainable Community Strategies" (SCS). The MPOs are required to develop the SCS through integrated land use and transportation planning and demonstrate an ability to attain the proposed reduction targets by 2020 and 2035.

CALIFORNIA BUILDING CODE

The California Building Code contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The California Building Code is adopted every three years by the Building Standards Commission (BSC). In the interim, the BSC also adopts annual updates to make necessary mid-term corrections. The CBC standards apply statewide; however, a local jurisdiction may amend a CBC standard if it makes a finding that the amendment is reasonably necessary due to local climatic, geological, or topographical conditions.

Green Building Standards

In essence, green buildings standards are indistinguishable from any other building standards. Both are contained in the California Building Code and regulate the construction of new buildings and improvements. The only practical distinction between the two is that whereas the focus of traditional building standards has been protecting public health and safety, the focus of green building standards is to improve environmental performance.

AB 32, which mandates the reduction in greenhouse gas emissions in California to 1990 levels by 2020, increased the urgency around the adoption of green building standards. In its scoping plan for the implementation of AB 32, the CARB identified energy use as the second largest contributor to California's GHG emissions, constituting roughly 25 percent of all such emissions. In recommending a green building strategy as one element of the scoping plan, the CARB estimated that green building standards would reduce GHG emissions by approximately 26 million metric tons of CO₂e (MMTCO₂e) by 2020 (BSC 2011).

2010 Green Building Code

On January 12, 2010, the Building Standards Commission adopted the *2010 California Green Building Standards Code*, also known as the 2010 CALGreen Code. In addition to the new statewide mandates, CALGreen encourages local governments to adopt more stringent voluntary provisions, known as Tier 1 and Tier 2 provisions, to further reduce greenhouse gas emissions, improve energy efficiency, and conserve natural resources. If a local government adopts one of the tiers, the provisions become mandates for all new construction within that jurisdiction. The most significant features of the 2010 CALGreen Code include the following (BSC 2011):

- 20 percent mandatory reduction in indoor water use, with voluntary goal standards for 30, 35 and 40 percent reductions;
- Separate indoor and outdoor water meters to measure nonresidential buildings' indoor and outdoor water use with a requirement for moisture-sensing irrigation systems for larger landscape projects;
- Diversion of 50 percent of construction waste from landfills, increasing voluntarily to 65 and 75 percent for new homes and 80 percent for commercial projects;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies;
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

The San Luis Obispo County Air Pollution Control District (SLOAPCD) is a local public agency with the primary mission of realizing and preserving clean air for all county residents and businesses. Responsibilities of the SLOAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by federal and state regulatory requirements.

GHG Significance Thresholds

The SLOAPCD recently adopted recommended GHG significance thresholds. These thresholds are based on AB 32 GHG emission reduction goals, which take into consideration the emission reduction strategies outlined in ARB's Scoping Plan. The GHG significance thresholds include one qualitative threshold and two quantitative thresholds options for evaluation of operational GHG emissions. The qualitative threshold option is based on a consistency analysis in comparison to a Qualified Greenhouse Gas Reduction Strategy, or equitably similar adopted policies, ordinances and programs. If a project complies with a Qualified Greenhouse Gas Reduction Strategy that is specifically applicable to the project, then the project would be considered less than significant. The two quantitative threshold options include: 1) a bright-line threshold of 1,150 MTCO₂e/year; and 2) an efficiency threshold of 4.9 MTCO₂e/service population (residents+employees)/year. An additional GHG significance threshold of 10,000 MTCO₂e/year is proposed for industrial stationary sources. The applicable GHG significance threshold to be used would depend on the type of project being proposed. Projects with GHG emissions that do not exceed the selected

threshold would be considered to have a less-than-significant impact. The APCD's GHG emission thresholds are summarized in **Table 14**.

Table 14
SLOAPCD Greenhouse Gas Thresholds of Significance

Project	Draft Threshold
Projects other than Stationary Sources	1. Compliance with Qualified GHG Reduction Strategy; or 2. 1,150 MT CO ₂ e/year; or 3. 4.9 MT CO ₂ e/SP/year (residents+employees)
Stationary Sources (Industrial)	10,000 MT CO ₂ e/year
Construction	Amortized over the life of the project and added to operation GHG emissions
<i>Source: SLOAPCD 2012</i>	

IMPACTS ANALYSIS

GHG impacts attributable to the proposed project are summarized in **Table 15**.

Table 15
Summary of Project-Related Greenhouse Gas Emissions Impacts

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS				
A) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

METHODOLOGY

GHG emissions associated with the proposed project were calculated using the CalEEMod computer program. Construction equipment load factors were adjusted to reflect those currently identified in the Carl Moyer Program Guidelines (2011). Equipment requirements, hours of use, construction employee trips, and equipment emission factors were based on the default parameters contained in the models. Operational emissions were based on the default parameters contained in the CalEEMod computer program. Modeling assumptions and output files are included in **Appendix B** of this report.

THRESHOLDS OF SIGNIFICANCE

Project-generated emissions exceeding the SLOAPCD recommended significance thresholds for GHG emissions, as summarized in **Table 14**, would be considered to have a potentially significant impact on the environment, which could conflict with implementation of applicable plans, policies and regulations pertaining to the reduction of GHG emissions, including AB32.

PROJECT IMPACTS AND MITIGATION MEASURES

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? and*

B. *Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Estimated GHG emissions attributable to future development would be primarily associated with increases of CO₂ from mobile sources. To a lesser extent, other GHG pollutants, such as CH₄ and N₂O, would also be generated. Short-term and long-term GHG emissions associated with the development of the proposed project are discussed in greater detail, as follows:

Short-term Greenhouse Gas Emissions

Estimated increases in GHG emissions associated with construction of the proposed project are summarized in **Table 16**. Based on the modeling conducted, annual emissions of greenhouse gases associated with construction of the proposed project would range from approximately 323 to 535 MTCO_{2e}/year. In total, construction of the proposed project would generate approximately 859 MTCO_{2e}, which averages approximately 17 MTCO_{2e}/year when amortized over the assumed 50-year life of the project. There would also be a small amount of GHG emissions from waste generated during construction; however, this amount is speculative. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted.

**Table 16
Annual Construction-Generated GHG Emissions**

Construction Year	GHG Emissions/Construction Year (MTCO _{2e} /Year)
Year 2012	323
Year 2013	535
Total:	859
Amortized Annual Emissions ⁽¹⁾ :	17

1. Based on a project life of 50 years.
Refer to **Appendix B** for modeling assumptions and results.

Long-term Greenhouse Gas Emissions

Estimated long-term increases in GHG emissions associated with the proposed project are summarized in **Table 17**. Based on the modeling conducted, operational GHG emissions would

be predominantly associated with mobile sources, which would constitute roughly 75 percent of total project-generated GHG emissions. To a lesser extent, GHG emissions would also be associated with energy use, solid waste generation, as well as, water use and conveyance.

**Table 17
Operational Greenhouse Gas Emissions
Without Mitigation**

Source	Net Change in Emissions (MTCO ₂ e/Year)
Project Phase I – Year 2013	
Construction (Amortized)	17
Area Source ⁽¹⁾	3.24
Energy Use	76.00
Motor Vehicles	292.47
Waste Generation	8.37
Water Use and Conveyance	11.09
Total:	408
Project Phases I & II – Year 2014	
Construction (Amortized)	17
Area Source	5.58
Energy Use	269.82
Motor Vehicles	1,016.43
Waste Generation	27.69
Water Use and Conveyance	37.06
Total:	1,356
SLOAPCD Significance Threshold:	1,150
Exceeds Significance Threshold?:	Yes
<small>1. Includes one gas-fired fireplace located in the community building. Refer to Appendix B for modeling assumptions and results.</small>	

As noted in **Table 17**, the proposed project would generate a total of approximately 1,354 MTCO₂e/year at buildout. Project-generated GHG emissions would exceed the SLOAPCD's significance threshold of 1,150 MTCO₂e/year. Project-generated GHG emissions would be considered to have a potentially significant impact on the environment, which could conflict with implementation of applicable plans, policies and regulations pertaining to the reduction of GHG emissions, including AB32.

Mitigation Measure

MM GHG-1: The following mitigation measures are recommended, at a minimum, to reduce operational GHG emissions associated with the proposed project:

- a. Installation of gas and wood-burning hearth devices shall be prohibited within dwelling units. One gas-fired fireplace may be allowed within the community building.
- b. Proposed onsite occupied buildings shall exceed baseline Title 24 Building Envelope Energy Efficiency Standards by a minimum of 10 percent. The baseline GHG emissions from electricity and natural gas usage shall reflect 2008 Title 24 standards with no energy-efficient appliances.

- c. The project shall install energy-efficient appliances, such as "Energy Star" rated appliances, including dish washers, clothes washers, ceiling fans, and refrigerators.
- d. The project proponent shall demonstrate that the project-wide lighting efficiency shall be improved by at least 16% relative to current conventional lighting methods through the installation of energy-efficient lighting, (e.g., metal halide, high-pressure sodium, LEDs) for interior and exterior lighting areas. Unnecessary exterior lighting should be reduced, to the extent practical and where reductions in lighting would not pose a risk to public safety.
- e. Incorporate water-reducing features into building and landscape design, including use of drought-tolerant landscaping, minimizing turfed areas, and installation of water-efficient irrigation systems in accordance with the City of Paso Robles Zoning Code, Chapter 21.22B, Landscape and Irrigation Ordinance.
- f. Provide a sufficient number of bicycle racks/storage areas to meet resident needs.
- g. The project site shall be designed so as not to impede pedestrian and bicycle access to existing and planned adjacent pedestrian and bicycle corridors.
- h. Buildings shall be designed to take advantage of sunlight to reduce electrical demand for daytime interior lighting and electrical demand (e.g., incorporation of skylights and solar energy systems), where practical.
- i. Low-flow bathroom and kitchen faucets, toilets, and showers shall be installed.
- j. The guest house and pool shall be designed to utilize energy-efficient equipment and, to the extent practical, solar heating and photovoltaic system(s).
- k. The project proponent shall submit proof to the Paso Robles Community Development Department Staff and the APCD that the measures in MM GHG-1 have been met at a time deemed appropriate by Community Development Department Staff.

Significance After Mitigation

Estimated GHG emissions, with implementation of the above measures, are summarized in **Table 18**. It is important to note that the proposed project has been designed to incorporate many of the features that have been identified as mitigation, such as the prohibited use of wood-burning hearth devices and incorporation of features to enhance pedestrian and bicycle use. It is also important to note that the proposed pool and clubhouse have been designed to utilize energy to be obtained from a solar photovoltaic (PV) system. However, the size of the PV system has not yet been identified and, therefore, was not included in this analysis. These features have been included as mitigation to ensure implementation during project construction. As noted, implementation of the proposed mitigation measures would reduce buildout operational GHG emissions to approximately 1,043 MTCO₂e/year; an estimated reduction of approximately 311 MTCO₂e/year. With implementation of the proposed mitigation measures, this impact would be considered less than significant.

**Table 18
Operational Greenhouse Gas Emissions (Buildout)
With Mitigation**

Source	Net Change in Emissions (MTCO ₂ e/Year)
Project Phases I & II – Year 2014	
Construction (Amortized) ⁽¹⁾	17
Area Source ⁽⁶⁾	5.58
Energy Use ⁽²⁾	247.52
Motor Vehicles ⁽³⁾	789.29
Waste Generation	27.69
Water Use and Conveyance ⁽⁴⁾	30.48
Carbon Sequestration ⁽⁵⁾	-2.5
Total:	1,098
Existing Land Uses:	-53
Project-Generated Net Increase:	1,045
SLOAPCD Significance Threshold:	1,150
Exceeds Significance Threshold?:	No
<p>1. Based on a combined total of approximately 859 MTCO₂e amortized over an average project life of 50 years.</p> <p>2. Assumes an estimated 10% above Title 24 energy-efficiency standards and a minimum 16% reduction associated with the installation of exterior high-efficiency lighting, and energy-efficient appliances. The size of the photovoltaic solar system has not yet been determined and is not included in this analysis.</p> <p>3. Includes proximity to local transit and facilities to promote bicycle use.</p> <p>4. Includes installation of low-flow bathroom and kitchen faucets, low-flow toilets, low-flow showers, and installation of water efficient irrigation systems.</p> <p>5. Carbon sequestration includes changes in onsite vegetative cover and planting of an estimated 241 trees. Carbon sequestration is based on an average annual reduction calculated over 20 years.</p> <p>6. Includes one gas-fired fireplace located in the community building.</p> <p>Refer to Appendix B for modeling assumptions and results.</p>	

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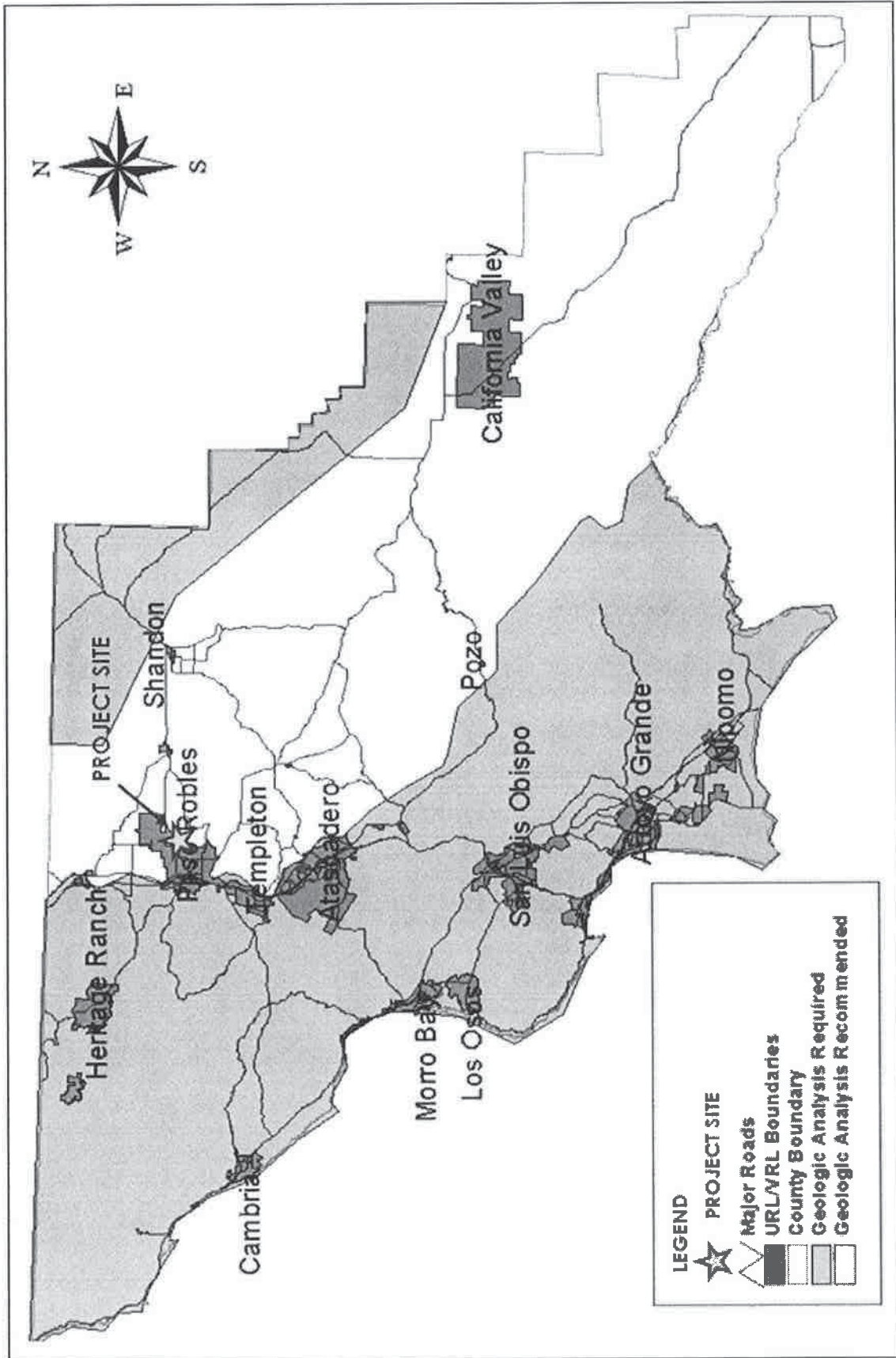
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APPENDIX A

AREAS OF KNOWN NATURALLY OCCURRING ASBESTOS



APPENDIX B
EMISSIONS MODELING

(Under Separate Cover)

Biological Report
for
Buena Vista Apartments

City of El Paso de Robles
San Luis Obispo County, California



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Attachment 5

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Synopsis

- This biological report examines a 12.2-acre Property situated north of Highway 46 on Experimental Station Road in Paso Robles, San Luis Obispo County, California. A previous biological report was prepared for the Property (Althouse and Meade, Inc., 2006). This report updates current condition of the Property and impact assessment based on the currently proposed preliminary plans (Arris Studio 2012).
- The Applicant proposes an 11.2-acre residential development. Existing homes will be demolished and 141 units will be built on the project site. Approximately one acre would be retained as open space along the east edge of the Project.
- Six habitat types occur on the project site: anthropogenic, California annual grassland, livestock pens, wetland, abandoned orchard, and blue oak woodland. Site surveys found no sensitive natural communities on the Property.
- Floristic surveys conducted from April through June 2012 identified 105 species, subspecies, and varieties of vascular plants on the Property (Table 6). Previous biological investigations on the Property identified 61 species, subspecies, and varieties of vascular plants. A complete inventory of landscape plants was not made. No special status plant species occurs on the Property. No state or federally listed plants are present.
- Native oak trees occur on the site. A preliminary oak tree report and protection plan has been prepared for the Property (Althouse and Meade, Inc. and Davey Resource Group, 2012). This report is an updated to a previously issued Tree Report (Althouse and Meade, 2006), and addresses the number and types of native oak trees on the Property, recommends tree protection measures to be implemented during construction, and suggests permanent design features that will ensure future tree health. The reports also make recommendations regarding mitigation measures for impacted and removed trees.
- Wildlife species detected on the Property includes 1 amphibian, 19 birds, 3 mammals, and 1 reptile (Table 8). Suitable habitat was identified on the Property for eight special status animal species. No special status animal was detected on the Property. No state or federally listed animals are present.
- The proposed project would affect 2.9 acres of potential habitat for San Joaquin kit fox that include grassland (2.36 acres), oak woodland (0.09 acres), and abandoned orchard (0.45 acres). The San Joaquin kit fox habitat evaluation score is 61, typically mitigated at a 2:1 ratio.

1.0 Introduction

This report provides information regarding biological resources associated with an approximately 12.2-acre property (Property) in the City of El Paso de Robles, San Luis Obispo County, California. The Property consists of five Assessor's parcels (refer to Section 1.1 for parcel information). Results are reported for floristic and wildlife surveys of the Property conducted from April through June 2012. Previous biological investigations conducted in 2005 and 2006 are summarized. A habitat inventory, and results of database and literature searches of special status species reports within five miles of the Property are also included. Special status species that could occur on the Property or be affected by the proposed project are discussed, and lists of plant and animal species that were identified or are expected on the Property are provided.

This report provides agencies and stakeholders with information regarding biological resources on the Property. An evaluation of the effect of the proposed project on biological resources is included, and mitigation measures are provided.

1.1 Project Location and Description

The Property is located at 802 Experimental Station Road, east of River Road, and bounded by Highway 46 East and Experimental Station Road. The Property is within the boundary of the Paso Robles city limit, in San Luis Obispo County, California (Section 11.0, Figure 1). Approximate coordinates for the center of the Property are latitude 35.64535 °N and longitude 120.67731 °W (WGS 84). The Property consists of five Assessor's Parcels, APNs 025-541-021, and 025-391-006, -007, -080 and -081. These parcels are within the Paso Robles United States Geological Survey (USGS) 7.5 minute quadrangle. Elevation varies from approximately 740 to 790 feet above mean sea level.

The applicant proposes construction of a residential development consisting of 141 apartment units. A swimming pool, spa, tot lots, basketball court, picnic tables, landscaping, walking trails, and open space would be incorporated into the development. Parking would consist of garage and surface spaces, totaling 288 parking slots. Stormwater basins would be constructed as part of the Project to attenuate storm flows from increased impervious surfaces post-construction. See attached conceptual Architectural Site Plan (Arris 2012), and Preliminary Grading and Drainage Plans (Ashley and Vance 2012) in Section 11. The previously proposed project, Paso de Vino Development, proposed a slightly higher density 146 units and less open space.

1.2 Responsible Parties

TABLE 1. RESPONSIBLE PARTIES. Applicant, biological consultant, project planner, and lead agency are provided.

Applicant	Biological Consultant
<p>Arjun Buena Vista Properties, LLC 1005 Avenida Presidio San Clemente, CA 92672 (949) 633-5675</p>	<p>Althouse and Meade, Inc. 1602 Spring Street Paso Robles, CA 93446 (805) 237-9626 Contact: LynneDee Althouse, M.S. LD@althouseandmeade.com</p>
Project Manager	Lead Agency
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2.0 Methods

The Property was surveyed for biological resources on April 20, May 18, June 14, and July 3, 2012 (Table 2). Meg Perry, Cassie Murphy, and Audrey Weichert, biologists, conducted the surveys. Previous biological investigations were conducted on the Property on February 28 and August 10, 2005, and April 12, 2006 by LynneDee Althouse and Jason Dart, biologists. Results of previous biological investigations were reported in a previous report, *Biological Report for the Paso de Vino Residential Developments, Tract 2696* (Althouse and Meade, Inc. 2006) and are also summarized in this document. Biological surveys were conducted on foot in order to compile species lists, to search for special status plants and animals, to map habitats, and to photograph the Property. The entire Property was surveyed.

Each habitat type occurring on the Property was inspected, described, and catalogued (Section 5.0). All plant and animal species observed on the Property were identified and recorded (Sections 6.0 and 7.0). Vegetation transects conducted for general vegetation surveys were meandering with an emphasis on locating niches with appropriate habitat to support special

status plants. Transects were utilized to map boundaries of different vegetation types, describe general conditions and dominant species, compile species lists, and evaluate potential habitat for special status species.

Identification of botanical resources included field observations and laboratory analysis of collected material (Table 6). Floristic surveys were conducted in April, May, and June of 2012, and were timed to coincide with the typical blooming period for special status plant species with the potential to occur on the Property (refer to Section 4.1, and Table 3). Floristic surveys were conducted according to agency guidelines (United States Fish and Wildlife 2000, California Department of Fish and Game 2009, and California Native Plant Society 2001). Botanical nomenclature used in this document follows the Jepson Manual, 2nd Edition (Baldwin et. al 2012). Where more recent nomenclature is used, the Jepson Manual name is provided in brackets.

Wildlife documentation included observations of animal presence, nests, tracks, and other wildlife sign. Observations of wildlife were recorded during field surveys in all areas of the Property (Table 8). Birds were identified by sight, using 10 power binoculars, or by vocalizations. Reptiles and amphibians were identified by sight, often using binoculars, and by hand-captures; traps were not used. Mammals recorded at the site were identified by sight and tracks.

Our site visit on July 3, 2012 was to perform a raking survey for silvery legless lizard (*Anniella pulchra*) in response to new information on the species from other projects in the vicinity. Areas under trees with loamy soils were surveyed using a raking method to search for legless lizards.

Maps were created using aerial photo interpretation, field notation, and GPS data imported to ArcGIS 10, a Geographic Information System (GIS) software program. Biological resource constraints were mapped in the field on site maps. Hand notation on field maps was incorporated into point and polygon layers and overlaid on high resolution aerial photographs. GPS data was overlaid on a 2010 aerial photomosaic of San Luis Obispo County (USDA 2010).

We conducted a search of the California Natural Diversity Database (CNDDDB 2012) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California for special status species known to occur in six USGS 7.5-minute quadrangles that are within five miles of the Property: Adelaida, Creston, Estrella, Paso Robles, Templeton, and York Mountain.

Additional special status species research consisted of reviewing previous biological reports for the area and searching on-line museum and herbarium specimen records for locality data within San Luis Obispo County. We reviewed online databases of specimen records maintained by the Museum of Vertebrate Zoology at the University of California, Berkeley, the California Academy of Sciences, and the Consortium of California Herbaria. Additional special status species with potential to occur on or near the Property were added to our special status species list (refer to Table 3 and Table 4).

Special status species lists produced by database and literature searches were cross-referenced with the described habitat types on the Property to identify all potential special status species that could occur on or near the Property. Each special status species that could occur on or near the Property is individually discussed (refer to Sections 3.6.4 and 3.6.5).

TABLE 2. BIOLOGICAL SURVEYS. Biological survey dates (2012 surveys only), times, weather observations, and biologist(s) are provided.

Survey Date	Start Time Stop Time	Temp.	Wind	Weather Observations	Biologist(s)
4/20/2012	2:40 to 3:40 p.m.	90 °F	3-5 mph	Hot, with occasional breezes	M. Perry
5/22/2012	2 p.m. to 4 p.m.	85 °F	3-5 mph	Warm and breezy	M. Perry C. Murphy
6/14/2012	10 a.m. to 1:45 p.m.	75 °F	0-3 mph	Warm and still	M. Perry
7/3/2012	9:30-10 a.m.	75 °F	0-3 mph	Warm and partly cloudy	M. Perry A. Weichert
7/10/2012	3:30-4:15 p.m.	106 °F	0-2 mph	Hot and still	L.D. Althouse
7/11/2012	11:30 -12:15	99 °F	0-5 mph	Hot and breezy	D. Meade L.D. Althouse

3.0 Existing Conditions and Land Use History

3.1 Existing Conditions

The Property is situated on Experimental Station Road, between existing State Highway 46 East, and an existing residential development (Figures 1 and 2, Section 11.0). The existing residential development contributes water to a stormwater basin immediately west of the Property. Condominiums, a wine tasting room and hotel are located just east of the Property.

The Property currently consists of five parcels, each with existing residences and out-buildings. Structures on these parcels include existing single family homes or trailers, barns, garages, sheds, and fences. buildings would be removed for the proposed project. These parcels also have existing landscaping, driveways, materials and equipment storage, and debris. Portions of these parcels are currently used for pasture by horses, goats, and chickens. Fencing typically includes livestock panels with two to four inch openings, generally four to five feet high. Barbed wire fences are also present in some areas. Areas that are not currently grazed are typically mowed for fire safety. Portions of the Property have been plowed historically. All areas of the proposed project have been substantially disturbed for human use.

Most of the Property is a gently sloping ancient river terrace, with a ravine near the east edge of the site, and a gully near the center. Historically the terrace extended to the south, across what is now Highway 46 East, to the edge of an un-named tributary draining west to the Salinas River (see aerial photo). The Salinas River is approximately one-quarter mile west of the Property.

Soils are sandy loams typical of the area, supporting annual grasses, forbs, and oaks on the terrace, and blue oak woodland on the drainage slopes. Scattered native valley oaks (*Quercus lobata*) and blue oaks (*Q. douglasii*) are present as individuals and in small groups, particularly along the eastern hillsides and ravine bottom. The eastern property line extends into blue oak woodland habitat on an east facing slope above a deep swale. Woodland habitat would remain as open space.

A small swale bisects the western end of the Property, draining storm and nuisance run-off from a residential development to the north, across the Property toward a v-ditch on Caltrans property that leads to a culvert under Highway 46. During the storms of January 2005 the swale filled with ponded water in low gradient areas and down-cut more than a foot in steeper areas toward the southern property end. Surface water was present adjacent to Experimental Station Road in April 2006 and in April 2012. A small amount of standing water was present in the middle of summer (July 2012) in the concrete stormwater inlet facility under Experimental Station Road and on the City's right-of-way at the culvert outfall. The swale feature contains dirt mounds used by recreational cyclists. See photographs in Section 12.

3.2 Soils

The United States Department of Agriculture SSURGO data (2007) and Soil Survey of San Luis Obispo County, California, Paso Robles Part (USDA 1983) show two soil map units that intersect Property boundaries: Arbuckle-Positas complex, 30 to 50 percent slopes (104); and Arbuckle-San Ysidro complex, 2 to 9 percent slopes (106).

Soil map units typically encompass one or two dominant soils that cover more than 50 percent of the mapped area, and one to several soils that occur in small patches not differentiated in mapping at the 1 to 24,000 scale used for NRCS soil maps. Due to the procedures followed in making a soil survey, users of soil survey data are cautioned that not all areas included within a soil survey are closely sampled using soil pits and site descriptions, and a specific site may not have been sampled at all. Therefore, care must be taken in drawing conclusions regarding site-specific soil resources based solely on NRCS soil survey work. Digitized spatial data from the Paso Robles Part Soil Survey are shown as an overlay of soil map units on an aerial photo of the region with the following caution from NRCS regarding maps: "Enlargement of these maps...could cause misunderstanding of the detail of mapping. If enlarged, maps do not show the small areas of contrasting soils that could have been shown at a larger scale." (Section 11.0, Figure 3).

Arbuckle-Positas complex, 30 to 50 percent slopes (104) occurs over a small portion of the Property located on the southeast section of the Property boundary. This area contains a portion of a blue oak woodland that continues onto adjacent properties. The complex includes very deep soils and consists of approximately 40 percent Arbuckle fine sandy loam, 30 percent Positas coarse sandy loam, both of which are Alfisols, moderately fertile soils that have been partially leached, and typically have subsoils in which clay minerals have accumulated. Also included with Positas and Arbuckle soils in this soil map unit are approximately 15 percent Shimmon loam on north slopes, 10 percent is a soil similar to Positas coarse sandy loam except that it has a very gravelly sandy clay subsoil, and 5 percent is small areas of Ayar silty clay, Balcom loam, Greenfield fine sandy loam, Linne shaly clay loam, Nacimiento silty clay loam, and Badland. The complex is very deep and well drained, with a moderate to high available water capacity. The Arbuckle soil has moderately slow permeability and moderate to high available water capacity. A typical Arbuckle soil profile consists of fine sandy loam for the upper 29 inches, underlain by sandy clay loam to 53 inches depth. The Positas soil has very slow permeability and moderate to high available water capacity. A typical Positas soil profile consists of coarse sandy loam 10 inches deep, underlain by clay to 28 inches depth. The Arbuckle-Positas complex with 30 to 50 percent slopes is in land capability class 7e regardless of irrigation status.

Arbuckle-San Ysidro complex, 2 to 9 percent slopes (106) is the dominant soil type on the Property comprising the entire terrace outside of the blue oak woodland that is located on the southeast corner of the Property. This complex consists of approximately 40 percent Arbuckle fine sandy loam and 20 percent San Ysidro loam, both Alfisols. Also included in this map unit are areas of Greenfield fine sandy loam, Hanford fine sandy loam, Cropley clay, Rincon clay loam, and Ryer clay loam. The Arbuckle soil is a very deep, well-drained soil formed in alluvium from mixed rocks. It has a moderately slow permeability and a moderate to high available water capacity. The San Ysidro soil is a very deep soil often located in low areas associated with old drainageways. It is moderately well drained, with a very slow permeability and a moderate to high available water capacity. This complex is in land capability class 3e irrigated, and 4e non-irrigated. This classification means that the soils have moderate to severe limitations for agriculture that reduce choices of plants or require special management considerations because of the risk of erosion (e). The risk of erosion is caused by slope or by the actual or potential erosion hazard of the soil itself. This soil map unit is listed as Farmland of Statewide Importance by the California Department of Conservation.

4.0 Special Status Plants and Animals

The CNDDDB and the CNPS On-line Inventory of Rare and Endangered Plants of California contain records for 40 special status species within the designated search area. The search area included all USGS 7.5 minute quadrangles within five miles of the Property: Adelaida, Creston, Estrella, Paso Robles, Templeton, and York Mountain quadrangles. Six additional special status species were added to the list from our knowledge of the area. These species are marked with an asterisk (*). No rare plants are expected to occur on the Property. Appropriate habitat for eight special status animals was identified on the Property. Figure 4 in Section 11 depicts current GIS data for special status species and critical habitat mapped in the vicinity of the Property by the CNDDDB and the U.S. Fish and Wildlife Service (USFWS). A map indicating locations of habitat types on the Property in 2012 is provided as Figure 5 in Section 11.

4.1 Introduction to CNPS lists

Plant species are considered rare when their distribution is confined to localized areas, when there is a threat to their habitat, when they are declining in abundance, or are threatened in a portion of their range. The listing categories range from species with a low threat (List 4) to species that are presumed extinct (List 1A). The plants of List 1B are rare throughout their range. All but a few species are endemic to California. All of them are judged to be vulnerable under present circumstances, or to have a high potential for becoming vulnerable.

4.2 Introduction to CNDDDB definitions

"Special Plants" is a broad term used to refer to all the plant taxa inventoried by the CNDDDB, regardless of their legal or protection status (CDFG May 2012). Special plants include vascular plants and high priority bryophytes (mosses, liverworts, and hornworts).

"Special Animals" is a general term that refers to all of the animal taxa inventoried by the CNDDDB, regardless of their legal or protection status (CDFG January 2011). The Special Animals list is also referred to by the CDFG as the list of "species at risk" or "special status species". These taxa may be listed or proposed for listing under the California and/or Federal

Endangered Species Acts, but they may also be species deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable.

Each species included on the Special Animals list has a corresponding Global and State Rank (refer to Table 4). This ranking system utilizes a numbered hierarchy from one to five following the Global (G-rank) or State (S-rank) category. The threat level of the organism decreases with an increase in the rank number (1=Critically Imperiled, 5=Secure). In some cases where an uncertainty exists in the designation, a question mark (?) is placed after the rank. More information is available at www.natureserve.org.

Animals listed as California Species of Special Concern (SSC) may or may not be listed under California or Federal Endangered Species Acts. They are considered rare or declining in abundance in California. The Special Concern designation is intended to provide the Department of Fish and Game, biologists, land planners and managers with lists of species that require special consideration during the planning process in order to avert continued population declines and potential costly listing under federal and state endangered species laws. For many species of birds, the primary emphasis is on the breeding population in California. For some species that do not breed in California but winter here, emphasis is on wintering range. The SSC designation thus may include a comment regarding the specific protection provided such as nesting or wintering.

Animals listed as Fully Protected are those species considered by CDFG as rare or faced with possible extinction. Most, but not all, have subsequently been listed under the California Endangered Species Act (CESA) or the Federal Endangered Species Act (FESA). Fully Protected species may not be taken or possessed at any time and no provision of the CDFG code authorizes the issuance of permits or licenses to take any Fully Protected species.

4.3 Potential special status plant list

Table 3 lists 26 special status plant species known to occur in 7.5-minute quadrangles within five miles of the project site. Federal and California State status, global and State rank, and CNPS listing status for each species are given. Typical blooming period, habitat preference, potential habitat on site, and whether or not the species was observed on the Property are also provided.

TABLE 3. SPECIAL STATUS PLANT LIST. Twenty-six special status plants reported from the region are listed. Potentially suitable habitat is not present on the Property for any special status plant species.

	Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Blooming Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
A.	Douglas's fiddleneck <i>Amsinckia douglasiana</i>	None/none G3/S3.2 List 4.2	Mar – Jun	Unstable shaly sedimentary slopes; (100) 150–1600 m. SCoR, w WTR	No Suitable soils are not present on the Property.	No	No Effect
B.	Oval-leaved Snapdragon <i>Antirrhinum ovatum</i>	None/none G3/S3.2 List 4.2	May – November	Heavy, adobe-clay soils on gentle, open slopes, also disturbed areas; 200–1000 m. s SnJV, s SCoRI	No. Suitable soils are not present on the Property.	No	No Effect
C.	Bishop Manzanita <i>Arctostaphylos obispoensis</i>	None/none G3/S3.3? List 4.3	Feb – Mar	Rocky, gen serpentine soils, chaparral, open close-cone forest near coast; 60–950 m; SCoRO	No. Suitable soils are not present on the Property.	No	No Effect
D.	Salinas Milk-vetch <i>Astragalus macradon</i>	None/none G3/S3.3 List 4.3	April–July	Eroded pale shales or sandstone, or serpentine alluvium; 300–950 m. SCoR	No. Suitable soils are not present on the Property.	No	No Effect
E.	Round-leaved filaree <i>Californica macrophylla</i>	None/none G2/S2 List 1B.1	March – May	Clay soils in cismontane woodland, valley and foothill grassland; 15–1200 m. ScV, n SnJV, CW, SCo, n ChI	No. Suitable soils are not present on the Property.	No	No Effect
F.	Dwarf Calycadenia <i>Calycadenia villosa</i>	None/none G2/S2.1 List 1B.1	May – October	Dry, rocky hills, ridges, in chaparral, woodland, meadows and seeps; <1100 m. c&s SCoRO	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect
G.	Santa Cruz Mountains Pussypaws <i>Calyptridium parryi</i> var. <i>hesseae</i>	None/none G3G4T2/S2 List 1B.1	May – August	Sandy or gravelly openings in chaparral and cismontane woodland. 700–1100 m. n SCoRI, s SnFrB	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect

	Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Blooming Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
H.	San Luis Obispo Owl's-clover <i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	None/none G5T2/S2.2 List 1B.2	April	Coastal grassland, <100 m. Endemic to SLO County.	No. Grassland habitat on the Property is substantially disturbed.	No	No Effect
I.	Lemmon's Jewelflower <i>Caulanthus lemmonii</i>	None/none G4T2/S2.2 List 1B.2	March – May	Dry, exposed slopes; 80–800 m. sw SnIV, se SnFrB, e SCoRO, SCoRI	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect
J.	Eastwood's larkspur <i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	None/none G4T2/S2 List 1B.2	March – May	Coastal chaparral, grassland, on serpentine; 100–500m sCCo, SCoRO (San Luis Obispo County)	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect
K.	Umbrella Larkspur <i>Delphinium umbraculorum</i>	None/none G2G3/S2S3.3 List 1B.3	April – June	Moist oak forest; 400–1600 m. SCoRO, WTR	No. Suitable soils are not present on the Property.	No	No Effect
L.	Yellow-flowered Eriastrum <i>Eriastrum luteum</i>	None/none G2/S2.2 List 1B.2	May – June	Bare sandy decomposed granite slopes in cismontane woodland, chaparral, forest; 360–1000 m. SCoR, Monterey, SLO Counties	No. Suitable soils are not present on the Property.	No	No Effect
M.	Elegant Wild Buckwheat <i>Eriogonum elegans</i>	None/none G3/S3 List 4.3	May – Nov	Sand or clay; 200–1200m. SnFrB SCoR, WTR	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect
N.	Hogwallow Starfish <i>Hespererax caulescens</i>	None/none G3/S3.2 List 4.2	March – June	Clay soils, mesic sites in valley and foothill grassland; 0–505 m.	No. Suitable habitat and soil conditions are not present on the Property.	No	No Effect
O.	Mesa Horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	None/none G4T2/S2.1 List 1B.1	February – September	Dry, sandy coastal chaparral; gen 70–700 m. SCoRO, SCo.	No. Suitable habitats are not present on the Property.	No	No Effect

	Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Blooming Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
P.	Kellogg's Horkelia <i>Horkelia cuneata</i> var. <i>sericea</i>	None/none G4T1/S1.1 List 1B.1	April - September	Old dunes, coastal sand hills; <200 m. CCo	No. Suitable soil and habitat type not present on site.	No	No Effect
Q.	Santa Lucia Dwarf Rush <i>Juncus luciensis</i>	None/none G3/S3 List 1B.2	April - July	Vernal pools, ephemeral drainages, wet meadow habitats, and streams; 300–2040 m. n SNH, SCoRO, TR, PR	Yes. Marginal habitat in vicinity of small nuisance water wetland.	No	No Effect
R.	Pale-Yellow Layia <i>Layia heterotricha</i>	None/none G1/S1.1 List 1B.1	March - June	Alkaline or clay soils, open areas, in pinyon-juniper woodland, grassland; 270–1705 m. Teh, SnJV, SCoR, n WTR	No. Suitable soil and habitat types are not present on site.	No	No Effect
S.	Jared's Peppergrass <i>Lepidium jaredii</i> ssp. <i>jaredii</i>	None/none G1T1/S1.2 List 1B.2	March - May	Alkali bottoms, slopes, washes, <500 m. SCoRI, SnJV	No. Suitable soils are not present on the Property.	No	No Effect
T.	Santa Lucia Bush Mallow <i>Malacothamnus palmeri</i> var. <i>palmeri</i>	None/none G3T2Q/S2.2 List 1B.2	May - July	Chaparral, cismontane woodland, coastal scrub; 30–800 m. s CCo, SCoRO	No. Suitable habitat is not present on the Property.	No	No Effect
U.	Woodland Woollythreads <i>Monolopia gracilens</i>	None/none G3/S3 List 1B.2	March - July	Chaparral, serpentine grassland, cismontane woodland, sandy to rocky soils; SnFrB, SCoR	No. Suitable habitat and soil types are not present on the Property.	No	No Effect
V.	Spreading Navarretia <i>Navarretia fossalis</i>	Threatened/None G2/S2.1 List 1B.1	April - June	Chenopod scrub, marshes and swamps, playas, and vernal pools; 30–1300m. SCoRO, SCo, to Baja Cal.	No. Suitable habitat is not present on the Property.	No	No Effect
W.	Shining Navarretia <i>Navarretia nigelliformis</i> ssp. <i>radians</i>	None/none G4T1/S1.1 List 1B.2	May - July	Vernal pools, clay depressions, dry grasslands; 76–1000 m. SCoRI	No. Suitable habitat is present on the Property.	No	No Effect

Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Blooming Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
X. Large-flowered Nemacladus <i>Nemacladus secundiflorus</i> var. <i>secundiflorus</i>	None/None G3/S3 List 4.3	April – June	Gravelly openings in chaparral, valley and foothill grassland. 200–2000m. s SNH, SCoR	No. Appropriate habitat is not present on the Property.	No	No Effect
Y. San Gabriel Ragwort <i>Senecio astephanus</i>	None/none G3?/S1.2 List 2.2	January – April	Drying alkaline flats, chaparral, cismontane woodland, coastal scrub; <400 m. CW, SCo, ChI	No. Suitable soil and habitat type not found on site.	No	No Effect
Z. Cook's Triteleia <i>Triteleia ixioides</i> ssp. <i>cookii</i>	None/none G5G2/S2.3 List 1B.3	May – June	Streamsides, ravines on serpentine near cypresses; <500 m. SCoRO	No. Suitable soil type is not present on site.	No	No Effect

Abbreviations:

CCo: Central Coast
 SCo: South Coast
 SCoR: South Coast Ranges
 SCoRO: Outer South Coast Ranges
 SCoRI: Inner South Coast Ranges
 SnFrB: San Francisco Bay
 TR: Transverse Ranges
 WTR: Western Transverse Ranges
 SnJV: San Joaquin Valley
 ScV: Sacramento Valley
 SLO: San Luis Obispo
 SN: Sierra Nevada
 SnJt: San Jacinto Mms
 SnBr: San Bernardino
 Teh: Tehachapi Mtn Area
 CW: Central West
 SW: South West
 DMoj: Mojave Desert
 PR: Peninsular Range

4.3.1 *Special status plants discussion*

Special status plants were not found on the property during appropriately timed surveys in 2005, 2006, and 2012. No rare plants are expected to occur on the Property due to absence of appropriate soils and suitable habitat.

4.4 Potential special status animals list

Table 4 lists 20 special status animal species reported from the region. Federal and California State status, global and State rank, and CDFG listing status for each species are given. Typical nesting or breeding period, habitat preference, potential habitat on site, and whether or not the species was observed on the Property are also provided.

TABLE 4. SPECIAL STATUS ANIMAL LIST. Twenty special status animals known or reported from the region are listed. Ten special status animals could potentially occur on the Property or warrant more detailed discussion (See Section 4.4.1) based on review of preferred habitat types.

Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Nesting/Breeding Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
1. Silvery Legless Lizard <i>Anniella pulchra (pulchra)</i>	None/none G3G4T3T4Q/S3 SSC	May - September	Sandy or loose loamy soils under coastal scrub or oak trees. Soil moisture essential.	Yes. Moderately appropriate habitat is present in loamy soils beneath oak trees at the corner of the Property.	No	Not Significant With Mitigation
2. Pallid Bat* <i>Antrozous pallidus</i>	None/none G5/S3 CSC	Spring – Summer	Rock crevices, caves, tree hollows, mines, old buildings, and bridges	Yes. Appropriate roosting areas may be present in the existing residences.	No	Not Significant With Mitigation
3. Golden Eagle <i>Aquila chrysaetos</i>	None/none G5/S3 SSC Fully Protected	March 15 through August 15	Nests in large, prominent trees in valley and foothill woodland. Requires adjacent food source.	No. The Property contains marginally appropriate foraging grounds but not nesting habitat.	No	Not Significant
4. Burrowing Owl* <i>Athene cunicularia</i>	None/none G4/S2 CSC	March 1 through August 31	Burrows in squirrel holes in open habitats with low vegetation.	Yes. Moderately appropriate habitat is present on site.	No	Not Significant With Mitigation
5. Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i>	Threatened/none G3/S2S3 Special Animal	Rainy Season	Clear water sandstone depression pools, grassed swale, earth slump, or basalt flow depression pools.	No. Appropriate vernal pool habitat is not present on the Property. Standing water in nuisance water wetland and puddle are not suitable because during storms they may flow through the pool.	No	Not Significant
6. Western Pond Turtle <i>Clemmys marmorata pallida</i>	None/none G3G4T2T3Q/S2 SSC	April - August	Permanent or semi-permanent streams, ponds, lakes.	No. Appropriate permanent waters are not present on the Property.	No	Not Significant
7. Townsend's big-eared bat* <i>Corynorhinus townsendii</i>	None/none G4T3T4/S2S3 CSC	Spring - Summer	Caves, buildings, and mine tunnels. Cave like attics as day roosts. On coast roosts are normally within 100 m. of creeks.	Yes. Appropriate roosting areas may be present in the existing residences.	No	Not Significant with Mitigation

Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Nesting/Breeding Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
8. Loggerhead Shrike* <i>Lanius ludovicianus</i>	None/none G4/S4 SSC (Nesting)	March 15 through August 15	Open areas with appropriate perches, near shrubby vegetation for nesting. Forages in open habitats or habitat mosaics with trees. Roosts in dense foliage of medium to large trees. Feeds on moths. Requires water.	Yes. Appropriate habitat is present for nesting and foraging in blue oak woodland on the Property.	No	Not Significant with mitigation
9. Hoary Bat* <i>Lasiurus cinereus</i>	None/none G5/S4? SSC	Spring-Fall	Variety of habitats, uses caves, mines, buildings, or crevices for maternity colonies and roosts.	Yes. Appropriate foraging and roosting habitat is present on the Property.	No	Not Significant with mitigation
10. Fringed Myotis* <i>Myotis thysanodes</i>	None/none G4G5/S4 Special Animal	Spring - Summer	Variety of habitats with moderate to dense understory vegetation	Yes. Appropriate roosting habitat is present on the Property. Could forage on site.	No	Not Significant with mitigation
11. Monterey Dusky-footed Woodrat <i>Neotoma macrootis luciana</i>	None/none G5T3?/S3? CSC	n/a	Grasslands and blue oak savannahs with friable soil and occasional shrubs. Also chaparral.	No. Appropriate dense understory vegetation is not present on the Property.	No	Not Significant
12. San Joaquin Pocket Mouse <i>Perognathus inornatus inornatus</i>	None/none G4T2T3/S2S3 Special Animal	n/a	Annual grassland and desert shrub in Salinas Valley, with friable soils	No. Appropriate habitat is not currently present on site.	No	Not Significant
13. Salinas Pocket Mouse <i>Perognathus inornatus psammophilus</i>	None/none G4T2?/S2? CSC	n/a	Known only from sand dunes in Atascadero and San Luis Obispo, San Luis Obispo County.	No. Appropriate soil and habitat conditions are not present on site.	No	Not Significant
14. Atascadero June Beetle <i>Polyphylla nubila</i>	None/none G1/S1 Special Animal	n/a		No. Appropriate soil and habitat type not present on the Property.	No	Not Significant

Common and Scientific Names	Fed/State Status Global/State Rank CNPS List	Nesting/Breeding Period	Habitat Preference	Potential Habitat?	Detected on Property?	Effect of Activity
15. California Red-legged Frog <i>Rana draytonii</i>	Threatened/none G4T2T3/S2S3 SSC	January - September	Lowlands and foothills in or near sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks for larval development.	No. Appropriate seasonal pool habitat is not present.	No	Not Significant
16. Western Spadefoot Toad <i>Spea hammondi</i>	None/none G3?/S3? SSC	January – August	Ephemeral pools in grassland and woodland habitats	Yes. A large puddle formed from nuisance water and broken pipes had sufficient water for spadefoots in 2012.	No	Not Significant with Mitigation
17. American Badger <i>Taxidea taxus</i>	None/none G5/S4 SSC	February – May	Needs friable soils in open ground with abundant food source such as California ground squirrels.	No. Moderately appropriate grassland habitat with friable soil is present. However, site is isolated and species is unlikely to occur. See discussion below.	No	Not Significant
18. Lompoc Grasshopper <i>Trimerotropis oculens</i>	None/none G1G2/S1S2 Special Animal	n/a	Unknown. Known only from Santa Barbara and San Luis Obispo Counties	Unlikely. Thought to be extirpated from the area. Only source of info is a 1909 collection.	No	Not Significant
19. Least Bell's Vireo <i>Vireo bellii pusillus</i>	Endangered/ Endangered G5T2/S2 Special Animal	March 15 through August 15	Riparian habitat, near water or dry streambed, <2000 ft. Nests in willows, mesquite, Baccharis.	No. Appropriate nesting habitat is not present on the Property.	No	Not Significant
20. San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	Endangered/ Threatened G4T2T3/S2S3 Special Animal	December – July	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose textured sandy soil and prey base.	Unlikely. Property is within the known range of this species, however, the site is relatively isolated from appropriate habitat. See discussion below.	No	Not Significant with mitigation

Habitat characteristics are from the Jepson Manual and the CDNNB.

*not listed in the CNDDB or CNPS for the search area, but possibly for the location.

4.4.1 *Special status animals discussion*

Ten special status animal species could potentially occur on the Property, or warrant further discussion here due to historic records from the area. Eight of these species could occur on the Property in its current condition. We discuss each species and describe habitat, range restrictions, known occurrences, and survey results. No rare animals were observed during our site surveys in 2005, 2006, and 2012.

- A. Silvery Legless Lizard** (*Anniella pulchra pulchra*) is a California Species of Special Concern that inhabits friable soils in a variety of habitats from coastal dunes to oak woodlands and chaparral. The closest reported occurrence is from eastern Paso Robles, approximately 2.6 miles east of the Property (Althouse and Meade, Inc., unpublished field notes, 2012). Legless lizards are also reported from the Salinas River at Paso Robles (California Academy of Sciences 196258), Atascadero (CNDDDB 49), and from the vicinity of Lake Nacimiento (CNDDDB 43). The loamy soils in blue oak woodlands on the Property have more clay and are harder to penetrate than other soils in the vicinity that have harbored legless lizard, but may be adequate. A raking survey conducted under oak trees in July 2012 did not locate silvery legless lizard on the Property. Silvery legless lizard would be very unlikely to occur in the open areas due to compacted soil conditions, lack of adequate vegetative cover, and a history of heavy disturbance.
- B. Burrowing Owl** (*Athene cunicularia*) is a California Species of Special Concern owl that nests in abandoned holes in the ground in open habitats, most notably dens from the California ground squirrel. It is a common resident in local areas of the interior, from Bitterwater Valley to the Carrizo Plain. Less frequent reports are from coastal grasslands. There are no reports in the CNDDDB for burrowing owls in the immediate vicinity of the subject Property, however appropriate habitat is present, and transient owls could use the Property on occasion. A single burrowing owl was observed by Althouse and Meade, Inc. biologists in December 2004 approximately 2.5 miles southeast of the project site. Burrowing owls were not observed during our site visits, and are not expected to breed on site.
- C. Loggerhead Shrike** (*Lanius ludovicianus*) is a California Species of Special Concern and resident in arid regions of San Luis Obispo County and elsewhere in California. It requires open areas with appropriate perches for hunting, and shrubby trees or bushes for nesting. Appropriate nesting habitat for loggerhead shrikes on the Property consists of brushy blue oak trees near open grasslands for hunting. Loggerhead Shrike was not observed on the Property.
- D. Western spadefoot toad** (*Spea hammondi*) is a California Special Concern species known from ephemeral pools in open grassland habitats across the interior region of San Luis Obispo County. Spadefoot toads remain underground for most of the year, emerging to breed in seasonal wetland puddles during the rainy season. Development of the larvae from egg to metamorphosis can be very quick, depending upon water temperature. Spadefoot toads are known to breed in seasonal pools in the vicinity Highway 46, east of Paso Robles, and have been observed in roadside puddles along Buena Vista Road (Dart, unpublished field notes). Nuisance water from an adjacent

residential development is conducted onto the Property through a culvert, and a large puddle forms in a swale nearby. A broken water pipe is likely contributing water to this pool. The puddle was sufficiently sized for spadefoot use during wet years. No tadpoles or adults were observed during site visits, but spadefoot toad could occur on the Property.

- E. American Badger** (*Taxidea taxus*) is a California Species of Special Concern known from open grassland habitats throughout San Luis Obispo County and elsewhere in California. They are generally uncommon in the Paso Robles region. Badgers are typically residents of grassland areas, but also forage in croplands on occasion in areas where California ground squirrels have become established. Moderately appropriate grassland with friable soil is present on the Property, and ground squirrels were observed. However, the Property is surrounded on all sides by intensively used lands with frequent human presence, and limited connectivity to more extensive badger habitat. Development on lands surrounding the Property, and current land uses on site have effectively removed potential badger habitat from the subject Property. Although the site still retains some grassland appropriate for badgers, appropriate access corridors no longer exist to allow a badger to easily move onto this site. Badger sign was not observed during 2012 site surveys, and badgers are not expected to occur on the Property in its current condition.
- F. San Joaquin Kit Fox** (*Vulpes macrotis mutica*) is a federally listed endangered species and a state listed threatened species. They are known from the Carrizo Plains to the southeast, and from Fort Hunter Liggett (Monterey County) to the northwest, and were reported from Camp Roberts in the 1990s, with the last report from that location in 2003. Transient individuals are thought to move between the Carrizo Plains and Camp Roberts populations. The Property is within a movement corridor between Camp Roberts and Carrizo Plains as defined by CDFG. The closest reported occurrence of San Joaquin Kit Fox is from 1.42 miles south of the Property in 1991 (CNDDDB 941). The Property is considered within the three to one mitigation ratio area, as per the San Luis Obispo County Standard Kit Fox Mitigation Ratios map (2007). Although the site still retains some grassland, appropriate access corridors no longer exist to allow a kit fox to readily move onto this site, and existing pasture fence would further hamper movement by San Joaquin kit fox. As noted above, the Property is now surrounded by residential developments, heavily traveled roads, and commercial properties. Existing fences and pastures on the Property would interfere with SJKF foraging and passage through the Property.
- G. Bats:** Large decadent oaks and existing structures on the Property could provide appropriate roosts for several species of bats. Many species of bats in California are Special Animals and/or Special Concern species. Three special status bats could occur in structures or trees on the Property:
- i. Pallid bat** (*Antrozous pallidus*) is a California Special Concern species. This is a large, long-eared bat occurring throughout the state from deserts to moist forests. *Antrozous pallidus* is primarily a crevice roosting species and selects roosts where they can retreat from view. They frequently occur in oak woodlands where they roost in tree cavities. These roosts are generally day or night roosts for one or a few bats. Attics may be used as

roosts and during hot days they may emerge from crevices and roost on open rafters. Communal wintering or maternity colonies are more common in rock crevices and caves. This species has been recorded at 22 localities in San Luis Obispo County (Pierson, 2002). Pallid bat could occur in oak trees cavities and existing structures on the subject Property.

- ii. **Townsend's big-eared bat** (*Corynorhinus townsendii*) is a California Special Concern species. Townsend's big-eared bat is medium sized with large rabbit-like ears. Subspecies are not distinguishable in the field. In our area *C. townsendii* is found consistently in the vicinity of creek beds where they use the riparian corridor for foraging. Typical roost sites are in caves or buildings with cave-like features. Townsend's big-eared bat is sedentary and is presumed to spend the winter within 25 miles of its summer roosts. This bat has been recorded in at least six localities within San Luis Obispo County (Pierson 2002). Townsend's big-eared bat could possibly occur in the structures on the subject Property, but would be unlikely.
- iii. **Fringed Myotis** (*Myotis thysanodes*) is considered to be a Special Animal in California. The range occurs throughout much of the western U.S., south from British Columbia to California and East to Montana, Colorado, and parts of Texas. Two reports in the CNDDDB for San Luis Obispo County are from San Simeon. This colonial bat is most active from April through September with mating occurring in Fall. Fringed Myotis prefer to roost in caves, mines, building, and other protected locations among oak, pinon, and juniper forests where they feed on a diet of moths and other insects.
- iv. **Hoary Bat** (*Lasiurus cinereus*) is a California Species of Special Concern. Hoary bats are found year-round in California with the highest occurrences in winter, the season in which breeding occurs. Although not detected on the Property, Hoary bats prefer to roost in the dense foliage of medium to large trees, which are located on the Property. These areas generally have a water source in the vicinity. Hoary bats emerge in the late evening to feed, on moths. The nearest reported occurrence is located 10.8 miles northwest of the Project (CNDDDB #111).

4.4.2 *Special status species not expected to occur on the Property*

The remaining 36 special status species reported to occur in the Adelaida, Creston, Estrella, Paso Robles, Templeton, and York Mountain quadrangles are not expected to occur on the Property due to the absence of required soil type, lack of appropriate habitat, or because the Property is substantially outside the known range of the species.

4.5 Potential sensitive natural communities

The CNDDDB reports one sensitive natural community from the Adelaida, Creston, Estrella, Paso Robles, Templeton, and York Mountain quadrangles. No sensitive natural communities were found on the Property.

TABLE 5. SENSITIVE NATURAL COMMUNITIES. The approximate acreage and location are provided for all habitat types occurring on the Property.

	Common Name	Federal/State Status Global/State Rank	Potential Habitat?	Effect of Proposed Activity
Sensitive Natural Communities				
1.	Valley Oak Woodland	None/none G3/S2.1	No. Valley oak trees do not form a contiguous woodland canopy.	No Effect

5.0 Habitat Types

We describe five habitat types on the Property and provide acreages for each habitat type present during the 2010 spring season (Table 6): California annual grassland, and blue oak woodland. The Biological Resource Map provided in Section 11 indicates the locations of each habitat type on the Property as of 2011. Sensitive natural communities do not occur on the Property.

TABLE 6. HABITAT DATA. The approximate acreage and location are provided for all habitat types occurring on the Property.

Habitat Type	Approx. Acreage	Location
Anthropogenic	4.72	Concentrated around existing structures, close to Experimental Station Road
Annual Grassland	2.36	Western portion of property.
Livestock Pens	3.60	Associated with three of the parcels where large animals are confined to small corrals for extended periods.
Abandoned Orchard	0.77	Eastern side of the property, between oak woodland and existing residence.
Nuisance Water Wetland	0.006	Immediately adjacent to Experimental Station Road at a culvert outlet from River Oaks Development.
Blue Oak Woodland	0.75	Eastern edge of the Property.
Total	12.206	

5.1 Anthropogenic

We describe areas in which habitat is substantially altered from its natural state, and continues to be heavily influenced by human activity and daily presence as anthropogenic. These areas include single-family residences, a trailer, garages, storage sheds, equipment storage, driveways, and landscaped areas (Photos 2, 5). Habitat for native vegetation has generally been eliminated from these areas, although a few native oak trees persist, now incorporated into yards. Areas appropriate for wildlife use are generally limited to small wildlife species. . Presence of pet cats and dogs further reduces habitat suitability for many wildlife species. Tree habitat is appropriate for birds, and landscaped areas moderately appropriate for small mammals, reptiles, and amphibians. Additionally, existing structures can provide habitat for bats.

5.2 Disturbed California annual grassland

The grassland community on the Property is disturbed and fragmented, dominated by Mediterranean annual species (Photos 3, 5, 7 and 9). Areas that are fenced and used as holding pens for stock animals, are described separately as livestock pens. Remaining grassland habitat on the Property is dominated by soft chess brome (*Bromus hordeaceus*), red top brome (*Bromus madritensis* ssp. *rubens*), wild oats (*Avena fatua*, *A. barbata*), and patches of native forbs that include popcorn flower (*Plagiobothrys* sp.), lupines (*Lupinus bicolor*, *L. nanus*), and common four spot (*Clarkia purpurea*).

We consider the grassland habitat on the Property to be a poor quality habitat due to the low species diversity, dominance of exotic species such as ripgut brome, and high disturbance regime (grazing, mowing). However, the scattered oaks within this habitat type are a valuable resource providing shelter and breeding habitat for songbirds and other animals. Ground nesting birds may utilize the grassland for nesting habitat, and numerous birds will forage in the grasslands throughout the seasons.

5.3 Livestock pens

Long-term intensive grazing regime imposed by stock animals is limited to small holding pens (Photos 4, 5, 9 and 11). Livestock pens are dominated by exotic, weedy species such as ripgut brome (*Bromus diandrus*), foxtail barley (*Hordeum murinum*), cheat grass (*Bromus tectorum*), and fescue (*Vulpia myuros*), with very few to no native forbs present. Livestock pens are considered to be of very little value as wildlife habitat.

Fences include livestock panels with narrow mesh spacing, in some cases only 2 inches tall (sometimes referred to as “no-climb wire”). This fencing is not hospitable to wildlife movement, lessening probability that small to medium predators (coyote, fox, badger, etc.) would move through the site.

5.4 Abandoned Orchard

Remnants of an abandoned stonecrop orchard (e.g. plums and almonds) are maintained east and south of the easternmost residence on the Property. The orchard is currently maintained by routine mowing.

5.5 Wetland

A small wetland has formed from nuisance water discharged from a residential development north of Experimental Station Road (Photo 10). Approximately 250 square feet of wetland habitat is dominated by cattails (*Typha angustifolia*), rabbits-foot grass (*Polypogon monspeliensis*), mulefat (*Baccharis salicifolia*), nutsedge (*Cyperus eragrostis*) and a facultative species of foxtail barley (*Hordeum marinum* ssp. *gussoneanum*). The dominant species are wetland indicator plants. Wetland habitat begins at a culvert under Experimental Station Road and ends at an existing driveway. Wetland vegetation does not extend down the swale towards Highway 46. The wetland is isolated from waters regulated by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act. It is however, it may be considered a “water of the state” by the Regional Water Quality Control Board and the California Department of Fish and Game.

This puddle of nuisance water that forms at the culvert outfall on the City’s right-of-way may be sufficient for spadefoot toads to breed in wet years. Use by invertebrates such as fairy shrimp is very unlikely because during storm events, water is likely to flow through the swale, washing out the puddle.

5.6 Blue oak woodland

Blue oak woodland occurs in a deep swale on the east side of the Property (Photos 6 and 12). The slopes do not appear to have been recently grazed. Some native wildflowers and perennial grasses are present, including popcorn flower, lupines, biscuit root (*Lomatium utriculatum*), purple needlegrass (*Nassella pulchra*), and one-sided blue grass (*Poa secunda*). The woodland canopy is intermittent and a few honeysuckle shrubs add occasional understory structure. Generally, understory of blue oak woodland on this Property consists of non-native herbaceous plants and grasses, particularly ripgut brome (*Bromus diandrus*), Italian thistle (*Carduus pycnocephalus*) and milk thistle (*Silybum marianum*). The swale carries storm run-off from urban areas upstream through a culvert under Highway 46 to an un-named tributary to the Salinas River. No raptor nests were observed, but songbirds will use the oaks and tall grasses for nesting.

6.0 Floristic Inventory

6.1 Botanical Survey Results

Botanical surveys conducted from February through June 2011 identified 105 species, subspecies, varieties, and hybrids of vascular plant taxa on the Property (Table 7). The list includes 36 species native to California and 69 introduced (naturalized or planted) species.

Native plant species account for approximately 34 percent of the flora within the Property; introduced species account for approximately 66 percent. In comparison, approximately 83 percent of the flora in the State of California is native, while 17 percent is introduced (Hickman 1993). The significantly lower than the state-wide average percent of native species and higher than average percent of introduced species is indicative of the land use history on the Property, including agricultural uses such as plowed fields and pasture, and current rural residential uses.

6.1.1 Plant list

TABLE 7. VASCULAR PLANT LIST. The 105 species of vascular plants identified on the Property consist of 36 native species and 69 introduced species. The vascular plant list is separated into general life form categories, within which the taxa are listed alphabetically by scientific name.

Scientific Name	Status	Origin	Common Name
Trees – 16 Species			
<i>Acer negundo</i>	None	Native	Box-elder
<i>Cupressus x leylandii</i>	None	Planted	Leland cypress
<i>Eucalyptus citriodora</i>	None	Planted	Lemon-scented gum
<i>Eucalyptus globulus</i>	None	Planted	Blue-gum
<i>Fraxinus</i> sp.	None	Planted	Ash
<i>Juglans californica</i>	None	Native	California black walnut
<i>Liquidambar styraciflua</i>	None	Planted	Sweetgum
<i>Morus alba</i>	None	Planted	Mulberry
<i>Populus fremontii</i>	None	Planted	Fremont cottonwood
<i>Prunus</i> spp.	None	Planted	Fruit trees
<i>Prunus cerasifera</i>	None	Planted	Purple-leaf plum
<i>Pyrus</i> sp.	None	Planted	Pear
<i>Quercus douglasii</i>	None	Native	Blue oak
<i>Quercus lobata</i>	None	Native	Valley oak
<i>Olea europaea</i>	None	Planted	Olive
<i>Ulmus</i> sp.	None	Planted	Elm
Shrubs – 9 Species			
<i>Atriplex semibaccata</i>	None	Introduced	Australian saltbush
<i>Baccharis pilularis</i>	None	Native	Coyote brush
<i>Baccharis salicifolia</i>	None	Native	Mule fat
<i>Lonicera subspicata</i>	None	Native	Honeysuckle
<i>Pyracantha</i> sp.	None	Introduced	Firethorn
<i>Rhamnus ilicifolia</i>	None	Native	Holly-leaf redberry
<i>Rosa</i> sp.	None	Planted	Cultivated rose
<i>Salix lasiolepis</i>	None	Native	Arroyo willow
<i>Vitis vinifera</i>	None	Introduced	Cultivated grape
Herbs – 61 Species			
<i>Agoseris heterophylla</i>	None	Native	Annual mountain dandelion
<i>Amsinckia intermedia</i>	None	Native	Common fiddleneck

Scientific Name	Status	Origin	Common Name
<i>Ambrosia psilostachya</i>	None	Native	Western ragweed
<i>Anagallis arvensis</i>	None	Introduced	Scarlet pimpernel
<i>Arctotheca calendula</i>	None	Introduced	Capeweed
<i>Bloomeria crocea</i>	None	Native	Common goldenstar
<i>Brassica nigra</i>	None	Introduced	Black mustard
<i>Capsella bursa-pastoris</i>	None	Introduced	Shepard's purse
<i>Carduus pycnocephalus</i>	None	Introduced	Italian thistle
<i>Centaurea solstitialis</i>	None	Introduced	Yellow star thistle
<i>Cerastium glomeratum</i>	None	Introduced	Mouse-eared chickweed
<i>Chenopodium album</i>	None	Introduced	Lamb's-quarters
<i>Cirsium vulgare</i>	None	Introduced	Bull thistle
<i>Clarkia purpurea</i>	None	Native	Common Four spot
<i>Clarkia unguiculata</i>	None	Native	Elegant clarkia
<i>Convolvulus arvensis</i>	None	Introduced	Bindweed
<i>Corethrogyne [=Lessingia] filaginifolia</i>	None	Native	California aster
<i>Cyperus eragrostis</i>	None	Native	Umbrella sedge
<i>Dichelostemma capitatum</i>	None	Native	Blue dicks
<i>Epilobium brachycarpum</i>	None	Native	Annual willow-herb
<i>Epilobium ciliatum</i>	None	Native	Willow herb
<i>Erigeron [=Conyza] canadensis</i>	None	Introduced	Common horseweed
<i>Erodium botrys</i>	None	Introduced	Filaree
<i>Erodium cicutarium</i>	None	Introduced	Redstem filaree
<i>Erodium moschatum</i>	None	Introduced	Filaree
<i>Galium aparine</i>	None	Native	Goose grass
<i>Hirschfeldia incana</i>	None	Introduced	Mustard
<i>Hypochaeris glabra</i>	None	Introduced	Smooth cat's ear
<i>Iris germanica</i>	None	Planted	Bearded iris
<i>Juncus bufonius</i>	None	Native	Toadrush
<i>Lactuca serriola</i>	None	Introduced	Prickly lettuce
<i>Lomatium utriculatum</i>	None	Native	Biscuit root
<i>Lupinus bicolor</i>	None	Native	Miniature lupine
<i>Lupinus nanus</i>	None	Native	Sky blue lupine
<i>Lythrum hyssopifolia</i>	None	Introduced	Loosestrife
<i>Malva nicaeensis</i>	None	Introduced	Bull mallow

Scientific Name	Status	Origin	Common Name
<i>Matricaria discoidea</i> [= <i>Chamomilla suaveolens</i>]	None	Introduced	Pineapple weed
<i>Medicago polymorpha</i>	None	Introduced	California burclover
<i>Melilotus indicus</i>	None	Introduced	Annual sweetclover
<i>Phoradendron serotinum</i> ssp. <i>tomentosum</i> [= <i>P. villosum</i>]	None	Native	Oak mistletoe
<i>Plagiobothrys canescens</i>	None	Native	Popcorn flower
<i>Plagiobothrys</i> sp.	None	Native	Popcorn flower
<i>Plantago lanceolata</i>	None	Introduced	English plantain
<i>Polygonum aviculare</i> ssp. <i>depressum</i> [= <i>P. arenastrum</i>]	None	Introduced	Common knotweed
<i>Rumex crispus</i>	None	Introduced	Curly dock
<i>Salsola tragus</i>	None	Introduced	Russian thistle
<i>Sanicula bipinnata</i>	None	Native	California plantain
<i>Senecio vulgaris</i>	None	Introduced	Common groundsel
<i>Silybum marianum</i>	None	Introduced	Milk thistle
<i>Sisymbrium orientale</i>	None	Introduced	Oriental rocket
<i>Sonchus asper</i>	None	Introduced	Prickly sow thistle
<i>Sonchus oleraceus</i>	None	Introduced	Common sow thistle
<i>Spergularia rubra</i>	None	Introduced	Red sand spurrey
<i>Stellaria media</i>	None	Introduced	Chickweed
<i>Trichostema lanceolatum</i>	None	Native	Vinegar weed
<i>Trifolium albopurpureum</i>	None	Native	Dove clover
<i>Trifolium hirtum</i>	None	Introduced	Rose clover
<i>Typha angustifolia</i>	None	Native	Cat-tail
<i>Uropappus lindleyi</i>	None	Native	Silver puffs
<i>Vicia sativa</i>	None	Introduced	Common vetch
<i>Vicia villosa</i>	None	Introduced	Winter vetch
Grasses – 19 Species			
<i>Avena barbata</i>	None	Introduced	Slender wild oat
<i>Avena fatua</i>	None	Introduced	Wild oat
<i>Brachypodium distachyon</i>	None	Introduced	False brome
<i>Bromus carinatus</i>	None	Native	California brome
<i>Bromus catharticus</i>	None	Introduced	Rescue grass
<i>Bromus diandrus</i>	None	Introduced	Ripgut brome
<i>Bromus hordeaceus</i>	None	Introduced	Soft chess brome

Scientific Name	Status	Origin	Common Name
<i>Bromus madritensis</i> ssp. <i>rubens</i>	None	Introduced	Red top brome
<i>Bromus tectorum</i>	None	Introduced	Cheat grass
<i>Cynodon dactylon</i>	None	Introduced	Bermuda grass
<i>Festuca rubra</i>	None	Native (Naturalized)	Red fescue
<i>Festuca [=Vulpia] myuros</i>	None	Introduced	Rat-tail fescue
<i>Hordeum marinum</i> ssp. <i>gussoneanum</i>	None	Introduced	Foxtail barley
<i>Hordeum murinum</i>	None	Introduced	Foxtail barley
<i>Stipa pulchra</i> [= <i>Nassella pulchra</i>]	None	Native	Purple needlegrass
<i>Poa annua</i>	None	Introduced	Annual blue grass
<i>Poa secunda</i>	None	Native	One-sided bluegrass
<i>Polypogon monspeliensis</i>	None	Introduced	Rabbits-foot grass
<i>Stipa tenuissima</i> [= <i>Nasella tenuissima</i>]	None	Introduced	Mexican feather grass

6.2 Oak Trees

Two types of oak trees occur on the Property: blue oak (*Quercus douglasii*) and valley oak (*Q. lobata*). Oak trees on the Property occur as solitary trees in annual grasslands, as well as forming continuous-canopy oak woodland that extends into adjacent properties. Blue oak is a small-statured, deciduous, long-lived tree common in the Paso Robles area and valley oak is a large, fast-growing, soft-wooded oak. These two species, along with coast live oak (*Q. agrifolia*) are responsible for the City's Spanish name, El Paso de Robles (The Pass of Oaks).

Blue oak trees are slow growing and take decades to form mature woodland. Mature blue oak trees can be less than 30 feet tall, and may require 50 to 100 years to attain a diameter at breast height (DBH) of four inches (Swiecki 1998). A 14-inch DBH blue oak tree averages 131 years in age (McDonald 1990). Because of their slow growth, regeneration of blue oak woodlands takes decades. Oaks are also discussed in Section 5, Habitat Types, above.

7.0 Wildlife Inventory

7.1 Wildlife Survey Results

At least eighty (80) animal species are listed that could potentially occur on the Property (Table 8). These include at least 4 amphibians, 48 birds, 14 mammals, and 4 reptiles. Small mammal trapping studies were beyond the scope of this report, although several species are likely to occur. We provide this list as a guide to the wildlife observed on the Property and to the species that could potentially be present at least seasonally. Other species could occur as transients, particularly avian fauna. Wildlife species detected on the Property includes 1 amphibian, 19 birds, 3 mammals, and 1 reptile.

TABLE 8. FINAL WILDLIFE LIST At least 80 animal species have the potential to occur on the Property. The Special Status column indicates listing status of the organism under the Federal Endangered Species Act, the California Endangered Species Act, or by CDFG. Species observed at the site during our surveys are designated by the check symbol (✓) in the fourth column.

Common name	Scientific name	Special status	Found on property	Habitat type
Amphibians – 3 Species				
Western Toad	<i>Anaxyrus boreas</i> [= <i>Bufo boreas halophilus</i>]	None		Grassland, woodland
Black-bellied Slender Salamander	<i>Batrachoseps nigriventris</i>	None		Oak woodlands, moist areas
Pacific Chorus Frog, Pacific Tree Frog	<i>Pseudacris regilla</i>	None	✓	Many habitats near water
Spadefoot Toad	<i>Spea hammondi</i>	SSC ¹		Grassland habitat with seasonal pools
Reptiles – 4 Species				
Southern Alligator Lizard	<i>Elgaria multicarinata</i>	None		Open grassland, woodland, chaparral
Common Kingsnake	<i>Lampropeltis getulus</i>	None		Woodland, grassland, streams
Gopher Snake	<i>Pituophis melanoleucus</i>	None		Woodland, grassland
Western Fence Lizard	<i>Sceloporus occidentalis</i>	None	✓	Wide range
Birds – 48 Species				
Western Scrub Jay	<i>Aphelocoma californica</i>	None	✓	Oak and riparian woodlands
Oak Titmouse	<i>Baeolophus inornatus</i>	Special Animal (Nesting)	✓	Oak woodland
Great Horned Owl	<i>Bubo virginianus</i>	None		Varied habitats
Red-tailed Hawk	<i>Buteo jamaicensis</i>	None		Open, semi-open country
Red-shouldered Hawk	<i>Buteo lineatus</i>	None		Oak and riparian woodlands
California Quail	<i>Callipepla californica</i>	None		Oak, riparian woodlands
Anna’s Hummingbird	<i>Calypte anna</i>	None	✓	Oak, riparian woodland, scrub
Lesser Goldfinch	<i>Carduelis psaltria</i>	None	✓	Riparian, oak woodlands
American Goldfinch	<i>Carduelis tristis</i>	None		Weedy fields, woodlands
House Finch	<i>Carpodacus mexicanus</i>	None	✓	Wide habitat range
Turkey Vulture	<i>Cathartes aura</i>	None	✓	Open country, oak woodlands
Northern Flicker	<i>Colaptes auratus</i>	None		Coniferous, oak, riparian woodland
American Crow	<i>Corvus brachyrhynchos</i>	None		Open oak, riparian woodland,
Yellow-rumped Warbler	<i>Dendroica coronata</i>	None	✓	Riparian, oak woodlands

¹ California Species of Special Concern

Common name	Scientific name	Special status	Found on property	Habitat type
Townsend's Warbler	<i>Dendroica townsendii</i>	None		Riparian, oak woodlands
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	None	✓	Open habitats
American Kestrel	<i>Falco sparverius</i>	None		Open, semi-open country
Barn Swallow	<i>Hirundo rustica</i>	None		Open country, farmyards
Bullock's Oriole	<i>Icterus bullockii</i>	None		Oak, riparian woodlands
Dark-eyed Junco	<i>Junco hyemalis</i>	None	✓	Oak woodland
Loggerhead Shrike	<i>Lanius ludovicianus</i>	SSC		Grasslands, fields, chaparral
Acorn Woodpecker	<i>Melanerpes formicivorus</i>	None		Oak woodlands
Northern Mockingbird	<i>Mimus polyglottos</i>	None	✓	Riparian, chaparral, woodlands, and urban areas
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>	None		Open areas near oaks
Western Screech-owl	<i>Otus kennicottii</i>	None		Oak woodlands
Savannah Sparrow	<i>Passerculus sandwichensis</i>	None		Open habitats, marshes, grasslands
House Sparrow	<i>Passer domesticus</i>	None		Urban
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	None		Urban; open areas near water
Yellow-billed Magpie	<i>Pica nuttalli</i>	None		Oak savannah
Nuttall's Woodpecker	<i>Picoides nuttallii</i>	None		Oak woodland, savanna
California Towhee	<i>Pipilo crissalis</i>	None		Brushy habitats
Bushtit	<i>Psaltriparus minimus</i>	None	✓	Oak, riparian, chaparral, scrub
Ruby-crowned Kinglet	<i>Regulus calundula</i>	None	✓	Oak and riparian woodlands
Black Phoebe	<i>Sayornis nigricans</i>	None	✓	Near water
Say's Phoebe	<i>Sayornis saya</i>	None	✓	Open country, grassland
Western Bluebird	<i>Sialia mexicana</i>	None		Riparian woodland, ranch land
White-breasted Nuthatch	<i>Sitta carolinensis</i>	None		Oak savannah, woodland
European Starling	<i>Sturnus vulgaris</i>	None	✓	Agricultural, urban
Tree Swallow	<i>Tachycineta bicolor</i>	None	✓	Wooded habitats, water
Violet-green Swallow	<i>Tachycineta thalassina</i>	None		Woodland habitats
Bewick's Wren	<i>Thryomanes bewickii</i>	None		Shrubby areas
House Wren	<i>Troglodytes aedon</i>	None		Shrubby areas
American Robin	<i>Turdus migratorius</i>	None	✓	Streamsides, woodlands
Western Kingbird	<i>Tyrannus verticalis</i>	None		Open country with scattered trees, farms, roadsides
Orange-crowned Warbler	<i>Vermivora celata</i>	None		Oak, riparian woodlands
Mourning Dove	<i>Zenaida macroura</i>	None	✓	Open and semi-open area

Common name	Scientific name	Special status	Found on property	Habitat type
Golden-crowned Sparrow	<i>Zonotrichia atricapilla</i>	None		Shrubby, weedy areas
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	None	✓	Shrubby, weedy areas
Mammals – 14 Species				
Coyote	<i>Canis latrans</i>	None		Open woodlands, brushy areas, wide ranging
Opossum	<i>Didelphis marsupialis</i>	None		Woodlands, streams
Feral Cat	<i>Felis catus</i>	None		Varied
Striped Skunk	<i>Mephitis mephitis</i>	None		Mixed woods, chaparral
California Vole	<i>Microtus californicus</i>	None	✓	Grassland meadows
Mule Deer	<i>Odocoileus hemionus</i>	None		Many habitats
Deer Mouse	<i>Peromyscus maniculatus</i>	None		All dry land habitats
Raccoon	<i>Procyon lotor</i>	None		Streams, lakes, rock cliffs,
Western Harvest Mouse	<i>Reithodontomys megalotis</i>	None		Grassland, dense vegetation near water
California Ground Squirrel	<i>Otospermophilus beecheyi</i>	None	✓	Grasslands
Desert Cottontail	<i>Sylvilagus audubonii</i>	None		Brushy areas
American Badger	<i>Taxidea taxus</i>	SSC		Open grasslands
Valley Pocket Gopher	<i>Thomomys bottae</i>	None	✓	Variety of habitats
Red Fox	<i>Vulpes fulva</i>	None		Forest and open country

8.0 Project Overview

8.1 General Discussion of Property Site Conditions

The 12.2-acre Property consists of five habitat types in which 104 species of plants were identified during floristic surveys of the proposed development area in 2005, 2006, and 2012. Additional plant species added to the list in 2012 are primarily weeds and landscape plants; no special status plants were identified on the Property, and none are expected to occur. Appropriate habitat for six special status animals was identified on the Property. Two additional special status animals are known from the area but are unlikely to occur on site in its current condition.

The current land uses on the Property and on surrounding lands have degraded and fragmented grassland habitat. The proposed project will permanently convert most of the non-native grassland and pastures to residential housing. Surrounding areas have been converted to other uses, primarily suburban residential, transportation, and commercial/tourism. A drainage swale bisects the west end of the Property. Flows carry storm water and nuisance runoff from residential areas to the north, across the Property toward a culvert under Highway 46 East. The

swale eroded during large storms in January 2005. Standing water was present in February 2005, April 2006 and during site visits in April 2012. No hydrophytic vegetation was noted during our site surveys except in the immediate vicinity of a culvert outfall at Experimental Station Road. This vicinity of the culvert outfall is mapped as nuisance water wetland. The drainage swale feature at the west end of the Property does not appear to be a jurisdictional water of the state or U.S. It appears to have formed during storms due to concentration of stormflow from the residential development north of the Property.

8.2 Proposed Project

The Proposed Project would result in construction of 141 residential units with roads and parking; a free-standing home; a swimming pool, spa, tot lots, picnic tables, and landscaping. A stormwater basin and stormwater overflow basin would be constructed to mitigate stormwater runoff from the increased impervious surface. Approximately one acre would be retained as open space at the east edge of the Project.

8.3 Regulatory Framework

8.3.1 CEQA guidance

The California Environmental Quality Act (CEQA) requires the lead agency to evaluate potential environmental effects of the project. The lead agency must also identify other State and local agencies (known as responsible agencies) that will be issuing a discretionary approval subject to CEQA for an activity that is part of the project. The following section of the State CEQA Guidelines provides general direction for the evaluation of biological resource impacts as a part of the environmental review of proposed projects.

CEQA Guidelines Section 15070 states that a Lead Agency (in this case, the City of Paso Robles) shall prepare or have prepared a mitigated negative declaration for a project subject to CEQA when the initial study shows that “there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or the initial study identifies potentially significant effects but revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.”

The following definition of a significant effect is defined in Section 15382 of the CEQA Guidelines, “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

8.3.2 Federal and state resource protections

The agencies that administer the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA) formally list plant and animal species determined to be Threatened or Endangered, and they have adopted regulations to implement these laws to protect such species.

Other federal statutes that provide protection for species and/or their habitats include, but are not limited to, the National Environmental Policy Act (NEPA), the Clean Water Act (for protection of federal wetlands), Migratory Bird Treaty Act (MBTA), Executive Order 11990 (wetlands protection), and California Fish and Game Code sections 1600 (Streambed Alteration Agreements).

Flora and fauna:

All of the plants constituting CNPS List 1B meet the definitions of Section 1901, Chapter 10 of the California Native Plant Protection Act (CNPPA) in the California Fish and Game Code or Secs. 2062 and 2067 (California Endangered Species Act) of the California Fish and Game Code, and are eligible for State listing. It is mandatory that they be fully considered during preparation of environmental documents relating to the CEQA (CEQA section 15065).

Certain species of nesting birds are protected from disturbance by The Migratory Bird Treaty Act of 1918, (as regulated by the United States Fish and Wildlife Service) and by sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code.

"Special Animals" is a general term that refers to all of the taxa the California Natural Diversity Database (CNDDDB) is interested in tracking, regardless of their legal or protection status. These taxa may be listed or proposed for listing under the State and/or Federal Endangered Species Acts, but they may also be species deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable.

Animals listed as California Special Concern (CSC) species are not listed under State or Federal Endangered Species Acts, but are considered rare or declining in abundance. The Special Concern designation is intended to provide the Department of Fish and Game, consulting biologists, land planners and managers with lists of species that require special consideration during the planning process in order to avert continued population declines and potential costly listing under federal and state endangered species laws.

9.0 Potential Impacts to Biological Resources

Construction of the proposed Project could affect common and special status species, nesting birds, disturbed California annual grassland, an abandoned orchard, a nuisance water wetland, and oak trees. The Oak trees could be impacted or removed from the site during the construction process. Grading for structures, parking, and landscapes, would occur within an approximately 11-acre footprint. Except for oak woodland on the east side of the Property, existing habitats will be removed or substantially altered within the Project footprint.

9.1 Potential Habitat Impacts

The proposed Project would affect California annual grassland. Habitat types mapped within the Project area and discussed in this Section are overlaid on a high-resolution aerial photograph provided as a Biological Resource Map in Section 11.0. The Property is within an area designated by the California Department of Fish and Game as SJKF habitat, delineated as north of Highway 46 and east of Highway 101. The Property is isolated on four sides from functional kit fox habitat, thereby greatly reducing potential mitigation obligations. Current land use on 9.03 acres is either anthropogenic or animal pens that are not kit fox habitat. The remaining 2.9 acres is usable by kit fox, although not good quality habitat. The kit fox habitat evaluation

completed for the project (Althouse and Meade, 6-8-12) determined three habitat types, grassland, oak woodland, and abandoned orchard, totaling 2.9 acres, could provide habitat for kit fox.

9.1.1 Anthropogenic

The existing 4.7 acres of anthropogenic habitat would be altered for other human uses. Alterations to existing anthropogenic habitats are generally not significant except where protected species, such as bats, may be adversely affected. Potential for adverse effects to bats are discussed in Section 9.4. This habitat type is not usable by kit fox.

9.1.2 Disturbed California annual grassland

The 2.36 acres of disturbed California annual grassland on the Property would be permanently removed for construction of residential units, paved roads, parking, stormwater basins, and amenities such as recreational areas. Impacts to annual grassland habitat that do not affect rare species are typically not considered significant by the City of Paso Robles.

Annual grasslands in the Paso Robles region have been reduced by building and agriculture. Other valuable habitat types such as oak woodlands, scrub, chaparral, and perennial grasslands have a higher percentage of native species. While annual grasslands can have lower native species cover and less plant diversity, they can provide some habitat for special status native plants and wildlife. The removal of annual grasslands in the Paso Robles region has reduced available habitat for wide-ranging species that forage in annual grassland, such as badger and kit fox, however it is not a sensitive habitat type and usually does not require mitigation. This habitat type could be used by San Joaquin kit fox.

9.1.3 Livestock Pens

The proposed residential development will permanently remove 3.60 acres (100%) of livestock pens on the Property. Livestock pens on the property are completely disturbed by intensive use and are not wildlife habitat. These pens are not badger or kit fox habitat. Impacts and mitigations to livestock pens that may affect rare species is covered in Section 10.4.

9.1.4 Abandoned Orchard

Approximately 0.45 acre of abandoned orchard would be removed that may have limited potential habitat for San Joaquin Kit Fox. Approximately 0.32 acres of the abandoned orchard would not be removed.

9.1.5 Wetland

A wetland formed from nuisance water would be removed, and nuisance water from the existing residential development to the north re-routed into proposed stormwater detention basins. Approximately 250 square feet of wetland habitat would be removed. The wetland is isolated from waters regulated by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act. It may be considered a “water of the state” and removal may require permits from CDFG and RWQCB. Wetlands are not a kit fox habitat type.

9.1.6 Blue oak woodland

The proposed Project would be adjacent to 0.75 acres of oak woodland habitat on the Property. The blue oak woodland on the Property is a remnant stand of oaks, already surrounded on four

sides by intensive human activity. Conversion of the Property to more intensive residential uses would not substantially change oak woodland habitat value in this case because it is already substantially altered. Impacts could occur as pruning and understory clearing conducted annually for fire safety in areas where structures are proposed close to oak woodland. The project would not remove oak woodlands on the Property. The project may affect 0.09 acres of oak woodland habitat by installation of a wall.

Impacts to individual oak trees require mitigation as per the City of El Paso de Robles tree ordinance (refer to Section 9.2).

9.2 Potential Impacts to Oak Trees

The City of Paso Robles requires mitigation for removal of oak trees with a diameter at breast height (DBH) of 6 inches or greater. Diameter at breast is measured at 4.5 feet from the ground or, if the trunk is split below 4.5 feet, at the narrowest point below the split. Impacts include any ground disturbance within the critical root zone (CRZ), or any trimming of branches 4 inches in diameter or greater. The critical root zone (CRZ), as defined by the City of Paso Robles, is an area of root space that is within a circle circumscribed around the trunk of a tree using a radius of 1 foot per inch DBH, e.g., a 20-inch diameter tree has a CRZ with a radius of 20 feet as measured from the center of the tree (City of El Paso de Robles—Ordinance No. 835 N.S). This measurement often extends beyond the actual drip-line of the tree.

The proposed Project has been designed to minimize impacts to oak trees. Two oaks would be removed, a senescent valley oak along Experimental Station Road, and a young valley oak that has been poorly pruned multiple times. Impacts to oak trees are likely to occur during development of the project site. An oak tree report and protection plan has been prepared for the Property that provides specific information regarding trees to be impacted, type and extent of impact, and gives detailed protection and mitigation recommendations (Althouse and Meade, Inc. and Davey Resource Group, 2012).

Impacts to individual native oak trees can typically be mitigated to a less than significant level. Complete analysis of the impacts to native oak trees will be performed as part of a tree report as required by the City of Paso Robles.

9.3 Potential Impacts to Nesting Birds

Vegetation removal and construction activities associated with the proposed development could result in adverse impacts to nesting birds if conducted during nesting season (March 15 through August 15). Annual mowing and clearing of vegetation for fire safety in the open space at the east edge of the could also result in adverse impacts to nesting birds. The potential for the Project to adversely affect nesting birds can be reduced (refer to section 10.3).

9.4 Potential Impacts to Special Status Species

Appropriate habitat for eight special status animals was identified on the Property. No rare animals or special status plants were observed on the Property during surveys in 2005, 2006, and 2012. Project potentially could result in adverse effects on special status species. Pre-construction surveys will reduce the potential for impacts to a less than significant level.

9.4.1 *Special status birds*

Burrowing owl is a ground nesting bird that may winter on site but is unlikely to nest on the Property. Loggerhead shrike is commonly observed in the vicinity of the project site and could nest in existing landscape plants or blue oak trees. Impacts to or take of rare nesting birds can be avoided (see Section 10.4.2).

9.4.2 *Special status reptiles*

Silvery legless lizard (*Anniella pulchra pulchra*) could occur in loamy soils beneath tree or shrub canopy on the Property. Construction activities associated with the Project potentially could result in adverse impacts on silvery legless lizard if appropriate pre-construction protection measures are not implemented. Pre-construction habitat protection or focused surveys and relocation would reduce the potential for such impacts (refer to Section 10.4.3).

9.4.3 *Special status mammals*

The Property contains potential habitat for Townsend's big-eared bat, pallid bat, hoary bat, and fringed myotis, all special concern bat species. Badgers and San Joaquin Kit Fox are historically known from grasslands in the region, but are extremely unlikely to occur on the Property due to its isolation from more extensive appropriate habitat, and heavily disturbed condition.

A. Bats

Townsend's big-eared bat, pallid bat, fringed myotis, and hoary bat are special concern bat species that are known to roost in trees, buildings, and/or bridges. Existing residences on the Property were not surveyed for bats. Maternal bat colonies are protected by the California Department of Fish and Game. Significant impacts to special status bats and maternal bat colonies can be avoided (see Section 10.4.5).

B. San Joaquin kit fox

The project site is within the known range of San Joaquin kit fox. Development on lands surrounding the Property, and current land uses on site have effectively removed potential San Joaquin Kit Fox habitat from the subject Property. Although the site still retains some grassland, appropriate access corridors no longer exist for kit fox movement to this site. Impenetrable pasture fence on portions of the Property contribute to movement barriers. However, typical preconstruction survey and protective measures for kit fox are provided in Section 10.4.5 as recommendations that would provide guidance to the applicant and protection of the species in the extremely unlikely event of kit fox presence during construction of the project.

In addition, a San Joaquin Kit Fox Habitat Evaluation Form completed for the project (Althouse and Meade 6-8-12) describes 2.9 acres San Joaquin kit fox habitat that will be impacted by the project. This 2.9 acres is subject to mitigation, with a evaluation score of 61 (typically a 2 to 1 mitigation ratio). The balance of the project area, 9.3 acres of the 12.2 acre total, is not San Joaquin kit fox habitat.

10.0 Minimization and Mitigation Measures

This section provides recommendations and mitigations to reduce the effect of the Project on biological resources. Where potentially adverse impacts to biological resources could occur during construction and operation (maintenance, fire safety vegetation clearing, etc.) of the Project or due to the presence of the Project, we provide biological resource (BR) mitigation measures designed to offset the adverse effect.

10.1 Habitats

The proposed Project would primarily affect California annual grassland, anthropogenic, livestock pens and abandoned orchard habitats. Individual blue and valley oak trees would also be affected. Areas outside proposed construction, landscaping, and recreational facilities would be retained as open space. When former rangelands and croplands are removed from grazing or cultivation, an increase in weedy species and fuel buildup can occur.

We provide the following recommendations to avoid, minimize and/or mitigate potential Project effects on habitats. Mitigation recommendations provided in Section 10.3 and 10.4 address potential adverse effects of habitat removal on special status species and nesting birds.

10.1.1 Anthropogenic, Livestock Pens, California Annual Grassland, and Abandoned Orchard Habitat

Loss of human-modified habitats and California annual grassland usually does not require mitigation except where a project affects special status species or important wildlife populations. See Section 10.4.5 for discussion of special status mammals.

10.1.2 Blue oak woodland

The project would not remove blue oak woodland. Mitigation recommendations for impacts to individual trees are discussed in section 10.2.

10.1.3 Wetland

The isolated wetland adjacent to Experimental Station Road will be completely removed. The wetland was created by residential nuisance water.

BR-1. Nuisance water will be piped into the project's stormwater system. A new bioswale will be created to filter nuisance water from the subject parcel.

A. The bioswale is located along the southern property boundary, and will be part of the project's linear landscaping and stormwater detention system.

B. Prior to issuance of a grading permit for work that would affect the wetland and swale feature, the Regional Water Quality Control Board and the California Department of Fish and Game will be contacted to determine if permits to impact the nuisance water wetland are required under the Porter Cologne Act, Clean Water Act, or Fish and Game Code. If permits are required, applications will be made to appropriate agencies and approvals received.

Part of the bioswale will be vegetated with California meadow barley, a native wetland plant expected to cover the created wetland habitat. At least 250 square feet of wetland habitat will be created in the bioswale.

10.2 Individual Oak Tree Impacts

Oak tree impacts and mitigations shall be addressed by the Project arborist. A Tree Report shall be prepared according to City of Paso Robles standards. The following mitigation recommendations are presented here following guidelines set forth in the Paso Robles Tree Ordinance (City of El Paso de Robles - Ordinance No. 835 N.S).

- BR-2.** 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-3.** An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- BR-4.** 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-5.** 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-6.** 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-7.** 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.

10.3 Nesting Birds

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 (as defined therein) of all native birds and their active nests, including raptors and other migratory non-game birds (as listed under the Federal MBTA).

- BR-8.** Within one week of ground disturbance activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

10.4 Avoidance, Minimization, and Mitigation for Special Status Species

10.4.1 *Special Status Plant Species*

No special status plant species were located or are expected to occur within the project area, therefore, no mitigation is recommended.

10.4.2 *Special status birds*

A. Loggerhead shrike: In order to reduce the potential for disturbance nests of loggerhead shrike, the applicant shall implement BR-8 one week prior to ground disturbance or tree pruning activities (refer to Section 10.3). If burrows or nests of sensitive birds are identified in the work area, the following additional mitigation measures shall be implemented:

BR-9. Occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within the 100 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing or flagging where it overlaps work areas

BR-10. Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.

B. Burrowing Owl: In order to reduce the potential for impacts to burrowing owls, the applicant shall implement the following within two weeks prior to ground disturbance activities.

BR-11. Pre-construction surveys for burrowing owls shall be conducted not more than 14 days prior to any work that affects habitat containing burrows. The pre-construction surveys shall be conducted in a manner sufficient to determine no burrowing owls are present in the work areas. Pre-construction surveys shall be conducted throughout the year, when work is proposed, to account for breeding, wintering, and transient owls.

BR-12. If burrowing owls are present in the work areas during the breeding season (February 1 through August 31), the burrows must be monitored to determine if a breeding pair is present. If a breeding pair is confirmed, the burrow must be avoided and protected from impacts via a 250 foot setback from the burrow. If a breeding pair is not present, passive relocation may be used. If burrowing owls are present during the non-breeding season, a passive relocation effort, such as a one-way door, may be implemented. Monitoring and mitigation must be conducted under guidance from a qualified wildlife biologist. Mitigation and protection procedures should incorporate recommendations outlined in the burrowing owl protocol survey guidelines (California Burrowing Owl Consortium 1993).

10.4.3 *Silvery legless lizard*

Silvery legless lizard could potentially be present in Project construction areas. The following mitigation measure shall be implemented to reduce potential direct adverse effects on special status reptiles:

California legless lizard occurs on the Property in areas of sandy soil and leaf litter. To minimize potential impacts to this species, the following mitigation measure is recommended:

BR-13. A focused pre-construction survey for legless lizard shall be conducted within the project site prior to construction Pre-construction surveys shall be conducted where ground disturbance will occur in potential legless lizard habitat, around existing trees and shrubs where soils are friable. The pre-construction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- Obtain approval from California Department of Fish and Game for project biologist to relocate of special status species prior to start of construction activities. Prepare and submit a Management Plan pertaining to the capture and relocation of legless lizards, including a map of proposed relocation sites, to CDFG.
- Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
- Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat.

10.4.4 Spadefoot toads

A large puddle forms annually in an existing swale and could harbor Western spadefoot toad, although none were observed on the Project site. To minimize potential for impacts to Western spadefoot toad, we recommend the following measures.

BR-14. Perform a focused survey for the presence of Western spadefoot toad beginning in January, during the rainy season. Surveys shall focus on determining presence or absence of adult or juvenile spadefoots on the Property, and on determining if the subject puddle is suitable for breeding.

BR-15. If spadefoot toads are found on the property, a Management Plan shall be developed. This plan shall address monitoring ground disturbance activities near breeding pools to relocate disturbed spadefoot toads, relocation of toads to appropriate habitat outside the Project area or creation of and relocation to on-site habitat.

BR-16. If the focused survey does not identify spadefoot toads on the Property, a biological monitor shall be present during initial site preparation and grubbing. If no spadefoot toads are found, construction activities may continue without daily monitoring. If special status species are found, a qualified biologist shall move them to the nearest safe location. At that time, the Project biologist shall have the authority to recommend additional monitoring if it is determined that spadefoot toads could move onto the Project site during construction, or be forced out of underground burrows during grading.

10.4.5 *Special status mammals*

To reduce the potential for loss of special status mammals, the applicant should implement the following mitigation measure, as applicable:

A. Bats

Roosting bats and/or maternal bat colonies may be present in trees with appropriate cavities or loose bark or in existing residential structures on the project site.

BR-17. Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

BR-18. Prior to demolition of existing structures, a survey shall be conducted to determine if roosting bats or maternal bat colonies are present. Roosting bats may be excluded from the structure in consultation with the project biologist. Maternal bat colonies may not be disturbed. If maternal bat colonies are present, demolition shall not commence without consultation with the California Department of Fish and Game.

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.

BR-19. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Department of Community Development, Planning Division (City) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5.8 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the Property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement

between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy”, would total \$14,500. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of Property in San Luis Obispo County and the City of El Paso de Robles; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 5.8 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the Property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total \$14,500. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-20. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:

- i. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- ii. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-19 through BR-29. 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.

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential kit fox den: 50 feet
 - Known or active kit fox den: 100 feet
 - Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

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

BR-21. 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-22. 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-23. 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-24. 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 by construction workers 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-25. 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-26. 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-27. 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-28. 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-29. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

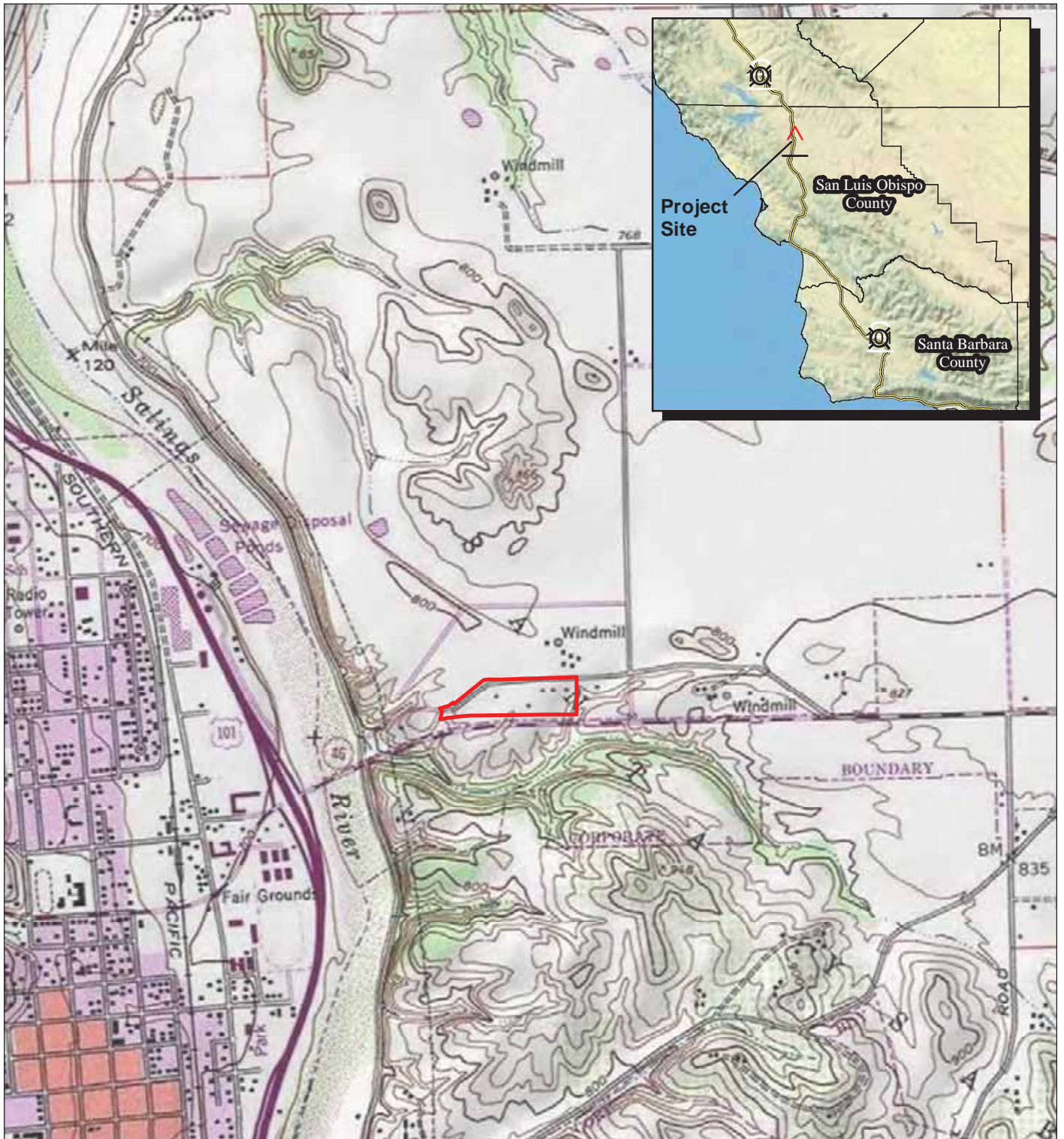
- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
- ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
- iii. Upon fence installation, the applicant shall notify the City to verify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

Monitoring (San Joaquin Kit Fox Measures BR-19 to BR-29): Compliance will be verified by the City of Paso Robles Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

11.0 Figures

- **Figure 1. USGS Topographic Map**
- **Figure 2. Aerial Photograph**
- **Figure 3. USDA Soil Map Units**
- **Figure 4. CNDDDB & FWS Critical Habitat Map**
- **Figure 5. Biological Resources Map**
- **Figure 6. Preliminary Architectural Site Plan (Arris Studio)**
- **Figure 7. Preliminary Grading and Drainage Plan (Ashley and Vance)**
- **Figure 8. Preliminary Utility Plan (Ashley and Vance)**

Figure 1. USGS Topographic Map



 Property Boundary

0 0.25 0.5 1 Mile

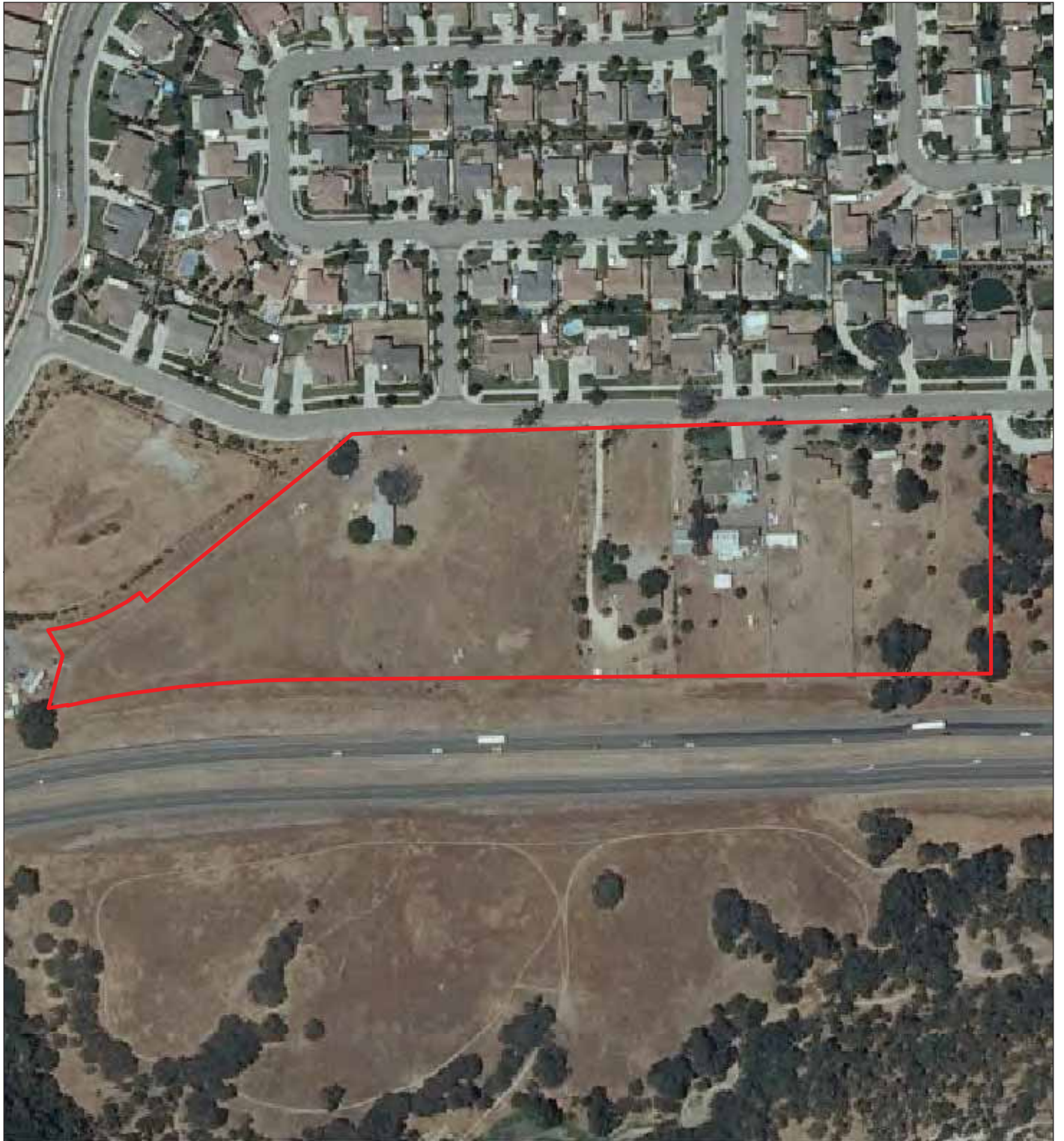
Buena Vista Apartments
Experimental Station Road

USGS Topographic Map
Map Updated: July 02, 2012, 11:12 AM



Althouse and Meade, Inc.
1602 Spring Street
Paso Robles, CA 93446

Figure 2. Aerial Photograph



 Property Boundary



Figure 3. USDA Soils Map



- | | |
|--|---|
| 100: Arbuckle fine sandy loam, 0-2% slopes | 106: Arbuckle-San Ysidro complex, 2-9% slopes |
| 101: Arbuckle fine sandy loam, 2-9% slopes | 152: Linne-Calodo complex, 9-30% slopes |
| 103: Arbuckle-Positas complex, 15-30% slopes | 180: Nacimiento-Los Osos complex, 30-50% slopes |
| 104: Arbuckle-Positas complex, 30-50% slopes | |



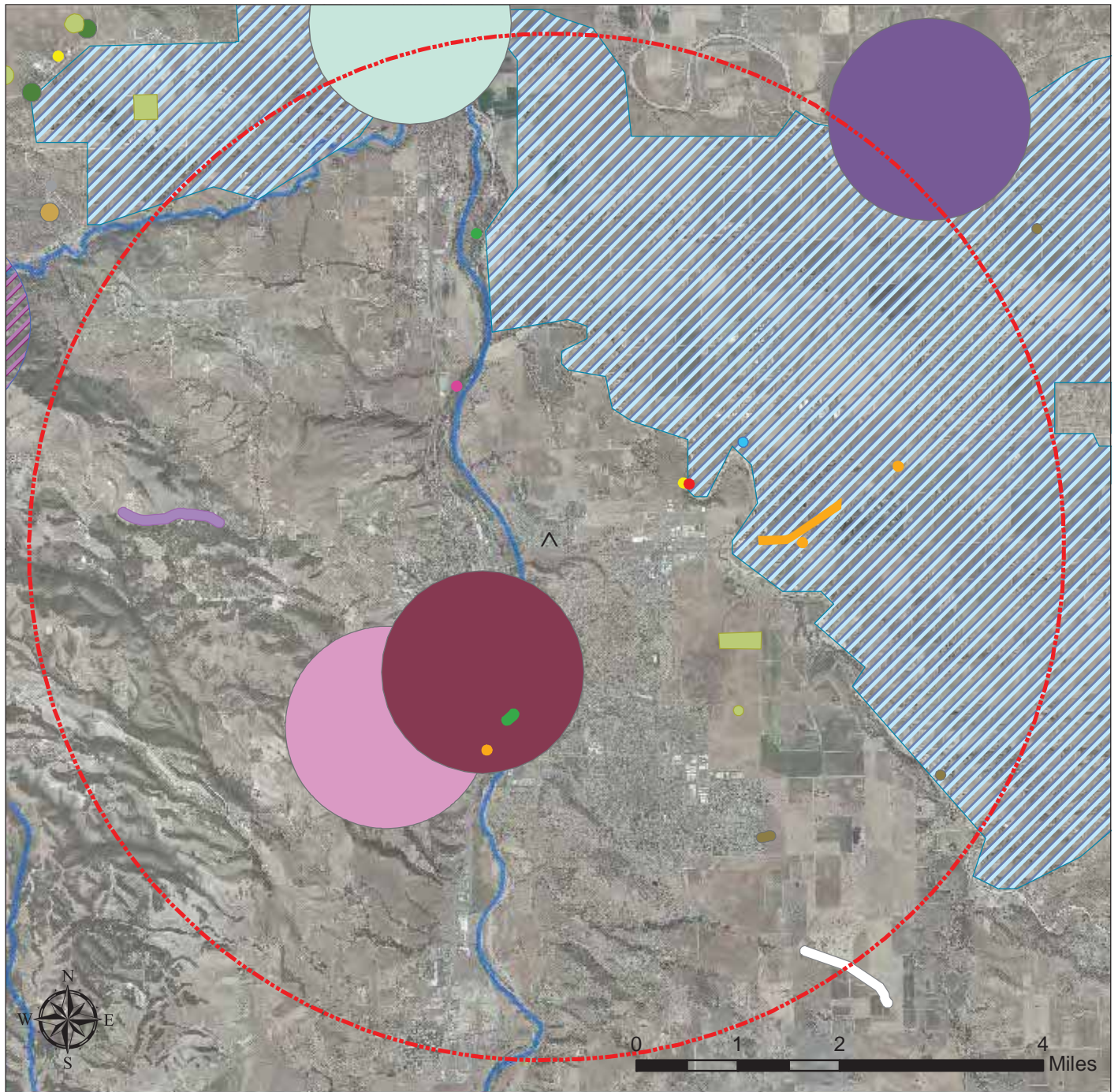
Buena Vista Apartment
Experimental Station Road

Soil Survey of San Luis Obispo County
 Inland Paso Robles
 2010 San Luis Obispo County
 NAIP Aerial Photography
 Map Updated: July 03, 2012, 08:33 AM



Althouse and Meade, Inc.
 1602 Spring Street
 Paso Robles, CA 93446

Figure 4. CNDDDB & FWS Critical Habitat Map



- | | | | |
|---|---|--------------------------------|--------------------------|
| ^ Property Location | American badger | San Joaquin pocket mouse | least Bell's vireo |
| 5-mile property buffer | Atascadero June beetle | Lemmon's jewel-flower | shining navarretia |
| vernal pool fairy shrimp critical habitat | Lompoc grasshopper | San Luis Obispo owl's-clover | silvery legless lizard |
| steelhead salmon critical habitat | Jared's pepper-grass round-leaved filaree | Santa Cruz Mountains pussypaws | vernal pool fairy shrimp |
| | Lemmon's jewel-flower | Santa Lucia dwarf rush | western pond turtle |
| | San Joaquin kit fox | dwarf calycadenia | western spadefoot |
| | | golden eagle | woodland woollythreads |

Buena Vista Apartments
Experimental Station Road

CNDDDB Data from June 3, 2012
 Federal Critical Habitat Data May 15, 2012
 2010 San Luis Obispo County
 NAIP Aerial Photography
 Map Updated: July 03, 2012, 08:26 AM



Althouse and Meade, Inc.
 1602 Spring Street
 Paso Robles, CA 93446

Figure 5. Habitat Map



--- Limit of Work
 [Red Box] Property Boundary

[Yellow Box] Abandoned Orchard (0.77 ac)	[Light Green Box] Disturbed Annual Grassland (2.36 ac)
[Purple Box] Anthropogenic (4.72 ac)	[Orange Box] Livestock Pens (3.60 ac)
[Green Box] Blue Oak Woodland (0.75 ac)	



Figure 6. Preliminary Architectural Plans

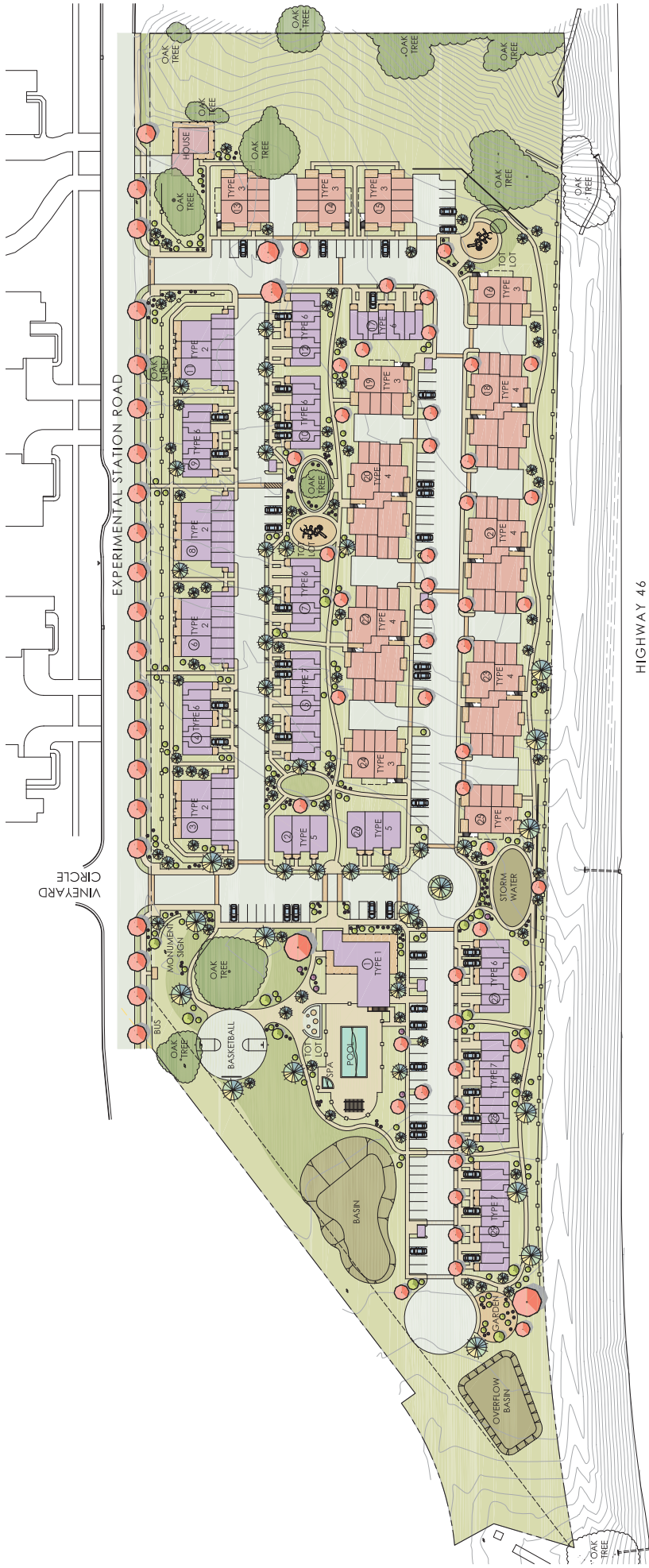


POLE LIGHT
LITHONIA-KAD 400K R3

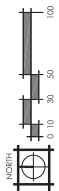
BOLLARD
LITHONIA-ABBE 100K R5

WALL MOUNTED
BEGA MODEL 6499-DARK BRONZE
WANTS 42

SITE LIGHTING FIXTURES



HIGHWAY 46



ARCHITECTURAL SITE PLAN



Ajuna Buena Vista Properties, LLC
1004 Avenida Freatido
San Clemente, California 92672
Phone: (949) 633-5675

Buena Vista Apartments
802 Experimental Station Road
Paso Robles, California

March 30, 2012
1" = 100' @ 11x17
1" = 50' @ 24x36
A2.0

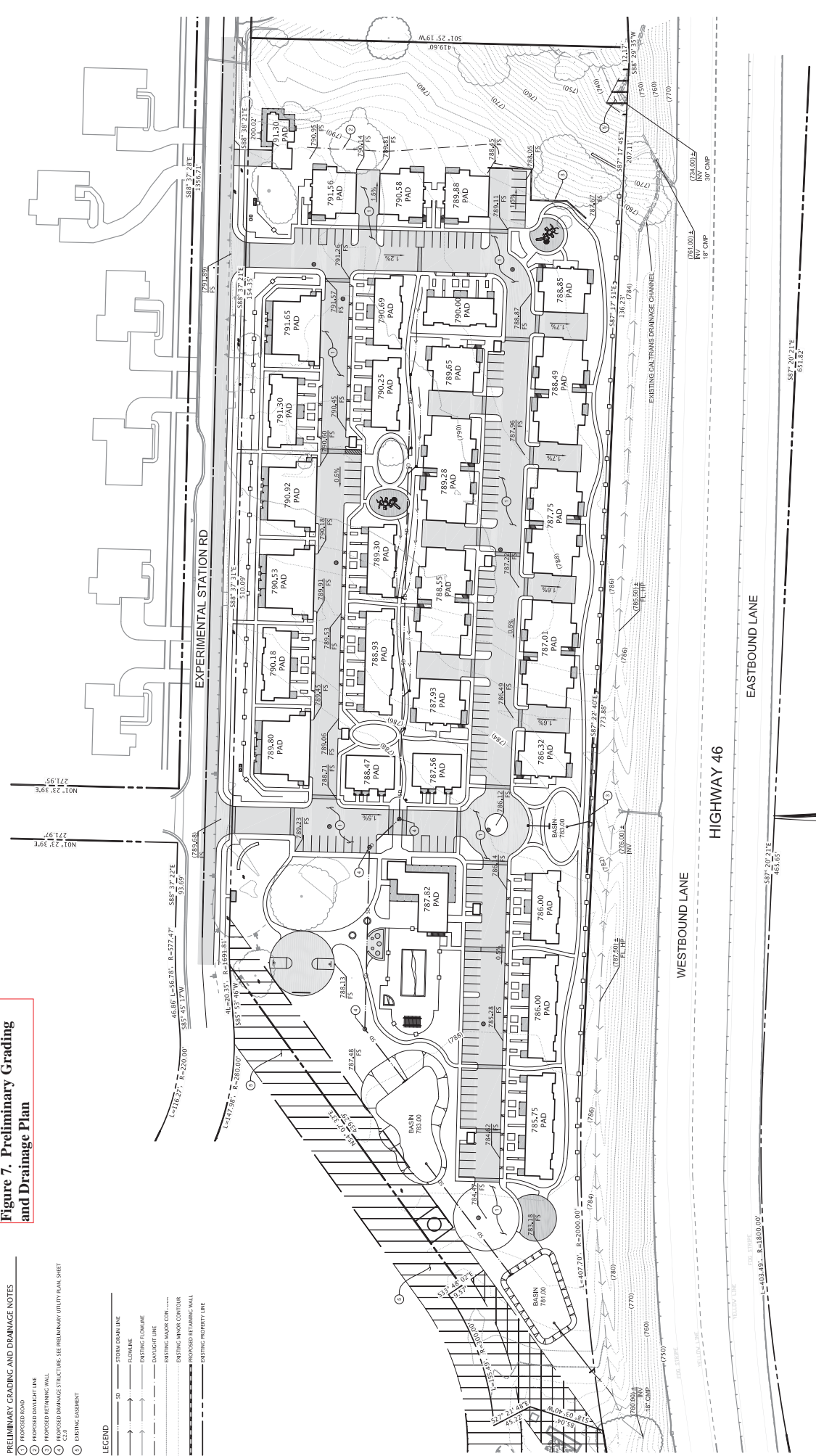
Figure 7. Preliminary Grading and Drainage Plan

PRELIMINARY GRADING AND DRAINAGE NOTES

- PROPOSED ROAD
- PROPOSED DIVERGENT LINE
- PROPOSED RETAINING WALL
- PROPOSED DRAINAGE STRUCTURE. SEE PRELIMINARY UTILITY PLAN SHEET
- EXISTING CASHPAD

LEGEND

- SW
- STORM DRAIN LINE
- FLOWLINE
- EXISTING FLOWLINE
- DAYLIGHT LINE
- EXISTING MAJOR CONDUIT
- EXISTING ANCHOR CONTOUR
- PROPOSED RETAINING WALL
- EXISTING PROPERTY LINE



PRELIMINARY GRADING PLAN

Ashley Vance
ENGINEERING, INC.
800 Industrial Ave., Suite C
San Jose, CA 95128
www.ashleyvance.com
(408) 946-8100 • (408) 946-8101

ARRIS
STUDIO
ARCHITECTURE
1000 GARDEN STREET, SUITE 200
SAN JOSE, CALIFORNIA 95128
www.arisstudio.com
(408) 946-8100 • (408) 946-8101

Ajuna Buena Vista
Properties, LLC
1005 Avenida Freixo
San Clemente, California 92672
Phone: (949) 433-5075

Buena Vista
Apartments
802 Experimental Station Road
Palo Alto, California

DATE: APRIL 30, 2013
SCALE: 1" = 100' @ 11x17"
PROJECT: 11-20-02204
C1.0

12.0 Photographs



1. The existing residential properties are on large lots, some of which are used as pasture for stock animals. View southeast, 2006 condition.



2. An existing trailer would be removed. Landscape trees may be removed, while native oak trees would be protected.



3. Condition of disturbed California annual grassland at the west end of the Property in 2012.



4. Typical condition of livestock pen habitat on the Property in 2012.



5. Annual grasses and forbs dominate the grassland and pasture areas. Occasional mature oaks remain on the property. View north in 2006.



6. View southeast of blue oak woodland, on a hillside above an ephemeral drainage. Highway 46 East is in the background.



7. A small swale begins at a culvert from under Experimental Station Road on the residential parcel to the east, and continues through Tract 2696 to Highway 46 East. Standing water was present on February 28, 2005.



8. The swale has been altered somewhat but continues to have ponded water during the wet season. Photo taken April 20, 2012, following 1.75 inches of rain over the previous week.



9. Stormwater inlet collects water that is carried under street toward the Property. Cattails indicated by arrow. Mulefat bush to the left, and landscape and fruit trees to the right in photo taken July 2012, view south.



10. Dry swale in pasture. Piles of dirt appear to have been used for bicycle jumps. Plants are weedy upland species. Photo July 10, 2012, view south.



11. Areas inside pastures typically had much lower vegetative cover than ungrazed areas. Photo taken along fence in 2012.



12. A small wetland has formed at the outlet of a culvert draining nuisance water from the adjacent residential development. Photo 2006.



13. Typical pasture fencing with narrow openings at the lower portion of the fence. This type of fencing is difficult for many medium sized wildlife species to move through.



14. An existing oak at the northeast property corner died in 2006 and would be removed.

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Kit Fox Habitat Evaluation Form

Cover Sheet

Project Name **Buena Vista Apartments**
Paso Robles

Date **6-8-12**

Project Location

802 Experimental Station Road
Paso Robles

Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name **Paso Robles**

Lat/Long or UTM coordinates (if available) **N 35.644675°**

W 120.675786°

Project Description: **Residential Apartments**

Project Size: **12.2 acres**

Amount of Kit Fox Habitat Affected: **2.9 acres**

Quantity of WHR Habitat Types Impacted (i.e. – 2 acres annual grassland, 3 acres blue oak woodland)

WHR type	UAG - Grassland	2.36 acres
WHR type	Oak Woodland	0.09 acres
WHR type	Abandoned orchard	0.45 acres

Comments:

Question 3 is answered, "Project area surrounded by ag but less than 200 yards from habitat (5)", although there is no ag, but rather development surrounding the property. This answer is the best fit because Highway 46 is to the south, but habitat is present across the highway approximately 75 yards from the property.

Form Completed by:

David E. Meade

Revised 03/02

San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

YES – Continue with evaluation form

NO – Evaluation form/surveys are not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al, 1998).
 - A. **Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20).**
 - B. Project is within a core population (15)
 - C. Project area is identified within satellite population (12)
 - D. Project area is within a corridor linking satellite populations (10)
 - E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of the project area.
 - A. Annual grassland or saltbush scrub present >50% of site (15)
 - B. Grassland or saltbush scrub present but comprises <50% of project area (10)**
 - C. Oak savannah present on >50% of site (8)
 - D. Fallow ag fields or grain/alfalfa crops (7)
 - E. Orchards/vineyards (5)
 - F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area
 - A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
 - B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
 - C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.- river, canal, aqueduct) (7)
 - D. Project area surrounded by ag but less than 200 yards from habitat (5)**
 - E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of the project implementation. Mortality may come from direct (e.g. – construction related) or indirect (e.g. –vehicle strikes due to increases in post development traffic) sources.
 - A. Increase in mortality likely (10)
 - B. Unknown mortality effects (5)**
 - C. No long term effect on mortality (0)

- 5. Amount of potential kit fox habitat affected
 - A. > 320 acres (10)
 - B. 160-319 acres (7)
 - C. 80-159 acres (5)
 - D. 40-79 acres (3)
 - E. <40 acres (1)

- 6. Results of project implementation
 - A. **Project site will be permanently converted and will no longer support foxes (10)**
 - B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
 - C. Project area will be temporarily impacted and no maintenance necessary (5)
 - D. Project will result in changes to agricultural crops (2)
 - E. No habitat impacts (0)

- 7. Project shape
 - A. **Large block (10)**
 - B. Linear with >40 foot right-of way (5)
 - C. Linear with <40 foot right-of-way (3)

- 8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?
 - A. Yes (10)
 - B. No (0)

Scoring

1. Recovery importance	20
2. Habitat condition	10
3. Isolation	5
4. Mortality	5
5. Quantity of habitat impacted	1
6. Project results	10
7. Project shape	10
8. Recent observations	<u>0</u>
Total	61

Mitigation Monitoring and Reporting Plan

Project File No./Name: PD 12-005, Rezone 12-003, SPA 12-003 – Buena Vista Apartments.

Approving Resolution No.:

Date: October 16, 2012

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

See attached Mitigation Summary Table for Mitigation Measure Descriptions.

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-1	Project	Planning Division, Building Division			
BR 1 – BR 19					
GHG -1	Project	Planning Division			
Oak 1 – Oak 8	Project	Planning Division			
N1-N4	Project	Planning Division			

Explanation of Headings:

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

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN AND THE ZONING MAP ESTABLISHED
BY REFERENCE IN SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
(BUENA VISTA APARTMENTS)

WHEREAS, Don Benson on behalf of Arjun Buena Vista Apartments, LLC., has submitted Rezone 12-003, a proposal to change the zoning designation of the 12-acre site from Residential Single-Family, one acre lot (R1-B4) to Residential Multi-Family, 12 units to the acre (RMF-12); and

WHEREAS, the site is located on the south side of Experimental Station Road, west of Buena Vista Road; and

WHEREAS, the site is located with Sub Area D of the Borkey Area Specific Plan; and

WHEREAS, the Specific Plan amendment is necessary to revise the plan to reflect the change in the Zoning designation for the site; and

WHEREAS, Borkey Area Specific Plan Amendment 12-003 has been submitted to change various areas within the plan, such as development standards and maps; and

WHEREAS, at a meeting held on September 25, 2012, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on information received at its meeting on October 16, 2012 the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendation from its September 25, 2012 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on November 6, 2012 the City Council held a second reading of said ordinance.
NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

The Borkey Area Specific Plan will be amended as described below in Sections 1-7, by a map change as noted, or by text change, where the text to be omitted is shown with a "strike through" and the text to be added sin shown in **bold**:

SECTION 1:

Replace Page II-6 (Existing Land Uses - Map), with updated map, Exhibit A. Delete Page II-8. Note: The revised Page II-6 will make the necessary changes to bring the BASP Land Use Map up to date with the current General Plan Land Use Map. Page II-8 is no longer necessary.

SECTION 2:

Replace Page II-9 (Proposed Zoning Designations - Map) with updated map that changes the zoning designation for the subject site from R1-B4 to R3, Exhibit B. Note: revised map will make the necessary changes to bring the BASP Zoning Map up to date with the current Zoning Code Map.

SECTION 3:

Section III, Page 6, Table 3-1, (Prescribed Land Uses and Permitted Densities, Parcel Sizes) would be amended as shown on Exhibit C.

SECTION 4:

Amend Section III, Page 10 as follows:

Subarea D

~~Designation by this plan of Subarea D for rural residential development is intended to protect and continue the existing pattern of rural residences already established in the area. Extending current development characteristics, this subarea would allow the ultimate development of a maximum of sixty three rural residential units on one acre minimum lots and fifteen single family residential units on a minimum of one half acre lots. Except for the northeasterly portion of this subarea, extensive parcelization and associated rural residential development has already occurred.~~ **With the adoption of the 2003 General Plan, the transformation of Sub Area D from rural residential to other types of land uses began to take place. The 2003 General Plan changed the land use designation for the five properties totaling approximately 12.5-acres, located on the south side of Experimental Station Road, west of Buena Vista Drive, from RSF-1 to RMF-12. In 2012 the Buena Vista Apartment project was approved to develop 142 apartment units on the Experimental Station Road site. The 20 acre Ayres Resort parcel has a Parks and Open**

Space Zone, with a Resort/Lodging Overlay, and has an approved project consisting of 225 room Resort Hotel, with a wellness spa, conference room, restaurant, extended-stay units (included with the 225 rooms proposed), wine tasting/retail boutique, and ancillary parking, landscaping, gardens, orchards and vineyards. The existing commercial operation established at the northwest corner of Buena Vista Road and Highway 46 will be allowed to remain in place in this subarea as a legal use, under the conditional use permit currently applicable to the property.

SECTION 5: Section III, Page 11a, Figure D-3, (Sub Area D) would be amended as shown on Exhibit D.

SECTION 6. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on the attached Exhibit E.

SECTION 7. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 8. Inconsistency. To the extent that the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on October 16, 2012, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of November, 6, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

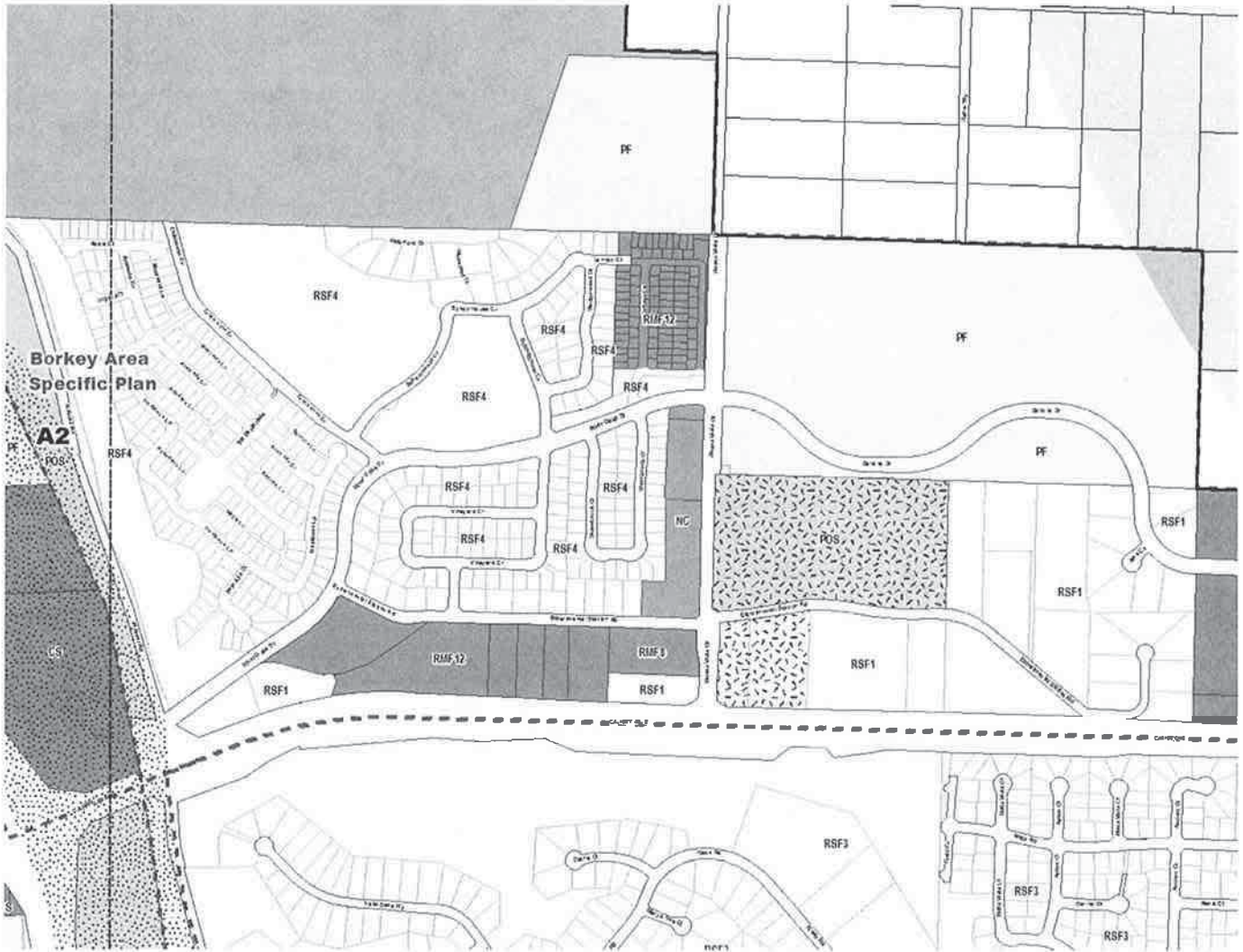


Exhibit A
 BASP - Land Use Map
 (Buena Vista Apartments)

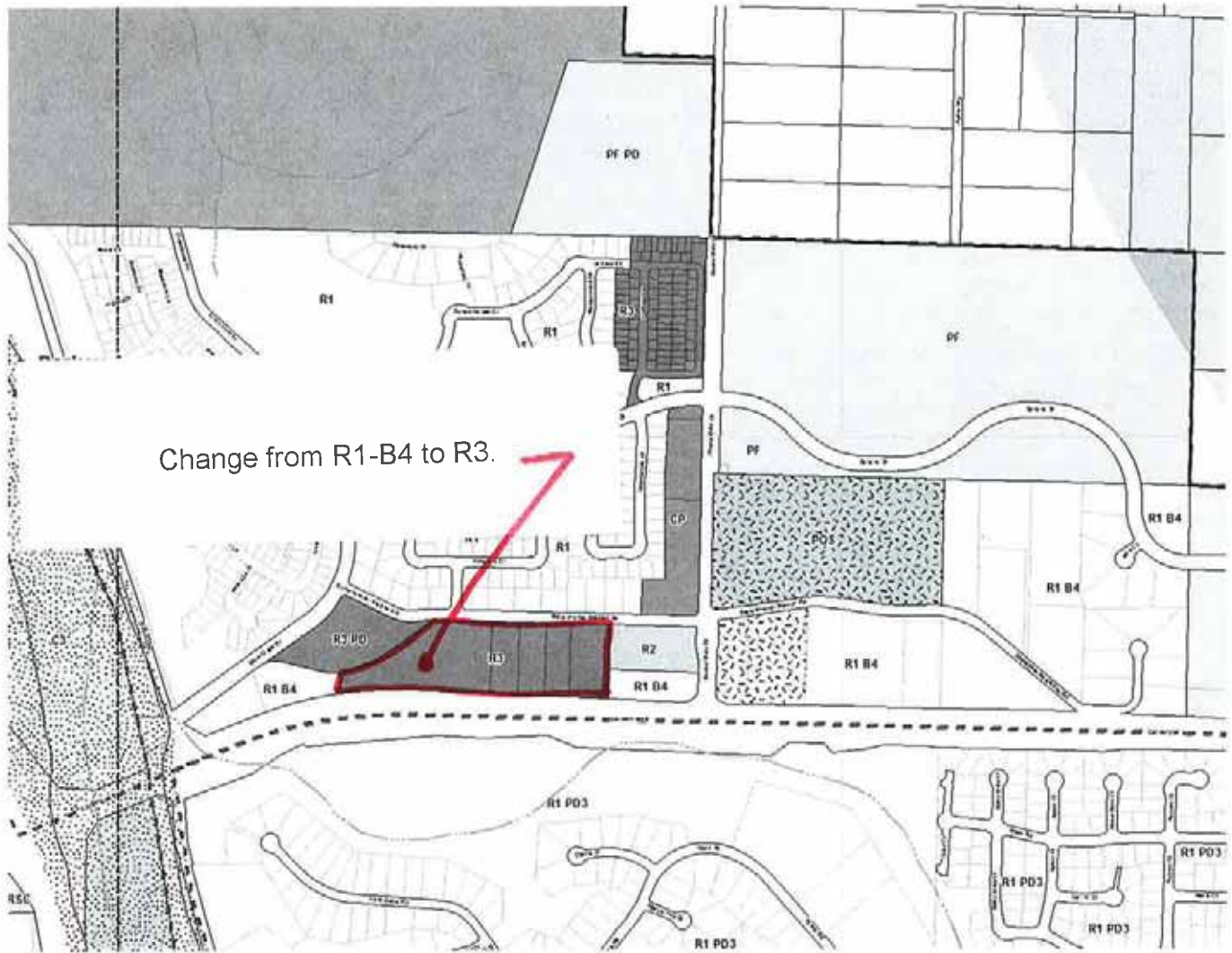
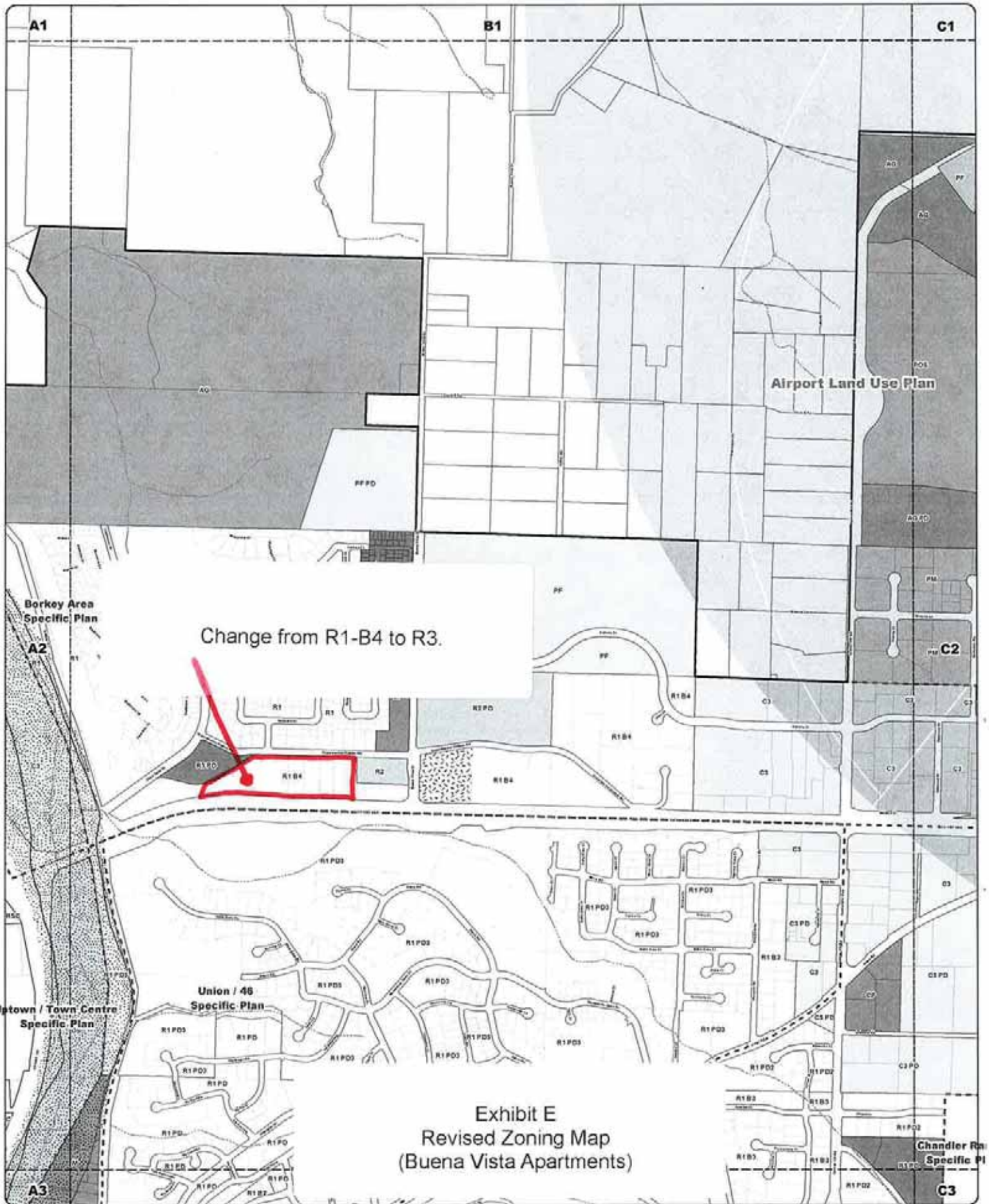


Exhibit B
BASP - Zoning Map
(Buena Vista Apartments)

**TABLE 3-1
PRESCRIBED LAND USES
AND PERMITTED DENSITIES, PARCEL SIZES
BORKEY AREA SPECIFIC PLAN**

Plan Subarea	Permitted Uses	Maximum Development Intensity	Minimum Lot Size
A	Agricultural and Resort Related	223 hotel rooms, suites or cottages, 20 employee housing units	20 acres
	Recreational:		
	Tennis courts		
	Water gardens		
	Golf greens & tees	10,000 sq ft restaurant(s)	
	Driving range	600 person capacity conference	
	Putting green	and/or banquet rooms	
	Corn maze		
	Equestrian Center:	1200 person capacity amphitheatre	
	Show arena	and/or events assembly areas	
	Training facilities		
	Stables		
	Hot springs and spa		
	Hotel and conference		
B	Single Family Residential	481 units total* <small>*multiple family inclusive in sub area total</small>	5,000- 20,000 s.f.
	Multiple Family	Up to 149 units	14.0 acres (overall)
	Public & Quasi-Public	(N/A)	
	Commercial	CP (Neighborhood Commercial) CS (Commercial Service)	6.0 acres (overall) 4.5 acres (overall)
C	Cuesta College (Public Facility)	(N/A)	(N/A)
D	Rural Residential	52 25 units	1.0 acres
	Single Family Residential	15 51 units	0.5 ac. 4,000sf
	Multi-Family Residential	142	(N/A)
	Resort/Lodging Overlay	137 units + amenities	(N/A)
E	Commercial/Industrial	C-3	(N/A)
F	Public & Quasi-Public	(N/A)	(N/A)

Exhibit C
Revised Table 3-1
(Buena Vista Apartments)



Change from R1-B4 to R3.

Exhibit E
Revised Zoning Map
(Buena Vista Apartments)

Map B2 05.03.2011
City of El Paso de Robles
Zoning Designations



City Limit	AG, Agriculture	M, Industrial	R2, Residential Duplex/Triplex	R5, Residential Multifamily	T-3F, Flex
Specific Plan	AP, Airport	OP, Office Professional	R3, Residential Multifamily	RA, Residential Agriculture	T-3N, Neighborhood
Sphere of Influence	C, Civic	OS, Open Space	R3-10, Residential Multifamily	RC, Regional Commercial	T-4F, Flex
SPRR	C1, Commercial-General Retail	PF, Public Facilities	R3-15, Residential Multifamily	RMF9, Residential Multifamily	T-4N, Neighborhood
USGS Creek	C2, Commercial-Highway	PM, Planned Industrial	R3O, Residential Multifamily/Office	RS, Residential Suburban	T-4NC, Neighborhood Center
FEMA Floodway	C3, Commercial/Light Industry	POS, Parks & Open Space	R4, Res Multifamily/Mobilehome	RSC, Riverside Corridor	TC-1, Town Center
	CP, Commercial-Neighborhood	R1, Residential Single Family	R4-2, Res Multifamily/Mobilehome	RSF6, Residential Single Family	TC-2, Town Center
					Resort Lodging
					Airport LUP
					Historic Preservation
					Office Professional
					Agriculture
					Mixed Use
					San Pedro River

RESOLUTION NO.:

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 12-005
(Buena Vista Apartments)
APN: 025-391-006, 007, 080 & 081 & 025-541-021

WHEREAS, PD 12-005, RZ 12-003, SPA 12-003 (The Project), has been submitted by Don Benson on behalf of Arjun Buena Vista, LLC to establish a 142 unit apartment complex; and

WHEREAS, the project is proposed to be located on the 12.5-acre site on the south side of Experimental Station Road, west of Buena Vista Drive; and

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

Rezone: to change the existing R1-B4 (Residential Single-Family, 1 acre lot) zoning designation to R3 (Residential Multifamily 12 units per acre). The rezone to R3 would bring the zoning designation into compliance with the existing General Plan Land Use designation (RMF-12);

Specific Plan Amendment: to amend the Borkey Area Specific Plan to accommodate the multi-family residential project, and establish updated Specific Plan fees;

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

and;

WHEREAS, a public hearing was conducted by the Planning Commission on September 25, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Development Plan, Rezone, Specific Plan Amendment, and associated Mitigated Negative Declaration; and

WHEREAS, on September 25, 2012, the Planning Commission recommended that the City Council approve the PD 12-005, and associated Mitigated Negative Declaration; and

WHEREAS, a public hearing was conducted by the City Council on October 16, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed development plan, and associated Mitigated Negative Declaration; and

WHEREAS, a resolution was adopted by the City Council approving a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development and Rezone applications in accordance with the California Environmental Quality Act; 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 City Council makes the following findings:

Section 1. Findings

In accordance with Sections 21.23.250 and 21.23B.050 of the Zoning Code, based on facts and analysis set forth in the staff report for this item, and taking into consideration comments received from the public and/or other governmental agencies having purview in the subject development plan application, the Planning Commission (City Council) hereby makes the following findings:

- a. The design and intensity (density of the proposed development is consistent with the following):
 1. The goals and policies established by the General Plan;
 - a. *The approval of this development plan will allow for the development of a multifamily residential neighborhood consisting of buildings with four or more dwellings units per acre. The project will also meet the needs of persons seeking rental housing units at various price levels, and in a location that will be in close proximity to schools, shopping, and other services.*
 - b. *The project is designed to maximize protection of oaks and biological resources as called for in Policies C-3A and C-3B of the Conservation Element. Additionally, Condition #BR-6 of Resolution _____ requires mitigation of impacts to Kit Fox habitat.*
 2. The policies and development standards established by any applicable specific plan;
 - a. *The proposed resort project is consistent with several of the 14 goals for the Borkey Area Specific Plan listed in Chapter 3.*
 3. The Zoning Code, particularly the purpose and intent of the zoning district in which a development project is located;
 - a. *With the approval of the proposed Rezone, the project site will be located in the Residential Multi-Family (RMF) zoning district, which would bring the zoning into compliance with the General Plan. Apartment complexes are permitted in RMF zoning districts.*
 4. All other adopted codes, policies, standards, and plans of the City;
 - a. *This resolution contains several conditions designed to implement the Municipal Code, City State, and Regional governmental policies, regulations and adopted standards related to public infrastructure (e.g., streets, water, sewer, storm drainage), building and fire safety, general public safety.*

b. The project expands the City's inventory of multifamily housing, which advances the following policies in the 2006 Economic Strategy

(1) The "Place" policy, which calls to implement development policies to achieve more efficient use of infrastructure.

- Encourage community development in live/work, mixed use, and compact, pedestrian oriented forms to accommodate all income levels and lifestyles;*
- Increase labor force residents in the City.*

- b. The Buena Vista Apartment project is consistent with the adopted codes, policies, standards and plans of the City; since the project has gone through the development review process including, environmental review; and
- c. The Buena Vista Apartment project 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; since the project will be required to comply with the recommended conditions of approval, including any environmental mitigation measures, and comply with any building and fire codes; and
- d. The Buena Vista Apartment project accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors and the public right-of-way; in this particular case, the project site is not located in a City gateway area or a scenic corridor and has minimal frontage to the public street, however, based on the project being designed to fit the subject site and based on the site plan, architecture and landscaping, the proposed development will accommodate the aesthetic quality of the City as a whole; and
- e. The Buena Vista Apartment project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts, because the project has been designed to provide significant buffers, including setbacks, and landscaping from the residential properties to the south and east, and additionally as a result of the site planning, building architecture and environmental mitigation, and included with this project.
- f. The Buena Vista Apartment project is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc. as a result of the project being designed to limit the amount of grading and oak tree impacts by developing in the flatter areas of the site, which allows for the preservation of the existing hillsides and oak trees; and
- h. The Buena Vista Apartment project contributes to the orderly development of the City as a whole, since the project will utilize the existing infrastructure in Buena Vista and Experimental Station Roads, consisting of sewer water and other utilities; and

Section 2. Conditions of Approval

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles approves Planned Development 12-005 subject to the following conditions:

PLANNING:

1. This PD 12-005 along allows for the development of the 12.5-acre site into a 142 unit apartment complex where one of the 142 units is a care taker unit.
2. The project is proposed to be developed in 3 phases. In the event that the applicant wishes to change the phasing order, after verification from the City Engineer that there are no concerns, the Development Review Committee (DRC) may approve the phasing change request.
3. 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
B	Title Sheet – Project Data
C	Architectural Site Plan
D	Details
E	Building 1 Floor Plans
F	Building 1 Elevations
G	Building 2 Floor Plans
H	Building 2 Elevations
I	Building 3 Floor Plans
J	Building 3 Elevations
K	Building 4 Floor Plans
L	Building 4 Elevations
M	Building 5 Floor Plans/Elevations
N	Building 6 Floor Plans
O	Building 6 Elevations
P	Building 7 Floor Plans
Q	Building 7 Elevations
R	Building 8 Floor Plans/Elevations
S	Conceptual Landscape Plan
T	Preliminary Grading Plan
U	Preliminary Utility Plan

4. Prior to the issuance of a building permit, the Development Review Committee (DRC) shall review the following items to insure substantial compliance with the above listed Exhibits:
 - Final site details such as landscaping, decorative paving, benches, exterior lighting and any other site planning details;
 - Architectural elevations, including final materials, colors and details;
 - Final details for tot lots. Each tot lot needs to include a minimum of three (3) play equipment features (e.g., slide, swings, monkey bars, etc.);
 - Demonstrate that all trash enclosures provide for recycling bins and that an adequate number of trash enclosures have been provided to serve the development;
 - All visitor parking spaces are clearly marked and well distributed throughout the apartment complex.
 - Equipment such as back flow devices, transformers, a/c condensers and appropriate screening methods for both views and noise;
 - Final grading and drainage plans;
 - Signage;
5. The project landscape plan is subject to the requirements within the City's Landscape Ordinance. Since the landscape area is over 1 acre, a Landscape Documentation Package (LDP) is required to be submitted to the City prior to the issuance of a Building Permit.
6. The final landscape plan shall be redesigned to address the following areas:
 - Plan shows extensive areas where turf borders concrete sidewalks. Landscape ordinance requires a 24" border of mulch or rock between turf and sidewalks to prevent or minimize overspray to paved areas. Modify plans to place drought-tolerant landscape buffer between pavement/concrete and turf areas.
 - Small, narrow, irregular-shaped turf areas around Tot Lot in center of parcel will be inefficient to irrigate and do not appear to meet ordinance requirement that turf areas exceed 8 ft. in width to minimize overspray and irrigation inefficiencies. These turf areas are too small to provide a play surface. These areas need to be changed to drought-tolerant plantings on drip irrigation.
 - Oval turf area depicted will be very inefficient to irrigate. Modify oval shape so the end curves are not so severe to increase irrigation efficiency.
 - Southern Magnolia has only moderate drought tolerance. Recommend a substitute that is more drought tolerant.

ENGINEERING:

7. Experimental Station Road shall be improved with curb, gutter, sidewalk and paving in accordance with plans approved by the City Engineer.
8. All existing overhead utility lines along Experimental Station Road and the northeast boundary of the project shall be relocated underground.

9. Low impact development best management practices as outlined in the project submittals shall be incorporated into the project grading plans and shall meet design criteria adopted by the City in effect at the time of development of the project.
10. The open space area along the eastern boundary of the project shall be dedicated to the City.
11. Prior to the issuance of a Building Permit, calculations shall be provided that update the Borkey Specific Plan fees related to the apartment project.
12. The owner shall petition to annex the multi-family residential project 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.

Section 3. Environmental Mitigation Measures

Air Quality:

AQ-1: In accordance with SLOAPCD-recommendations, projects with grading areas that are greater than 4 acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20-percent opacity limit (APCD Rule 401) and do not impact offsite areas prompting nuisance violations (APCD Rule 402) (Mutziger 2012):

Fugitive Dust:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114:

- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures required shall be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20-percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

California Diesel Idling Regulations

- n. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- o. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- p. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
- q. The specific requirements and exceptions in the regulations can be reviewed at the following websites: www.arb.ca.gov/msprogltruck-idlingl2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf;

- r. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 3. Use of alternative fueled/electrically-powered equipment is recommended; and
 4. Signs that specify the no idling areas must be posted and enforced at the site.
 5. Any proposed construction truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals.
 6. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 7. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);

Additional Measures: The following additional mitigation measures shall also be implemented:

- s. To the extent practical, reuse and recycle construction waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard.
- t. Prior to the issuance of grading permits, the applicant shall demonstrate through updated modeling that the actual construction fleet that is secured will not exceed the construction phase thresholds when the construction mitigation is implemented. Should the actual fleet exceed any threshold, then phasing changes or other mitigation shall be proposed and approved by the APCD such that the project will be below the construction phase air quality thresholds of significance of 2.5 tons/quarter ROG+NO_x.
- u. Demolition of existing structures shall comply with applicable requirements, as 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.
- v. The contractor or builder shall use paints/coatings that comply with or that have a lower VOC content than specified in APCD Rule 433. APCD Rule 433 is available at website url: <http://www.arb.ca.gov/drdb/slo/cur.htm>.

Biological Resources:

- BR-1 Nuisance water will be piped into the project's stormwater system. A new bioswale will be created to filter nuisance water from the subject parcel.
- A. The bioswale is located along the southern property boundary, and will be part of the project's linear landscaping and stormwater detention system.
 - B. Prior to issuance of a grading permit for work that would affect the wetland and swale feature, the Regional Water Quality Control Board and the California Department of Fish and Game will be contacted to determine if permits to impact the nuisance water wetland are required under the Porter Cologne Act, Clean Water Act, or Fish and Game Code. If permits are required, applications will be made to appropriate agencies and approvals received.
- BR-2 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-3 An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- BR-4 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-5 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-6 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-7 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.

- BR-8 Within one week of ground disturbance activities, **if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged.** A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.
- BR-9 Occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within the 100 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing or flagging where it overlaps work areas
- BR-10 Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
- BR-11 Pre-construction surveys for burrowing owls shall be conducted not more than 14 days prior to any work that affects habitat containing burrows. The pre-construction surveys shall be conducted in a manner sufficient to determine no burrowing owls are present in the work areas. Pre-construction surveys shall be conducted throughout the year, when work is proposed, to account for breeding, wintering, and transient owls.
- BR-12 If burrowing owls are present in the work areas during the breeding season (February 1 through August 31), the burrows must be monitored to determine if a breeding pair is present. If a breeding pair is confirmed, the burrow must be avoided and protected from impacts via a 250 foot setback from the burrow. If a breeding pair is not present, passive relocation may be used. If burrowing owls are present during the non-breeding season, a passive relocation effort, such as a one-way door, may be implemented. Monitoring and mitigation must be conducted under guidance from a qualified wildlife biologist. Mitigation and protection procedures should incorporate recommendations outlined in the burrowing owl protocol survey guidelines (California Burrowing Owl Consortium 1993).

- BR-13 A focused pre-construction survey for legless lizard shall be conducted within the project site prior to construction. Pre-construction surveys shall be conducted where ground disturbance will occur in potential legless lizard habitat, around existing trees and shrubs where soils are friable. The pre-construction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
- Obtain approval from California Department of Fish and Game for project biologist to relocate of special status species prior to start of construction activities. Prepare and submit a Management Plan pertaining to the capture and relocation of legless lizards, including a map of proposed relocation sites, to CDFG.
 - Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat.
- BR-14 Perform a focused survey for the presence of Western spadefoot toad beginning in January, during the rainy season. Surveys shall focus on determining presence or absence of adult or juvenile spadefoots on the Property, and on determining if the subject puddle is suitable for breeding.
- BR-15 If spadefoot toads are found on the property, a Management Plan shall be developed. This plan shall address monitoring ground disturbance activities near breeding pools to relocate disturbed spadefoot toads, relocation of toads to appropriate habitat outside the Project area or creation of and relocation to on-site habitat.
- BR-16 If the focused survey does not identify spadefoot toads on the Property, a biological monitor shall be present during initial site preparation and grubbing. If no spadefoot toads are found, construction activities may continue without daily monitoring. If special status species are found, a qualified biologist shall move them to the nearest safe location. At that time, the Project biologist shall have the authority to recommend additional monitoring if it is determined that spadefoot toads could move onto the Project site during construction, or be forced out of underground burrows during grading.
- BR-17 Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.
- BR-18 Prior to demolition of existing structures, a survey shall be conducted to determine if roosting bats or maternal bat colonies are present. Roosting bats may be excluded from the structure in consultation with the project biologist. Maternal bat colonies may not be disturbed. If maternal bat colonies are present, demolition shall not commence without consultation with the California Department of Fish and Game.
- BR-19 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Department of Community Development, Planning Division (City)

that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **5.8 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the Property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$14,500**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of Property in San Luis Obispo County and the City of El Paso de Robles; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase [**Total number of mitigation acres required**] credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the Property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$14,500**. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-20 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 0 through 0. 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.

- iv. **In addition**, the qualified biologist shall implement the following measures:
 1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential kit fox den: 50 feet
 - Known or active kit fox den: 100 feet
 - Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

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

- BR-21** 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-22** 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-23** 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-24** 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 by construction workers 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-25** 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-26** 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-27** 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-28** 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-29** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
 - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
 - iii. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines

Monitoring (San Joaquin Kit Fox Measures 0 to 0): Compliance will be verified by the City of Paso Robles Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

GHG Mitigations

- GHG-1:** The project applicant shall coordinate with the City of Paso Robles and the SLOAPCD to identify and implement GHG-reduction measures sufficient to reduce operational GHG emissions to below the SLOAPCD's significance threshold of 1,150 MTCO₂e/year. GHG-reduction measures may include, but are not limited to, implementation of measures that would reduce energy use, water use, and motor vehicle trips. Examples of measures to be implemented are included in the Air Quality & Greenhouse Gas Impact Assessment, Appendix B. If the project does not implement sufficient adopted GHG reduction measures to reduce the emissions below the GHG threshold, the applicant shall pay off-site mitigation fees at the rate established by SLOAPCD to fund local GHG reduction projects subject to approval by the City of Paso Robles.

Oak Trees:

Oak 1. Protect and monitor oaks on and adjacent to the Project Impact Area. Provide protection during construction for all trees not proposed for removal. Upon completion of grading plans and prior to issuance of permits, prepare a Tree Protection Plan Sheet illustrating locations of tree protection fencing and calling out specific measures for each tree in the Project Impact Area.

- a. All native trees will be tagged with permanent numbered tags (round aluminum tags, 1.25 inches in diameter). - Completed September 2004, checked May 2012.
- b. Any changes in the project referenced in this report will need Project Arborist review to ensure the report is still valid.
- c. Tree protection fencing (orange construction fencing) will be installed at the outer limit of the CRZ or, where feasible, the TPZ with t-posts placed in the ground no further apart than six (6) to eight (8) feet. Construction fencing will be firmly affixed with wire or zip ties. Trees that may be impacted shall be protected with construction fencing, depending on the impacts expected within the dripline (see Appendix D).
 - o Protective fencing is required between all construction activities and native trees. Fence locations will be established at the direction and approval of the Project Arborist prior to commencing construction.
 - o Protective fencing shall be installed prior to any site disturbance or construction, and shall remain in place until all construction is complete.
 - o No grading, trenching, materials storage, soil storage, debris or site disturbance shall occur within the protected area. No concrete, plaster, or paint washout shall be allowed within the protected area. No concrete, plaster, or paint washout shall be allowed within the tree protection zone. Under no circumstance shall lack of space be used as reason to remove protective fencing.
 - o Weather-proof signs shall be permanently posted on protection fences every 50 feet (maximum) with the following information:

<p>Tree protection zone</p> <p>No personnel, equipment, materials, and vehicles are allowed. Do not remove or replace this fence.</p> <p>Project Manager [name and phone number].</p>

- d. An environmental monitor or arborist shall conduct a worker education meeting for the contractors and operators prior to ground-breaking activities. The briefing shall include a walk-through to identify each of the trees in the work area: the trees to be protected, and the trees that may be impacted or removed. The project manager shall be responsible for instructing workers about tree protection goals, implementing protection of root zones, dust control, and installing and maintaining protective fencing.
- e. The monitor shall check weekly to determine if the listed trees are being protected.

Oak 2. Monitor all tree impacts and removals. Prepare a monitoring program to implement the required mitigation measures.

- a. All impacts and disturbance within the root zone shall be documented and reported to the project manager and to the arborist who must treat and/or assess damaged branches and roots.
- b. Removals will be documented by the monitor who will tabulate mitigation obligations.
- c. The project will be reviewed by the arborist at various times of the development. Meetings with the arborist shall be arranged at least 48 hours in advance. The arborist shall review the project:
 - i. Prior to issuance of a grading permit to ensure proper installation of protective fencing and signage;
 - ii. At the time there is any work within the CRZ of an oak tree;
 - iii. Prior to certificate of occupancy;
 - iv. Any other critical times the arborist deems necessary (i.e., during installation of tot-lot improvements)
 - v. At the time of each monitoring site visit, a field report form (see example in Appendix D) will be filled out and given to the Project Manager and the City of Paso Robles Planning Department.

Oak 3. Replace oaks that are removed with eight (8) 24-inch boxed oaks.

- a. The City of Paso Robles Tree Preservation Ordinance¹ requires mitigation for native trees removed. The sizes protected are six inches (6") DBH or greater, for native deciduous trees. Replacement trees shall be locally grown, native stock (if available) of the same species as the removed tree.
- b. Table 4 provides a summary of the mitigation obligation for removal of Trees 49 and 70. Replacement oak caliper diameter must be equivalent to 25% of the diameter of the removed trees².

TABLE 4. Tree replacement calculated to mitigate for proposed removals³. Trees will be replaced with 24-inch box trees with a minimum caliper of 1.5 inches.

Tag #	Common Name	Health/Aesthetic Rating	DBH (inches)	Mitigation caliper required (inches)	Number of 24" box trees, 1.5" caliper
49	Valley Oak	Fair (63%)	15.5	3.9	3
70	Valley Oak	Poor (38%)	32.0	8.0	5
Totals			47.5	11.9 ⁴	8 trees

¹ City of El Paso de Robles - Ordinance No. 835 N.S.

² For example, the replacement requirement for removal of two trees of 15 inches DBH (30 inches, total) would be 7.5 inches (caliper, measured at the base of the young tree). 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. (City of El Paso de Robles - Ordinance No. 835 N.S., page 5)

³ Tree 101 is not included in this table because it is dead.

⁴ Calculation: 47.5 inches * 25% = 11.9 inches mitigation ÷ 1.5 inches/mitigation tree = 7.9 mitigation trees

- c. If a senescent or decadent tree rated "Poor" proposed for removal dies of natural causes during the planning process, the tree will be removed from the mitigation calculation.
- d. The environmental monitor will keep a running tally of the total number of trees removed during construction of the project. A final mitigation obligation determination will be provided by the environmental monitor to the project manager and to the City of Paso Robles.

Oak 4. Pruning and wound care shall be done under the supervision of a Certified Arborist or City approved tree care specialist.

- a. All cuts to roots over 1 inch and branches over 3 inches in diameter will be treated, as appropriate, to reduce fungal, bacterial, and insect infections. A Certified Arborist or tree care specialist shall be contracted to care for damaged roots and branches during construction. Appropriate antifungal, antibacterial, and pesticide treatments should be used on cut roots and branches. Black tree paint shall not be used on either roots or branches.
- b. Treat large wounds to roots and branches by cutting perpendicular to the root direction. Cut back to undamaged wood.
- c. Roots exposed during demolition and construction shall be treated, as appropriate, by a tree care specialist and covered by a layer of soil.

Oak 5. Prepare and implement a Mitigation Monitoring and Reporting Plan.

- a. The mitigation plan will include tree planting, protection, maintenance, and monitoring for seven (7) years. Success criteria will include tree height and total numbers of live trees at the end of seven years. The final landscape bond amount will not be returned until the success criteria have been met.
- b. The mitigation plantings will be monitored by a City-qualified tree specialist (biologist or arborist).

Oak 6. Use porous pavers when paving is required within the CRZ.

- a. Trees 71, 74 and 75 are large oaks located near proposed parking, driveways, and sidewalks. These hardscapes encroach within the CRZ of each tree. Any paving within the CRZ shall be done with porous pavers that will allow oxygen and moisture exchange to occur within the root zone. Porous pavers shall be approved by arborist. The pavers shall cover the CRZ at minimum, and should cover the largest possible portion of the paved area surrounding the tree with a minimum amount of base material.

Oak 7. Show all tree protection requirements on final grading plans.

- a. All trees to be protected from unauthorized impacts will be clearly shown on grading plans.
- b. Tree protection recommendations approved by the project arborist will be shown on the grading plans.

- Oak 8.** Tot lot construction shall minimize impacts to Tree 89.
- a. A 6-inch layer of mulch shall be placed in the CRZ of Tree 89.
 - b. Configure the tot lot play equipment such that no foundations or ground-disturbing work is necessary within the CRZ.
 - c. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand. Roots will be treated by the project arborist or approved tree care specialist.

PASSED AND ADOPTED THIS 16th day of October, 2012 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR DUANE PICANCO

ATTEST:

CARYN JACKSON, DEPUTY CITY CLERK

h:darren/PD/BVApartments /092512 PC Res

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

Planned Development _____ Conditional Use Permit _____

Tentative Parcel Map _____ Tentative Tract Map _____

Approval Body: City Council _____ Date of Approval: Oct. 16, 2012 _____

Applicant: Buena Vista Apartments _____ Location: Exp. Station Road _____

APN: 025-391-014 _____

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 October 16, 2014 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.

(Adopted by Planning Commission Resolution _____)

- 4. Any site specific condition imposed by the Planning Commission in approving this project **(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 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 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.

(Adopted by Planning Commission Resolution _____)

- 21. Prior to the issuance of building permits, the
 - Development Review Committee shall approve the following:
 - Planning Division Staff shall approve the following:
 - a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
 - b. A detailed landscape plan;
 - c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
 - d. Other:

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) 237-3860, 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.

(Adopted by Planning Commission Resolution _____)

- 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility.
- 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:

	Experimental Station	Local
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 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.

(Adopted by Planning Commission Resolution _____)

- 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 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.
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 _____)

Buena Vista Apartments

802 Experimental Station Road
Paso Robles, California

UNIT DATA	PROJECT DATA	PROJECT DESCRIPTION	SHEET INDEX	PROJECT DIRECTORY																																																		
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5	3,673 SF	14	51,422 SF																																																			
6	3,156 SF	14	44,184 SF																																																			
7	2,734 SF	14	38,276 SF																																																			
8	2,078 SF	11	22,858 SF																																																			
TOTAL	22,858 SF	111	154,733 SF																																																			



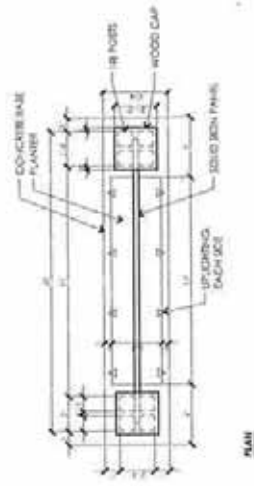
**Buena Vista
Apartments**

802 Experimental Station Road
Paso Robles, California

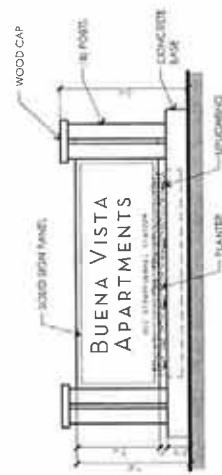


Exhibit B
Title Sheet - Project Data
PD 12-005
(Buena Vista Apartments)

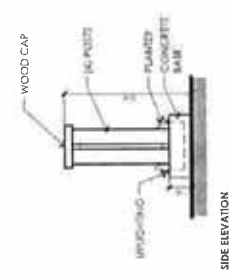
2



PLAN

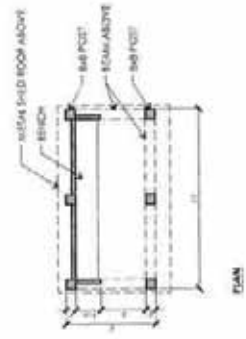


FRONT ELEVATION

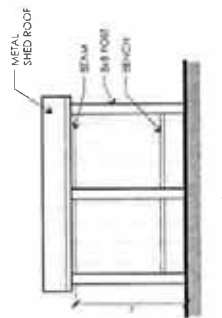


SIDE ELEVATION

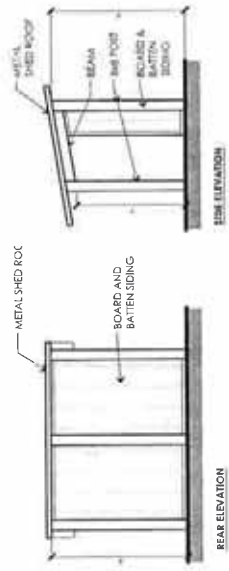
MONUMENT SIGN



PLAN

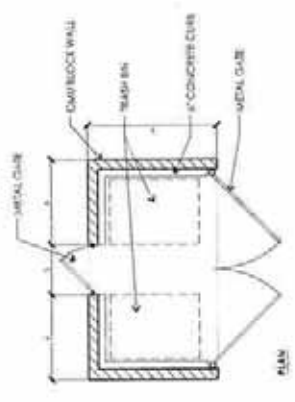


FRONT ELEVATION

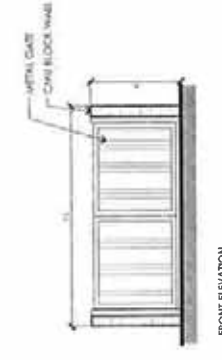


REAR ELEVATION

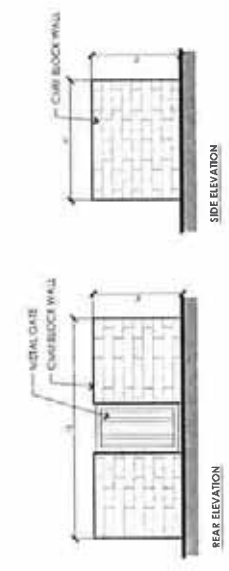
BUS STOP ENCLOSURE



PLAN



FRONT ELEVATION



REAR ELEVATION

SIDE ELEVATION

TRASH ENCLOSURE



ANCILLARY DETAILS

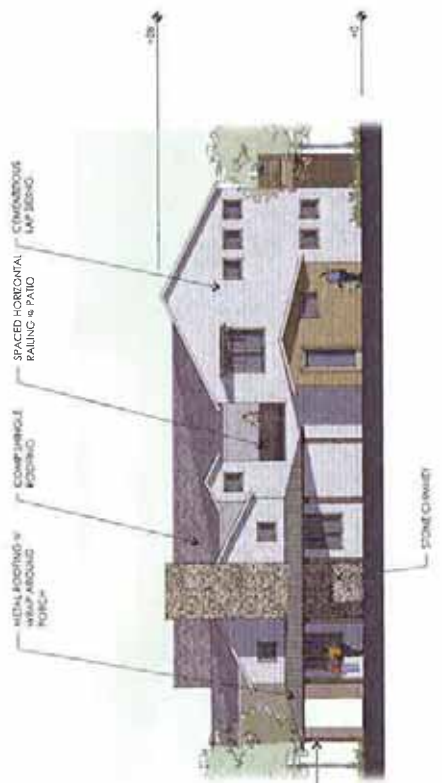


Ajuna Buena Vista Properties, LLC
1025 Avenida Pico
5th Floor, Colorado 80202
Phone: 303.442.1000

Buena Vista Apartments
802 Experimental Station Blvd
P.O. Box 1000, Colorado

Rev. 06.16.2012
SHEET # 114
OF 114
A2.1

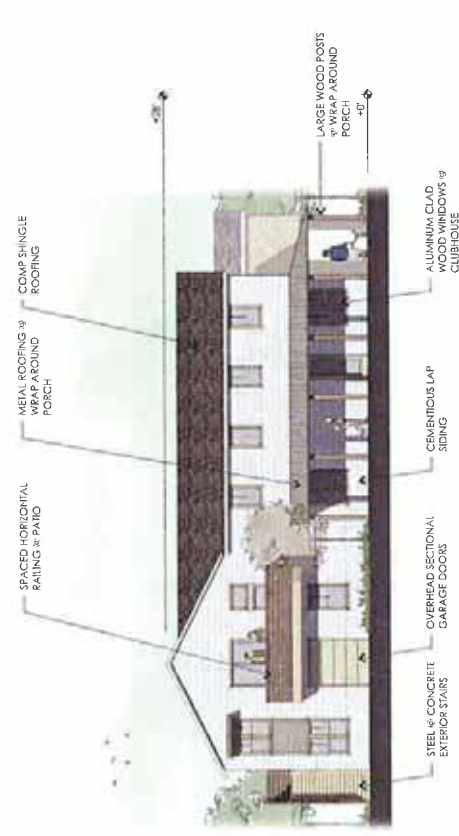
Exhibit D
Details
PD 12-005
(Buena Vista Apartments)



BUILDING TYPE 1 - NORTH (SIDE) ELEVATION



BUILDING TYPE 1 - EAST (FRONT) ELEVATION



BUILDING TYPE 1 - SOUTH (SIDE) ELEVATION



BUILDING TYPE 1 - WEST (REAR) ELEVATION

	<p>Buena Vista Apartments 802 Experimental Station Road Pasadena, California</p>	<p>A3.1</p>
--	---	--------------------

Exhibit F
Bldg. 1 Elevations
PD 12-005
(Buena Vista Apartments)

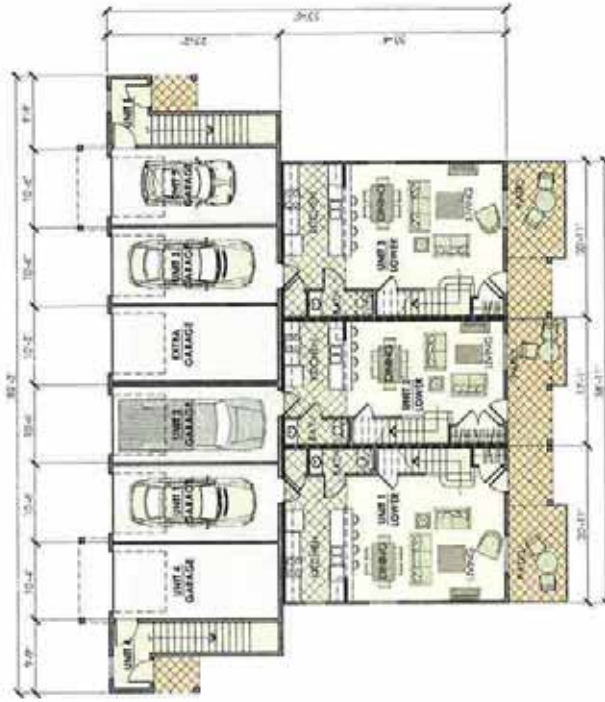
BUILDING TYPE 2			
UNIT	AREA	BEDS	BATHS
1	1,220 SF	2	2
2	795 SF	1	2
3	1,220 SF	2	2
4	1,421 SF	3	2



BUILDING TYPE 2 - THIRD FLOOR PLAN



BUILDING TYPE 2 - SECOND FLOOR PLAN



BUILDING TYPE 2 - FIRST FLOOR PLAN

A4.000
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.001
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.002
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.003
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.004
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.005
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.006
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.007
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.008
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.009
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.010
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.011
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.012
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.013
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.014
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.015
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.016
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.017
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.018
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.019
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.020
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.021
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.022
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.023
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.024
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.025
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.026
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.027
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.028
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.029
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.030
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.031
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.032
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.033
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.034
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.035
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.036
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.037
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.038
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.039
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.040
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.041
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.042
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.043
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.044
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.045
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.046
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.047
APRIL 12, 2017
REV. 11.22.17

A4.0

A4.048
APRIL 12, 2017
REV. 11.22.17

A4.0

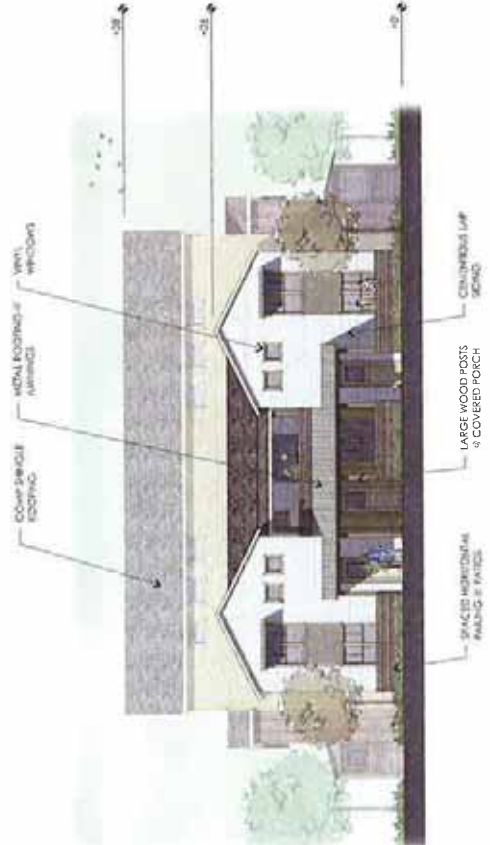
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APRIL 12, 2017
REV. 11.22.17

A4.0

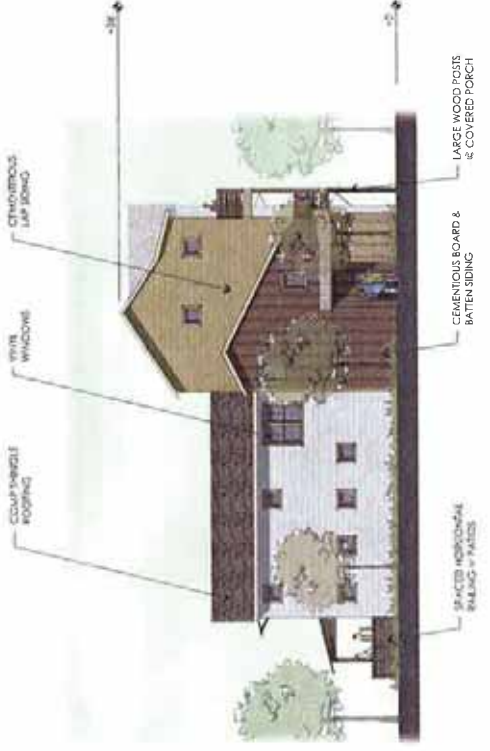
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APRIL 12, 2017
REV. 11.22.17

A4.0

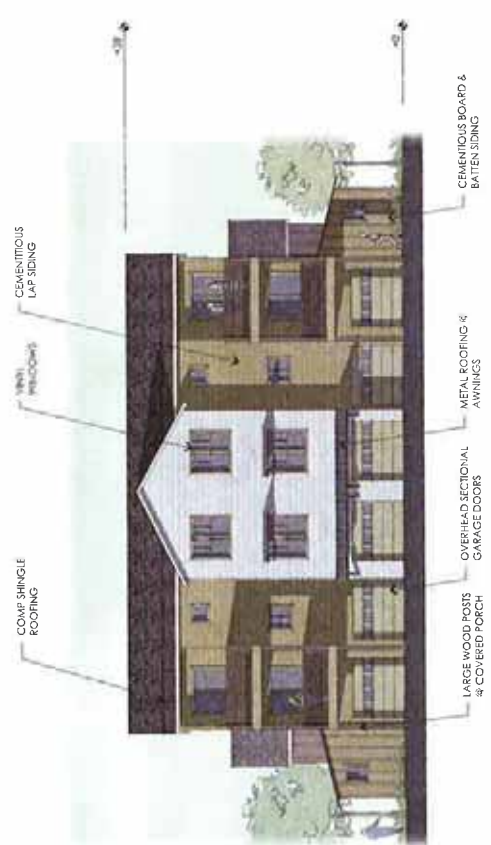
Exhibit G
 Bldg. 2 Floor Plans
 PD 12-005
 (Buena Vista Apartments)



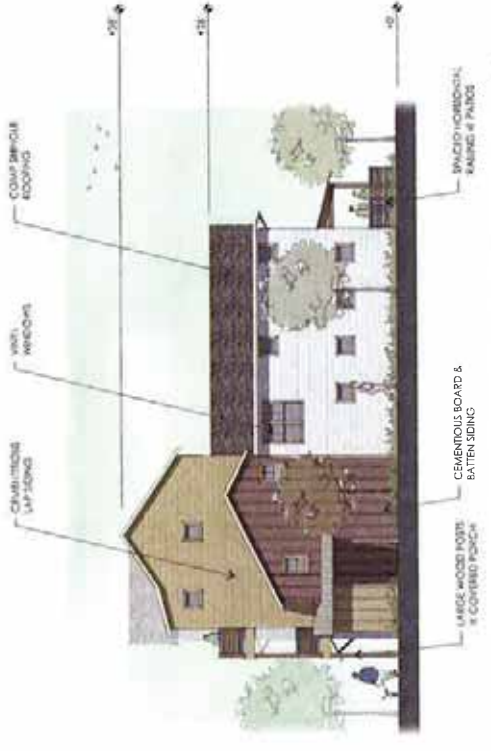
BUILDING TYPE 2 - FRONT ELEVATION



BUILDING TYPE 2 - RIGHT ELEVATION



BUILDING TYPE 2 - REAR ELEVATION



BUILDING TYPE 2 - LEFT ELEVATION



Ajman Buena Vista Properties, LLC
 1023 Avenida de los Arboles
 San Clemente, California 92673
 Phone: (949) 423-3872

Buena Vista Apartments
 802 Experimental Station Road
 Pasa Robles, California

DATE: 03/14/18
 DRAWING NO: A4.1

Exhibit H
 Bldg. 2 Elevations
 PD 12-005
 (Buena Vista Apartments)

BUILDING TYPE 3			
UNIT	AREA	BEDS	BATHS
1	715 SF	1	1
2	715 SF	1	1
3	918 SF	2	1
4	918 SF	2	1



BUILDING TYPE 3 - FIRST FLOOR PLAN

BUILDING TYPE 3 - SECOND FLOOR PLAN



Ajun Buena Vista Properties, LLC
 1002 Avenida Vista
 San Dimas, California 92576
 Phone: (951) 622-3833

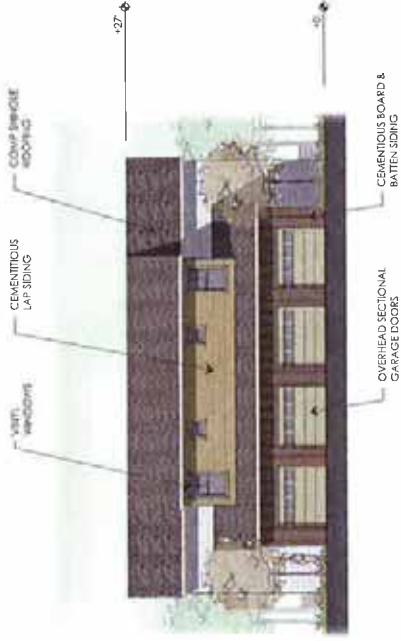
Buena Vista Apartments
 802 Experimental Station Road
 Pico Rivera, California

APR 14, 2014
 10:12 AM
 10:12 AM
 10:12 AM
A5.0

Exhibit I
 Bldg. 3 Floor Plans
 PD 12-005
 (Buena Vista Apartments)



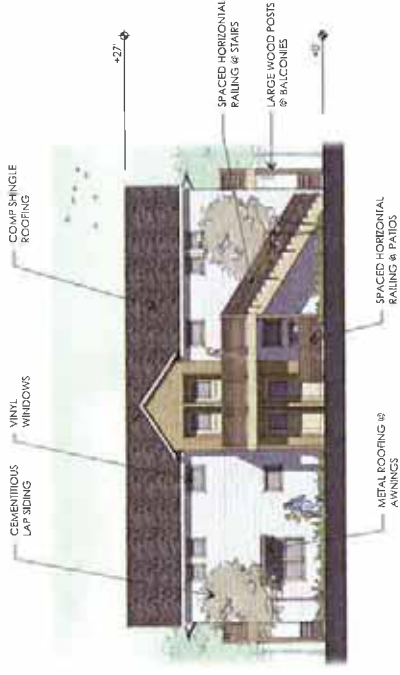
BUILDING TYPE 3 - FRONT ELEVATION



BUILDING TYPE 3 - RIGHT ELEVATION



BUILDING TYPE 3 - REAR ELEVATION

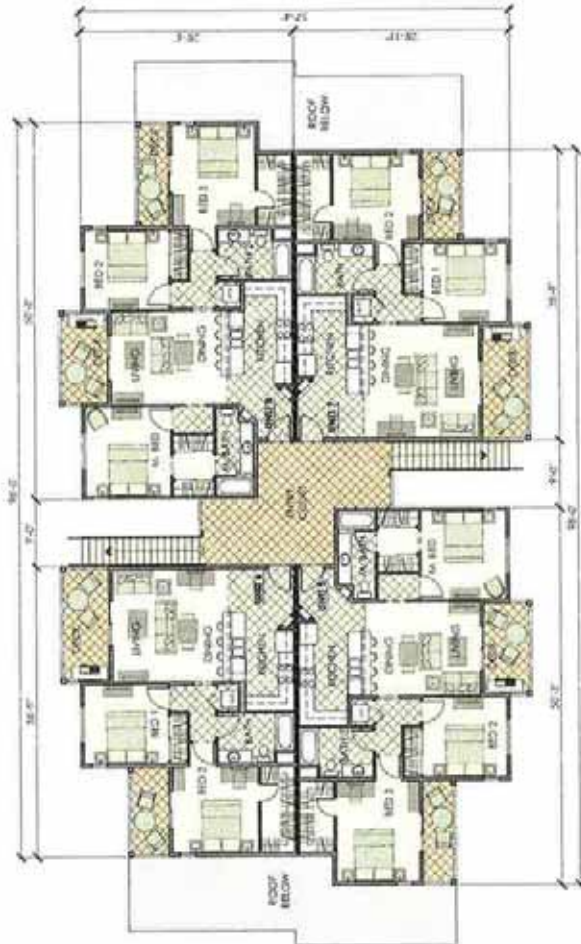


BUILDING TYPE 3 - LEFT ELEVATION

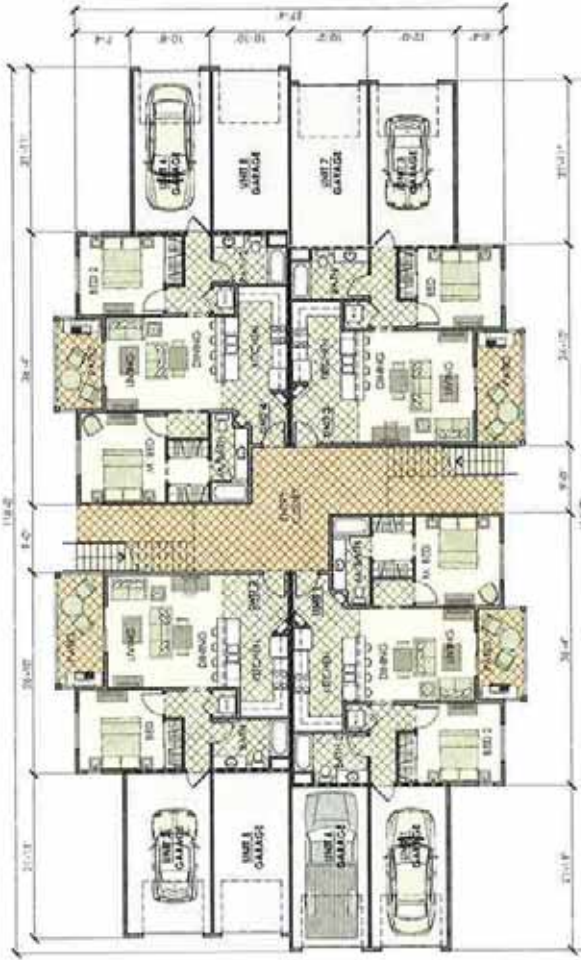


Exhibit J
 Bldg. 3 Elevations
 PD 12-005
 (Buena Vista Apartments)

BUILDING TYPE 4			
UNIT	AREA	BEDS	BATHS
1	954 S.F.	2	2
2	714 S.F.	1	1
3	714 S.F.	1	1
4	954 S.F.	2	2
5	1,167 S.F.	3	2
6	909 S.F.	2	1
7	909 S.F.	2	1
8	1,167 S.F.	3	2



BUILDING TYPE 4 - SECOND FLOOR PLAN



BUILDING TYPE 4 - FIRST FLOOR PLAN



Ajun Buena Vista Properties, LLC
 1805 Avenida Vista
 San Clemente, California 92672
 Phone: (949) 522-5625

Buena Vista Apartments
 902 Experimental Station Road
 Pismo Beach, California

A6.0

Exhibit K
 Bldg. 4 Floor Plans
 PD 12-005
 (Buena Vista Apartments)



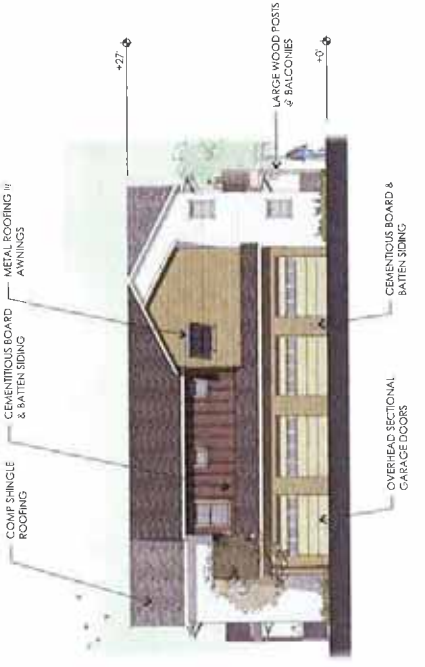
BUILDING TYPE 4 - FRONT ELEVATION



BUILDING TYPE 4 - RIGHT ELEVATION



BUILDING TYPE 4 - REAR ELEVATION



BUILDING TYPE 4 - LEFT ELEVATION

	<p>Bucna Vista Apartments 1022 Esperanza, Station Blvd Palo Alto, California</p>	<p>A6.1</p>
<p>Ajuna Buena Vista Properties, LLC 10000 N. Mopac Expressway, Suite 1000 Austin, TX 78753 Phone: 512.452.1111</p>		

Exhibit L
 Bldg. 4 Floor Elevations
 PD 12-005
 (Buena Vista Apartments)

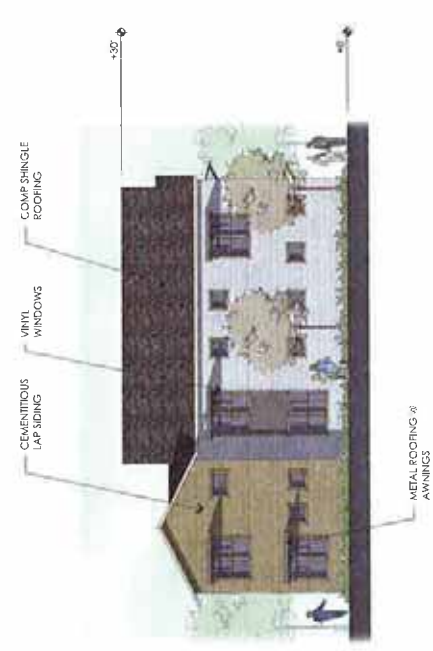
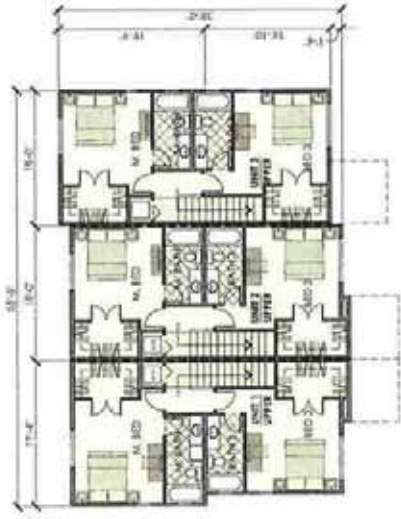
BUILDING TYPE 5			
UNIT	AREA	BEDS	BATHS
1	1,291 S.F.	3	3
2	1,291 S.F.	3	3
3	1,291 S.F.	3	3



BUILDING TYPE 5 - FRONT ELEVATION

BUILDING TYPE 5 - RIGHT ELEVATION

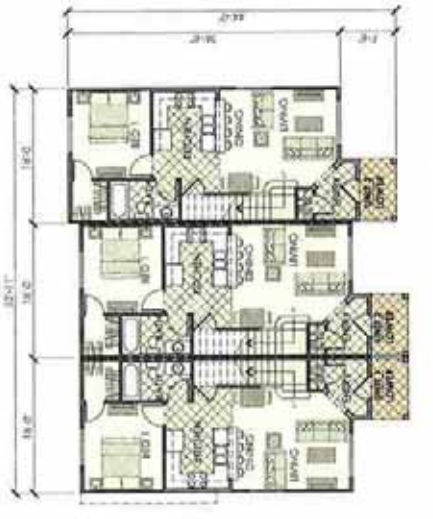
BUILDING TYPE 5 - SECOND FLOOR PLAN



BUILDING TYPE 5 - REAR ELEVATION



BUILDING TYPE 5 - LEFT ELEVATION



BUILDING TYPE 5 - FIRST FLOOR PLAN



Ajun Buena Visto Properties, LLC
 1025 Avenida Alacide
 San Clemente, California 92679
 Phone: (949) 632-5872

Buena Vista Apartments
 802 Experimental Station Road
 Paso Robles, California

18-11-003
 18-11-001 (1)
 18-11-002 (1)
 18-11-003 (1)
A7.0

Exhibit M
 Bldg. 5 Floor Plans/Elevations
 PD 12-005
 (Buena Vista Apartments)

BUILDING TYPE 6			
UNIT	AREA	BEDS	BATHS
1	1,289 S.F.	2	3
2	1,289 S.F.	2	3
3	1,289 S.F.	2	3
4	1,289 S.F.	2	3



BUILDING TYPE 6 - THIRD FLOOR PLAN



BUILDING TYPE 6 - SECOND FLOOR PLAN



BUILDING TYPE 6 - FIRST FLOOR PLAN



A&J
ARCHITECTS, INC.
1005 AVENUE 170
SAN CLEMENTE, CALIFORNIA 92673
PHONE: 949.432.3823

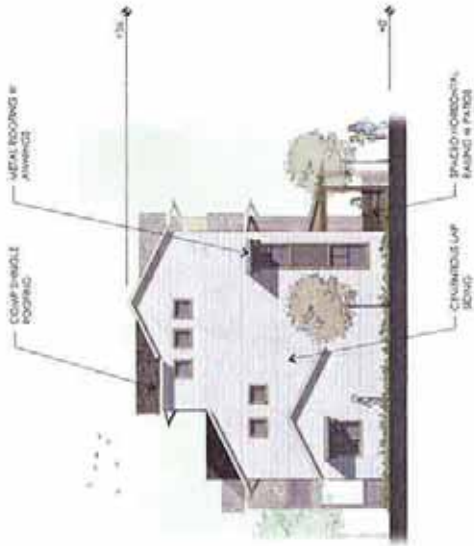
Arlun Bueno Vista
Properties, LLC
1005 AVENUE 170
SAN CLEMENTE, CALIFORNIA 92673
PHONE: 949.432.3823

Bucna Vista
Apartments
802 Experimental Station Road
Paso Robles, California
A8.0

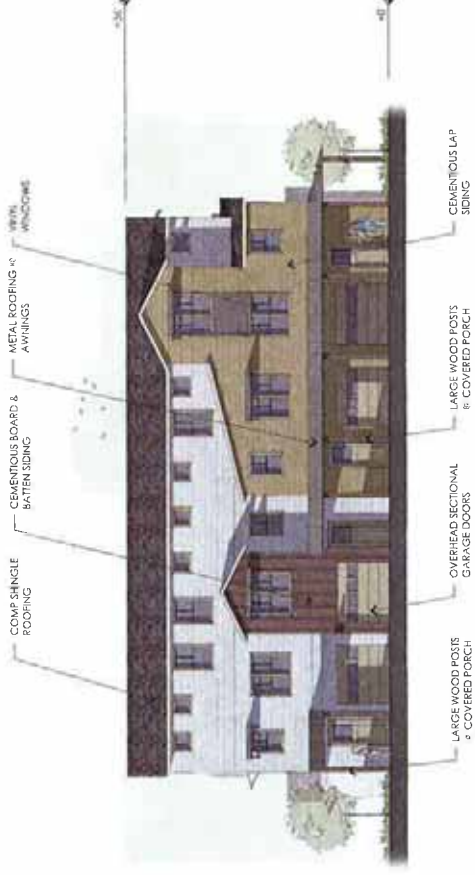
Exhibit N
Bldg. 6 Floor Plans
PD 12-005
(Buena Vista Apartments)



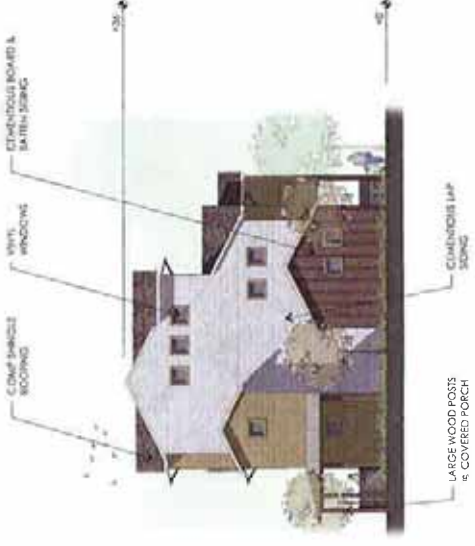
BUILDING TYPE 6 - FRONT ELEVATION



BUILDING TYPE 6 - RIGHT ELEVATION



BUILDING TYPE 6 - REAR ELEVATION



BUILDING TYPE 6 - LEFT ELEVATION

	<p>Buena Vista Apartments 802 Esplanade Station Road Paso Robles, California</p>	<p>A8.1</p>
<p>Ajun Buena Vista Properties, LLC 1005 Avenida Pico San Clemente, California 92673 Phone: 949.552.5853</p>		

Exhibit O
Bldg. 6 Elevations
PD 12-005
(Buena Vista Apartments)

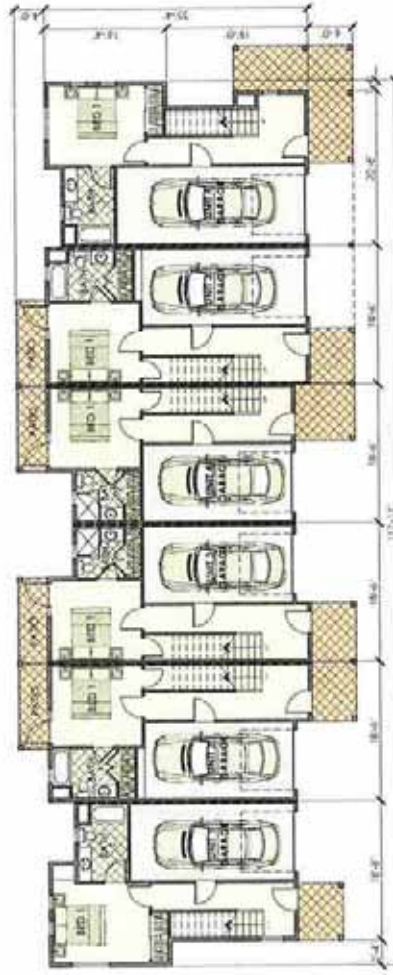
BUILDING TYPE 7			
UNIT	AREA	BEDS	BATHS
1	1,289 S.F.	2	3
2	1,289 S.F.	2	3
3	1,289 S.F.	2	3
4	1,289 S.F.	2	3
5	1,289 S.F.	2	3
6	1,289 S.F.	2	3



BUILDING TYPE 7 - THIRD FLOOR PLAN



BUILDING TYPE 7 - SECOND FLOOR PLAN



BUILDING TYPE 7 - FIRST FLOOR PLAN

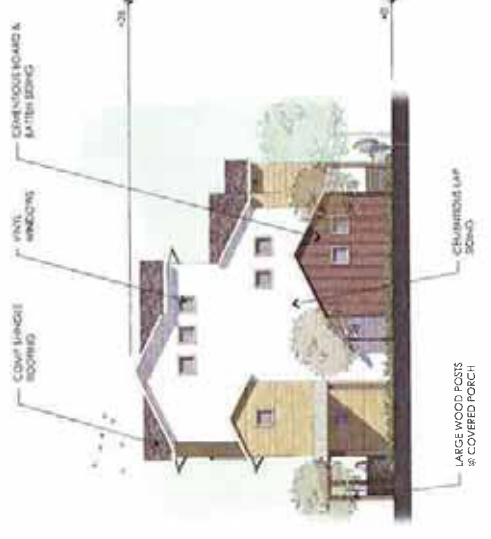
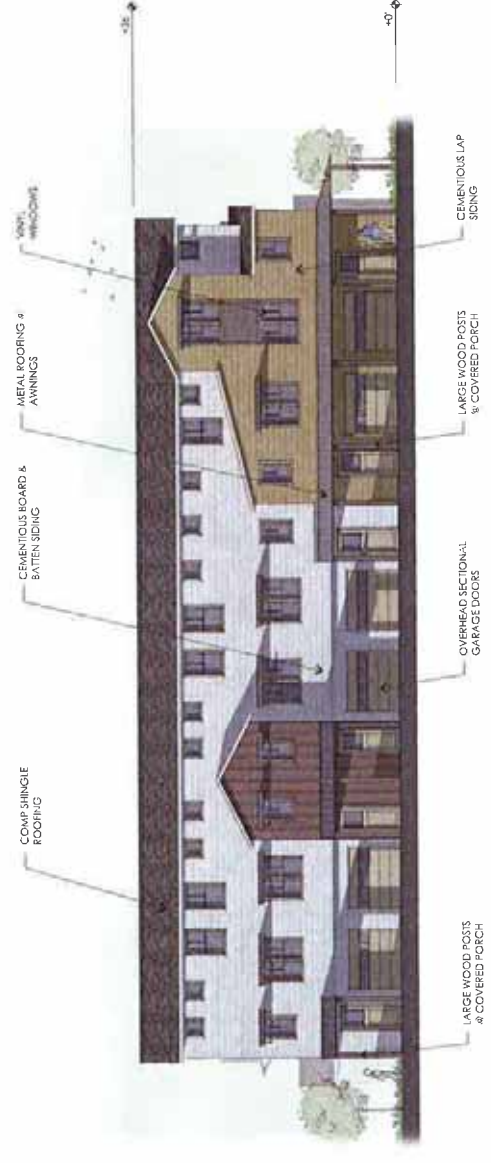
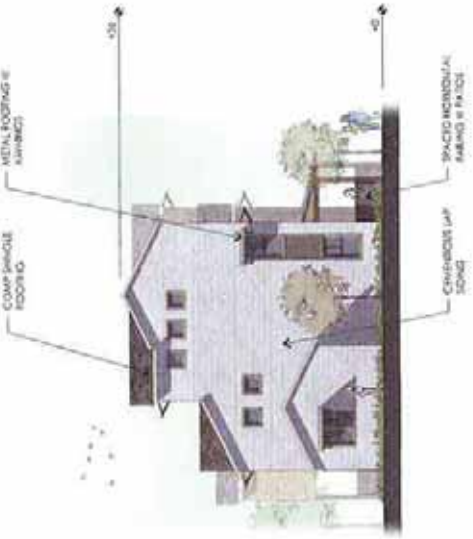
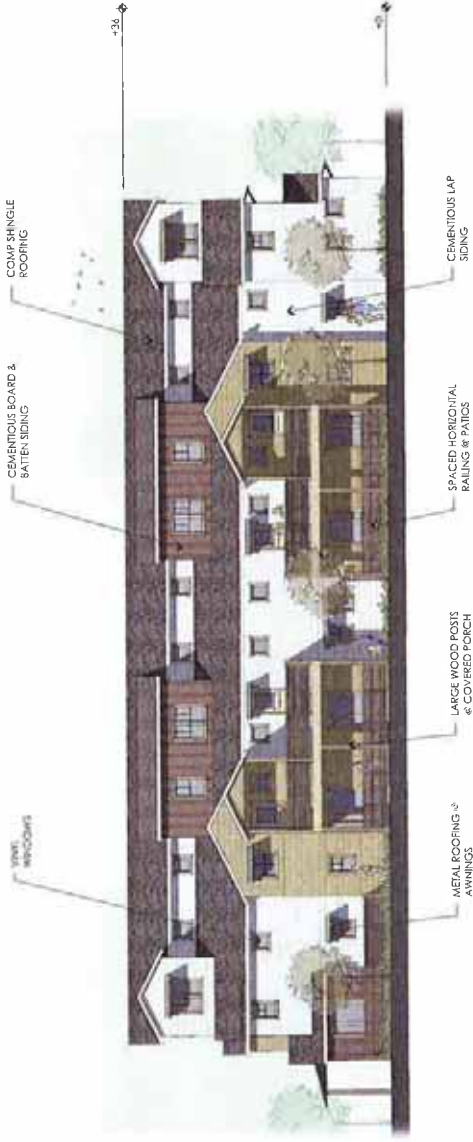


Ajuna Bueno Visto Properties, LLC
1002 Avenida Resolvo
San Clemente, California 92672
Phone: (949) 441-1474

Buena Vista Apartments
802 Experimental Station Road
Paso Robles, California

A9.0

Exhibit P
Bldg. 7 Floor Plans
PD 12-005
(Buena Vista Apartments)

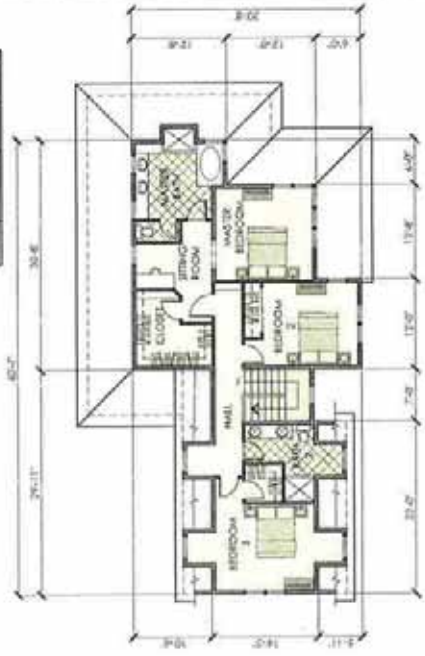


Ajun Buena Visto Properties, LLC
1035 Avenida Presidio
San Clemente, California 92682
Phone: (949) 462-1163

Buena Vista Apartments
#02 Experimental Station Road
Paso Robles, California
A9.1

Exhibit Q
Bldg. 7 Elevations
PD 12-005
(Buena Vista Apartments)

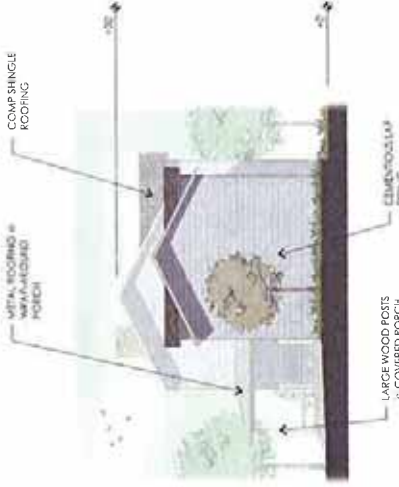
BUILDING TYPE B			
UNIT	AREA	BEDS	BATHS
1	2,078 SF	3	3



BUILDING TYPE 8 - SECOND FLOOR PLAN



BUILDING TYPE 8 - FIRST FLOOR PLAN



BUILDING TYPE 8 - RIGHT ELEVATION



BUILDING TYPE 8 - LEFT ELEVATION



BUILDING TYPE 8 - FRONT ELEVATION



BUILDING TYPE 8 - REAR ELEVATION

A10.0

Buena Vista Apartments
 802 Experimental Station Road
 Paso Robles, California

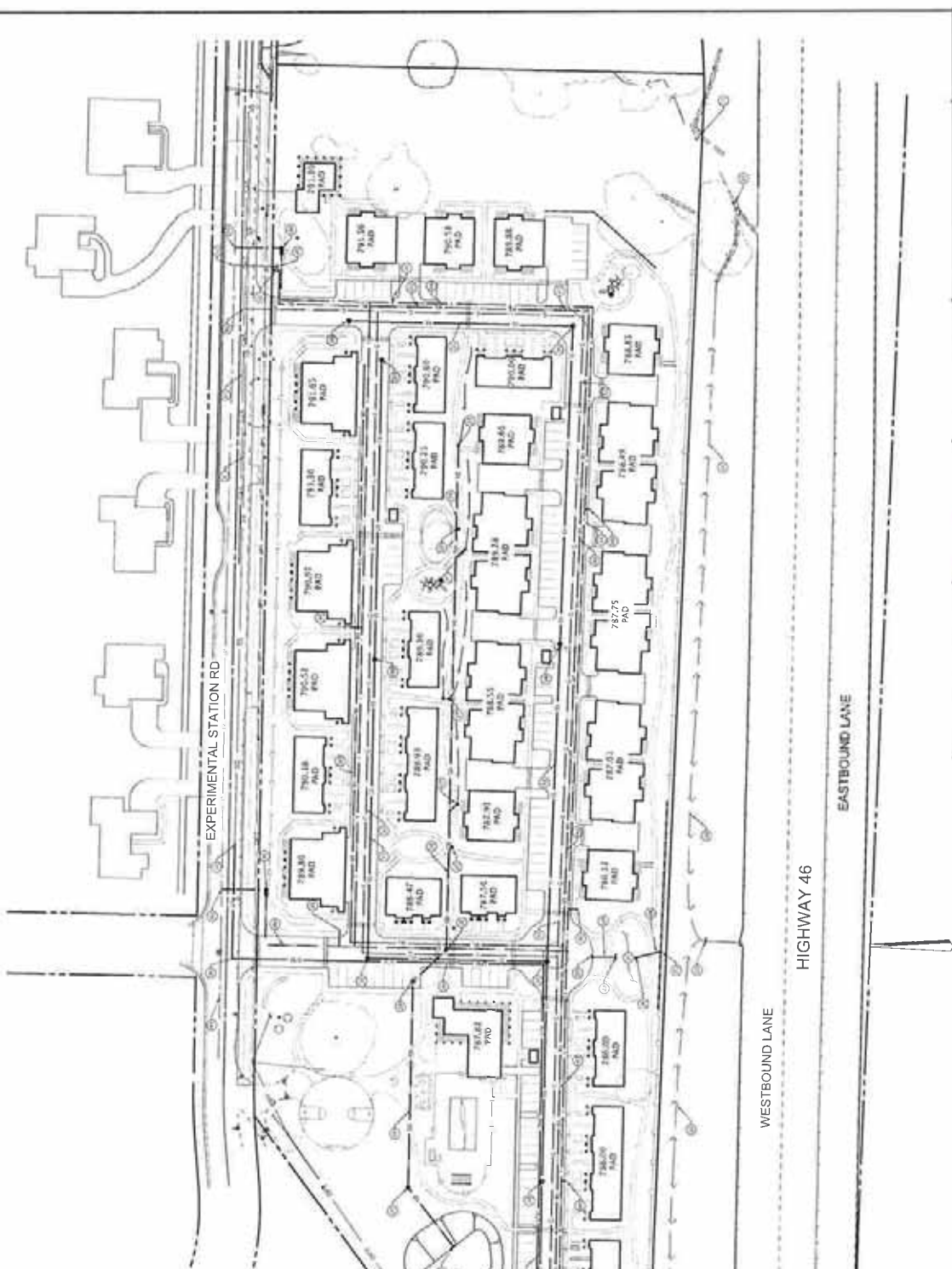
Ajuna Buena Vista Properties, LLC
 10000 STEPS 10, SUITE 100
 PASO ROBLES, CALIFORNIA 93271
 PHONE: (805) 231-1111

Exhibit R
 Bldg. 8 Floor Plans/Elev.
 PD 12-005
 (Buena Vista Apartments)

UTILITY LEGEND

1" = 100'	1" = 100'
2" = 100'	2" = 100'
3" = 100'	3" = 100'
4" = 100'	4" = 100'
6" = 100'	6" = 100'
8" = 100'	8" = 100'
12" = 100'	12" = 100'
18" = 100'	18" = 100'
24" = 100'	24" = 100'
36" = 100'	36" = 100'
48" = 100'	48" = 100'
60" = 100'	60" = 100'
72" = 100'	72" = 100'
90" = 100'	90" = 100'
108" = 100'	108" = 100'
126" = 100'	126" = 100'
144" = 100'	144" = 100'
162" = 100'	162" = 100'
180" = 100'	180" = 100'
216" = 100'	216" = 100'
252" = 100'	252" = 100'
288" = 100'	288" = 100'
324" = 100'	324" = 100'
360" = 100'	360" = 100'
432" = 100'	432" = 100'
504" = 100'	504" = 100'
576" = 100'	576" = 100'
648" = 100'	648" = 100'
720" = 100'	720" = 100'
810" = 100'	810" = 100'
900" = 100'	900" = 100'
1000" = 100'	1000" = 100'

- PRELIMINARY UTILITY NOTES**
1. EXISTING UTILITIES SHOWN AS DASHED LINES.
 2. EXISTING UTILITIES SHOWN AS SOLID LINES.
 3. EXISTING UTILITIES SHOWN AS DOTTED LINES.
 4. EXISTING UTILITIES SHOWN AS LONG DASHED LINES.
 5. EXISTING UTILITIES SHOWN AS SHORT DASHED LINES.
 6. EXISTING UTILITIES SHOWN AS Wavy LINES.
 7. EXISTING UTILITIES SHOWN AS Dotted LINES.
 8. EXISTING UTILITIES SHOWN AS Dotted LINES.
 9. EXISTING UTILITIES SHOWN AS Dotted LINES.
 10. EXISTING UTILITIES SHOWN AS Dotted LINES.
 11. EXISTING UTILITIES SHOWN AS Dotted LINES.
 12. EXISTING UTILITIES SHOWN AS Dotted LINES.
 13. EXISTING UTILITIES SHOWN AS Dotted LINES.
 14. EXISTING UTILITIES SHOWN AS Dotted LINES.
 15. EXISTING UTILITIES SHOWN AS Dotted LINES.
 16. EXISTING UTILITIES SHOWN AS Dotted LINES.
 17. EXISTING UTILITIES SHOWN AS Dotted LINES.
 18. EXISTING UTILITIES SHOWN AS Dotted LINES.
 19. EXISTING UTILITIES SHOWN AS Dotted LINES.
 20. EXISTING UTILITIES SHOWN AS Dotted LINES.
 21. EXISTING UTILITIES SHOWN AS Dotted LINES.
 22. EXISTING UTILITIES SHOWN AS Dotted LINES.
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PRELIMINARY UTILITY PLAN

Ashley Vance
ENGINEERS, INC.

Arlun Buena Vista Properties, LLC
1001 Ave of the Stars
San Diego, CA 92108
Phone: 619.425.1234

Buena Vista Apartments
802 Experimental Station Road
Paso Robles, California

C2.0

Exhibit U
Prelim. Utility Plan
PD 12-005
(Buena Vista Apartments)

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF THREE OAK TREES AT 801 EXPERIMENTAL STATION
ROAD

(BUENA VISTA APARTMENTS)

APN: 025-391-006, 007, 080 & 081 & 025-541-021

WHEREAS, PD 12-005, RZ 12-003, SPA 12-003 (The Project), has been submitted by Don Benson on behalf of Arjun Buena Vista, LLC to establish a 142 unit apartment complex; and

WHEREAS, the project is proposed to be located on the 12.5-acre site on the south side of Experimental Station Road, west of Buena Vista Drive; and

WHEREAS, An Arborist Report was prepared for the project, an attached as Exhibit A, and indicates that there are 22 oak trees located within the projects impact area; and

WHEREAS, of the 22 trees, 3 trees are requested to be removed, one of the trees (Tree No. 101) is dead; and

WHEREAS, the Arborist Report indicates that Tree No. 49 is a 15-inch Valley Oak that has poor structure and Tree No. 70 is an old tree that has been abused as a result of trimming for utility lines and past road improvements; and

WHEREAS, the Community Development Director could not make the determination that Tree 49 or Tree 70 are "clearly dead or diseased beyond correction," and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree "healthy" and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

WHEREAS, there are 19 other trees being protected within the project disturbance that are being protected and used as focal points around the project site; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of three (3) Valley Oak trees based on allowing the Buena Vista Apartment project to be constructed on the site at a location that would maximize the function of the buildings and therefore allow the reasonable use of the property for the purpose for which it has been zoned;

2. Require forty-eight (8) 1.5-inch diameter Valley Oak replacement trees to be plated at the direction of the Arborist. The trees will need to be shown on the Oak Tree Replacement Plan for the project. All replacement trees will be required to be planted at the satisfaction of the Project Arborist and the City, prior to a Certificate of Occupancy of the first Apartment building.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5th day of February 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Exhibit A

Preliminary Paso Robles Oak Tree Evaluation Report
and
Protection Plan

Buena Vista Apartments
802 Experimental Station Road
Paso Robles, California

Prepared for

Donald W. Benson, Project Manager
P.O. Box 608
Paso Robles, CA 93447

by

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

1602 Spring Street
Paso Robles, CA 93446
(805) 237-9626

And

MICHAEL J. BOVA, ARBORIST
Davey Resource Group
7627 Morro Road
Atascadero, CA 93422
Certified Arborist WE3372A
Certified Tree Risk Assessor #981
(805) 286-0181

July 2012

786.01

Trees were assessed on June 14, 2012 by Michael J. Bova, Certified Arborist WE3372A, Certified Tree Risk Assessor #981, accompanied by Althouse and Meade, Inc. biologist Meg Perry. The report was collaboratively prepared by Althouse and Meade, Inc. and Davey Resource Group.



Michael J. Bova

Certified Arborist WE3372A

6/29/12

Date

City Business License: 04600

LynneDee Althouse, M.S.

Supervising Biologist

Date

[Trees were previously assessed in October 2004 by Ted Elder, certified arborist (ISA #2301, exp.2006) and LynneDee Althouse, M.S., restoration ecologist.]

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Introduction and Project Description

The proposed project, Buena Vista Apartments, is a residential housing project on approximately 12.2 acres in northeastern Paso Robles, California. The proposed project would be on the south side of Experimental Station Road, immediately north of Highway 46 East between Buena Vista Drive and River Road. Buena Vista Apartments would consist of 141 units, a pool, tot lots, basketball courts, landscaping, and open space. The boundary of the Property and approximate locations of tagged trees are shown over an aerial photo in Figure 1, Appendix A.

This tree report provides baseline information on the number and type of native trees on the Property. The City of Paso Robles requires permits and mitigation for removal of oak trees. This report provides an inventory of oak trees on the Property and considers health, aesthetics, and habitat value for each tree (Appendix B). Photos of each oak tree on the Property and a preliminary tree protection plan and monitor's field report form are provided in Appendices C, D, and E.

Oak trees on the Property were previously surveyed by Twin Cities Surveying, Inc. in October 2004 and are accurately shown on the Site Plan (Appendix F). Two additional trees, 48 and 49, that were not previously large enough to be surveyed have been added in 2012. Based on the conceptual site grading and drainage plans by Ashley & Vance, dated April 30, 2012), Althouse and Meade, Inc. and Davey Resource Group have tabulated anticipated impacts and removals proposed for native oak trees on site. Changes in final grading plans could result in changes to actual impacts to trees on the Property.

A previous tree evaluation report¹ was prepared for the subject site, associated with a different design for residential housing. The previous project proposed 146 units and a clubhouse. Differences between the current project, Buena Vista Apartments, and the previous proposal, Paso de Vino, are discussed in this the Alternatives Discussion section of this report.

¹ Althouse and Meade, Inc. 2006. Paso Robles Oak Tree Report and Protection Plan; Paso de Vino Residential Development, Tract 2696, Experimental Station Road. Prepared for SB Planning, Los Osos. [Trees were evaluated in 2004 by Ted Elder, arborist.]

Methods

The initial tree inventory was conducted in September 2004 by Althouse and Meade, Inc. A map of oak trees on the Property, including trunk and canopy locations, was prepared by Twin Cities Surveying, Inc. (Job 04193, 9/30/2004). In October 2004, LynneDee Althouse of Althouse and Meade, Inc. and Ted Elder, Licensed Landscape Architect and Certified Arborist (RLA 1402 and ISA Certified Arborist 2301) looked at all the oaks on the property to assess their health and significance. The condition of each tree was rated from A to D:

2006 Rating	Definition
A	Excellent health and form
B	Good condition, but not excellent form
C	fair condition, not good form
D	poor condition, not good form

Ratings were shown as health/aesthetic value in the 2006 report. The diameter of each tree was measured at 4.5 feet above ground with a diameter tape (Spencer 35'L ProTape). Diameters were measured to the nearest half an inch. Tree tag numbers began with 50 and ran through 101.

The originally proposed project was never constructed. In 2012, Althouse and Meade, Inc. received a request to update the previous tree report in context of the proposed Buena Vista Apartments. We contracted with Michael Bova, certified arborist with Davey Resource Group to assist in completion of this task. Two additional trees were added to the inventory in 2012, and were assigned numbers 48 and 49. Original tag numbers were retained for the 2012 tree report, and new tags were attached to trees where old tags had been removed or become obscured.

A revised database was compiled to summarize tree data and expected impacts resulting from construction of the proposed Buena Vista Apartments project. Trees 48–49, 67–78, 81–89, and 101 were re-assessed in 2012. Tree health, structure and condition were given a rating based on a percentage determined by visual examination of exposed roots, trunk, scaffold limbs, twigs and foliage. Percentage conditions are as follows:

Percentage	Rating
90–100%	Excellent
70–90%	Good
50–70%	Fair
30–50%	Poor
< 30%	Critical or Dead

Tag number, species, updated size, health evaluation, and value for these trees are provided as Tables 6 and 7 in Appendix B. Photographs of these trees are provided in Appendix C for reference. An updated exhibit showing tree locations with preliminary site plans has been provided in Figure 2, Appendix A (Arris Studio, 2012).

Thirty tagged trees (Trees 50–66, 79–80, and 90–100) evaluated in 2004 are not included in the 2012 evaluation. These trees are well outside the footprint of the currently proposed project and thus they were not re-evaluated for the updated report. Locations of these groups of trees are illustrated on Figure 1. Because these trees are well outside the proposed project, they are not

called out by number on the grading plans, but are noted as “Existing oaks, not impacted”. Tag number, species ID, and size as of 2006 are provided in Table 8 for these trees.

Replacement tree mitigations are based on the City of Paso Robles requirement of either (a) 25 percent replacement per diameter at breast height (DBH); or, (b) a minimum of two (2) 24-inch box trees 1½-inch minimum trunk caliper measurement trees for each oak tree removed.

Site plan mitigations were recommended based on the location of proposed structures within the critical root zone (CRZ). CRZ is defined as a radius around the tree calculated at a ratio of one foot diameter per inch DBH. Additionally, a Tree Protection Zone (TPZ) larger than the CRZ but still within the tree root zone is defined for each tree. TPZ has a radius in feet defined by DBH in inches times 1.5. Thus, a 10-inch DBH tree would have a 15-foot radius TPZ. Activities in the TPZ should be restricted to the minimum necessary to construct the project.

Results

Blue oaks (*Quercus douglasii*) and valley oaks (*Quercus lobata*) are the only native oak trees on site, and they require mitigation if they are removed. There are 17 living blue oaks and 5 living valley oaks within the project impact area. One valley oak (68) reported from the project site in 2006 has since died and been removed—no trace of this tree remained upon our first site visit in 2012. One blue oak (101) had died when the 2006 tree report was issued but was never removed. See Table 1 for summary of oaks in project impact area, and Appendix B for complete evaluations of these twenty-two trees.

Trees surveyed range in size from 6.5 inches to 48 inches in diameter at breast height (DBH). One blue oak proposed for removal is dead.

TABLE 1. 2012 Summary of native oak trees in the project impact area.

Species	Number of Living Trees	Protected	Impacted	Removed
Blue oak (<i>Quercus douglasii</i>)	17	7	10	0
Valley oak (<i>Quercus lobata</i>)	5	0	3	2
Total	22	7	13	2

Twenty-five oaks, 50–66 and 90–97, occur within the Caltrans right-of-way along Highway 46 East, adjacent to the southwestern and southeastern corners of the Property (Figure 1). No impact to the Caltrans trees would occur. Five native oak trees occur along the eastern property boundary, well removed from the proposed project footprint. These trees, 79-80 and 98-100, are blue oaks. No impacts to these trees would occur. See Table 2 for summary of oaks outside project impact areas, and Appendix B for the complete list of oaks.

TABLE 2. 2012 Summary of native oak trees in the vicinity but outside the project impact area.

Species	Number of Living Trees	On Property	On Caltrans ROW	Total Protected (Outside Project Impact Area)
Blue oak	13	5	8	13
Valley oak	17	0	17	17
Total	30	5	25	30

Table 3 provides information for each of the impacted or removed trees in the project footprint area. Assessments are based on preliminary plans.

TABLE 3. Summary 2012 assessment of expected impacts and removals from the proposed project.

Tag #	Common Name	Total DBH (in.)	CRZ Radius (ft.)	TPZ Radius (ft.)	Expected Impacts/Removals
48	Blue Oak	11.5	11.5	17.25	Unlikely to impact
49	Valley Oak	15.5	15.5	N/A	REMOVE
67	Blue Oak	29	29	43.5	Permanent Impacts: <ul style="list-style-type: none"> Basketball Court edge is within CRZ
69	Blue Oak	36.5	36.5	54.75	Temporary impacts: <ul style="list-style-type: none"> Removal of existing structures
70	Valley Oak	32	32	N/A	REMOVE
71	Valley Oak	31.5	31.5	47.25	Temporary impacts: <ul style="list-style-type: none"> Removal of existing structures Permanent Impacts: <ul style="list-style-type: none"> Proposed curb and walking path are within CRZ Proposed Storm Drain is within CRZ
72	Valley Oak	17	17	25.5	Temporary impacts: <ul style="list-style-type: none"> Remove existing asphalt and built up soil around trunk Permanent Impacts: <ul style="list-style-type: none"> Proposed walking path and fence are within CRZ
73	Valley Oak	15	15	22.5	Temporary impacts: <ul style="list-style-type: none"> Remove existing asphalt and built up soil around trunk Permanent Impacts: <ul style="list-style-type: none"> Proposed walking path and fence are within CRZ
74	Blue Oak	50	50	75	Temporary impacts: <ul style="list-style-type: none"> Removal of existing structures Permanent Impacts: <ul style="list-style-type: none"> Proposed sidewalk, walking path, driveway, and foundation of house are partially within CRZ

Tag #	Common Name	Total DBH (in.)	CRZ Radius (ft.)	TPZ Radius (ft.)	Expected Impacts/Removals
75	Blue Oak	39	39	58.5	Temporary impacts: <ul style="list-style-type: none"> Removal of existing structures Permanent Impacts: <ul style="list-style-type: none"> Proposed driveway and foundation of one unit are partially within CRZ
76	Blue Oak	11	11	16.5	Permanent Impacts: <ul style="list-style-type: none"> Proposed house foundation is partially within CRZ Proposed deck would be within CRZ
77	Blue Oak	11	11	16.5	Unlikely to impact
78	Blue Oak	20	20	30	Unlikely to impact
81	Blue Oak	35.5	35.5	53.25	Unlikely to impact, but dependent on final retaining wall design
82	Blue Oak	32	32	48	Unlikely to impact, but dependent on final retaining wall design
83	Blue Oak	11.5	11.5	17.25	Permanent Impacts: <ul style="list-style-type: none"> Proposed retaining wall is partially within CRZ Retaining wall could alter flow patterns, changing water availability for trees 83-86
84	Blue Oak	13.5	13.5	20.25	Permanent Impacts: <ul style="list-style-type: none"> Proposed retaining wall is partially within CRZ Retaining wall could alter flow patterns, changing water availability for trees 83-86
85	Blue Oak	6.5	6.5	9.75	Permanent Impacts: <ul style="list-style-type: none"> Proposed retaining wall is partially within CRZ Retaining wall could alter flow patterns, changing water availability for trees 83-86
86	Blue Oak	15	15	22.5	Permanent Impacts: <ul style="list-style-type: none"> Proposed retaining wall is partially within CRZ Retaining wall could alter flow patterns, changing water availability for trees 83-86
87	Blue Oak	15	15	22.5	Unlikely to impact, but dependent on final retaining wall design
88	Blue Oak	26.5	26.5	39.75	Unlikely to impact, but dependent on final retaining wall design
89	Blue Oak	13	13	19.5	Tot lot is partially within CRZ.
101	DEAD Valley Oak	n/a	n/a	n/a	Dead tree at lot corner to be removed.

Trees to be removed are to be clearly marked in the field with a blue 'x' near the ground (forester's paint). An application for oak tree removal, with appropriate fees and documentation will be submitted after project grading plans are completed.

Alternatives Discussion

The original project was designed to maximize build-out on the parcel and to minimize impacts to trees. The current proposed project, Buena Vista Apartments, has a slightly lower density and bigger open space component than the previous Paso de Vino proposal. The current project also proposes to minimize and avoid impacts to native trees.

Under the previous project proposal, designs for development went through several iterations, including options to include portions of buildings under the trees, and parking spaces encroaching under Tree 69. A second alternative was to put smaller portions of buildings under trees and a corner of a parking space under Tree 69. This alternative also reduced impacts to the group of trees in the southeast corner. A third alternative was to redesign the west side of the project, realign a road, completely move buildings away from the trees, and put Tree 69 between a road and a tot lot (partially shading tot lot). A fourth alternative included avoiding all permanent impacts to Tree 69. The tot lot was relocated, roadways realigned, and a street light was moved.

The currently proposed project proposes fewer units. Significant differences in the two plans include changes to the northwest corner of the Property. Previously, eleven units were proposed southwest of Trees 67 and 69. The new plan would use this area for open space, basketball courts, and stormwater basins. Intensity of use would be reduced in the immediate vicinity of Tree 67. A retaining wall proposed for the southeast corner of the project is realigned to reduce impacts to Trees 81-88. Specifics of wall design and changes in elevation on either side of the wall will determine how effective this approach will be at retaining Trees 81-88 in good condition. The previous project suggested relocation of Tree 89 to make room for another residential unit. The current proposed project would retain Tree 89 in its existing location adjacent to a tot lot.

A residential unit near Trees 76 and 77 could affect their root zones depending how foundations are constructed and what slope stabilization work is needed. Trees on the Caltrans right of way (ROW) would not be affected; this includes Trees 50–66 near an existing stormwater inlet. Although water would continue to move from proposed stormwater basins toward this inlet, post-project storm flows are designed to be lower than existing storm flows (Winslow, pers. comm. 2012), reducing risk of erosion around tree roots on adjacent Caltrans property.

Tree Descriptions and Protection Recommendations

Most native trees in the project vicinity would not be disturbed or impacted, see preliminary Grading Plan in Appendix F. Un-impacted trees (Trees 50–66, 79–80, 90–100) are within Caltrans ROW or on the eastern side of the property (in the proposed open space area).

Trees expected to be impacted or removed are described below. For trees proposed to be impacted but not removed, protective measures are recommended to minimize impacts.

Some protection measures apply to all existing oak trees:

- a. Ground disturbance within the CRZ shall be minimized where practicable.

-
- b. Minimize trimming of the canopy.
 - If trimming is required during the nesting season (March through August), a qualified biologist shall inspect the tree for nesting birds and shall authorize the trimming in writing.
 - Trimming shall be supervised and/or conducted by a certified arborist.
 - c. Landscape material at the edge of the CRZ must be of native, drought tolerant species. Lawns are prohibited within the CRZ. Landscape plans near oaks shall be reviewed by the arborist for consistency with this measure. (Note: this measure may not apply to oaks planted as part of landscaping for the project.)
 - d. An arborist or environmental monitor must monitor demolition and construction activities within the CRZ of oak trees.
 - e. Where required, tree protection fencing shall be installed at the outer limit of the Tree Protection Zone (TPZ) wherever possible, and no closer to the tree crown than the outer edge of the Critical Root Zone (CRZ).
 - f. Wherever possible, activities shall be avoided within the Tree Protection Zone.

A. Tree 48 (To be Protected):

Tree 48 is a blue oak with 3 trunks, and total DBH of 11.5 inches, located close to Buena Vista Drive on the existing fence line (Photo 6, Appendix C). Tree 48 is in Fair condition (50%). It is unlikely to be impacted by construction of the project provided the following measures are implemented:

- a. Prior to construction, tree protection fencing shall be placed to define the no-work area for crews and construction activities. Tree protection fencing shall be approved by the project arborist or environmental monitor prior to start of work.
- b. Removal of surrounding vegetation (purple leaf plum), if performed, should not include stump grinding or use of heavy equipment. This measure will prevent disruption of the CRZ.

B. Tree 49 (To be Removed):

Tree 49 is a valley oak with 4 trunks and total DBH of 15.5 inches (Photos 1, 2, and 7). This valley oak tree would be removed. This tree has been cut down and re-sprouted multiple times, and has several wounded branches where improper pruning has damaged the tree. This tree would not likely grow into a healthy adult specimen and has a condition rating of Fair (63%).

- a. Tree removal, if approved, shall commence within 30 days of inspection by a qualified biologist to determine the tree is not being used by nesting birds or bats at the time of removal. Mulch produced from this tree may be stockpiled and used under the canopy of oaks to be retained.
- b. Replace this tree with three (3) 24-inch box trees² that have at least a 1.5-inch caliper.

² Replacement equation is calculated by $15.5 \text{ inch DBH} * 0.25 = 3.875 \text{ inches caliper} \div 1.5 \text{ inches per 24-inch box tree} = 2.58 \text{ trees}$; rounds to 3 trees

C. Tree 67 (To be Protected from Unauthorized Impacts):

This tree is a 29-inch DBH blue oak located in the northwest corner of the project, along Experimental Station Road (Photo 8, 9). The canopy has been heavily trimmed to protect power lines that pass directly over the tree. Despite the trimming, Tree 67 is a large, healthy blue oak with a dense canopy that provides nesting and foraging habitat for birds. No interior pruning of the canopy has been performed for at least five years. The condition rating for this tree is Good (72%). The project has been designed to minimize impacts to this tree. Impacts will occur where a proposed basketball court would encroach into the CRZ, affecting approximately <20% of the canopy and root zone (see Tree Protection Plan, Appendix D).

- a. Removal of stored equipment and debris under the canopy of and within the CRZ of Tree 67 shall be conducted by hand.
- b. Prior to ground breaking or demolition, tree protection fencing shall be installed within the property lines, as close to the outer limit of the Critical Root Zone as practicable for construction operations. The approved deviation from the CRZ is for preparation of the proposed basketball court. Fencing shall be in place throughout the duration of the project, and temporarily relocated only under the direction of the project environmental monitor or arborist if additional access is necessary to construct the basketball court.
- c. Disruption to the TPZ shall be restricted to the basketball court area.
- d. Where possible, power lines will be re-directed away from this tree. Underground utility trenching shall not occur within the CRZ and shall be supervised within the TPZ.
- e. The tree shall be properly pruned by an arborist to facilitate healthy recovery from its poor pruning history. Structural and restoration pruning shall be delayed at least two years after construction.

D. Tree 69 (To be Protected from Unauthorized Impacts):

This tree is a 36.5-inch DBH blue oak located adjacent to the existing residence at the northwest end of the property (Photos 10, 11 and 12). This is a very large blue oak. In 2004, a varnish fungus rot (*Ganoderma* sp.) was noted growing on the trunk of the tree at ground level. This fungus likely indicated a larger problem of rot in the root zone due to previous over-watering from a lawn. The tree was rated "B", in good health in 2004. Ted Elder, Licensed Arborist, examined this tree again on February 9, 2005 and determined the root rot may be extensive and could undermine the structural integrity of the tree in the near future. By 2012, this tree was in poor health, indicating extensive damage from the fungus. Significant decay has advanced at its base and unhealed scars and bark loss on the trunk were observed. The tree was given a Poor condition rating (31%) and survival, even without construction impacts, is unlikely.

Demolition of the existing house will require work within the CRZ of Tree 69. Demolition of existing structures under this tree could stress the tree further. The following measures are required to minimize damage to the tree from demolition and structure removal activities:

- a. Ground disturbance within the CRZ shall be minimized where practicable. The contractor shall use the smallest equipment possible that will effectively complete

demolition, in order to reduce compaction to the root zone. Rubber tired vehicles shall be used within the CRZ.

- An arborist or environmental monitor shall be on site during ground disturbance within the CRZ of this tree.
- b. The trunk of the tree should be protected during the demolition of the house and adjacent storage shed using two-by-fours, 4 feet tall minimum, all the way around the tree with no more than 2 inches between each slat. The slats shall be placed flush against the trunk to protect the trunk from direct impact. Rope or wire shall be used to secure the slats, but must not damage the trunk.
- c. The contractor shall take every precaution to avoid impacts to the trunk and main branches of the tree. Demolition will require substantial hand work to minimize damage to the roots of the tree. A demolition strategy that minimizes root impacts must be approved by the arborist prior to starting work. Foundations, asphalt, and other materials within the CRZ must be removed by hand—equipment can be used to cut or break up these materials into pieces small enough to lift, but contractors may not use equipment to drag materials out from under the tree.
- d. Any roots exposed by demolition shall be treated by a tree care specialist and covered with a layer of soil to match existing topography.
- e. Prior to construction work in the vicinity of Tree 69, tree protection fencing shall be placed to define the work area for crews and construction activities. Tree protection fencing around Tree 69 may be removed only temporarily to allow access for demolition efforts. During construction, tree protection fencing shall remain in place.
- f. The use of water for dust control shall not be used within the TPZ.

Permanent impacts to the canopy and CRZ shall be avoided.

- g. A 6-inch layer of wood mulch will be placed within the CRZ but no closer than 4 inches from the trunk.
- h. No landscaping plants or irrigation shall be used within the CRZ.
- i. Benches and/or tables that are not permanently affixed to the ground may be placed under the canopy of the tree.

E. Tree 70 (To be Removed):

This tree is a 32-inch DBH valley oak located along Experimental Station Road. It is a large, old valley oak that has lost most of its main branches on the south side for power line clearance (Photos 3, 4, 13, and 14). Snags such as this can provide habitat for cavity nesting animals such as woodpeckers, nuthatches, and bats. No woodpecker cavities were observed in this tree. Natural cavities in oak trees caused by broken branches and hollowed limbs can provide roosting habitat for bats. Evidence of use by bats, including guano piles or urine staining, was not observed on this tree. The condition rating for Tree 70 is Poor (38%). The project proposes removal of this tree, and intends to replant 24-inch boxed valley oaks at the appropriate mitigation ratio (Table 4).

- a. Tree removal, if approved, shall commence within 30 days of inspection by a qualified biologist to determine the tree is not being used by nesting birds or bats at

the time of removal. Mulch produced from this tree may be stockpiled and used under the canopy of oaks to be retained.

- b. Replace this tree with five (5) 24-inch box trees³ that have at least a 1.5-inch caliper.

F. Tree 71 (To be Protected from Unauthorized Impacts):

This tree is a valley oak that has two trunks beginning approximately 4.5 feet above the ground. Total DBH is 31.5 inches. The condition rating for Tree 71 is Fair (63%).

Temporary impacts to Tree 71 are possible during demolition activities. However, adherence to mitigation measures outlined below will eliminate or significantly reduce these impacts.

- a. During demolition, Tree 71 shall be protected using two-by-fours 8 feet tall (minimum), all the way around the tree with no more than 2 inches between each slat. The slats shall be placed flush against the trunk to protect the trunk from direct impact. Rope or wire shall be used to secure the slats, but must not damage the trunk.
- b. Ground disturbance within the CRZ shall be minimized where practicable. The contractor shall use the smallest equipment possible that will effectively do the demolition, in order to reduce compaction to the root zone.
- c. The contractor shall take every precaution to avoid impacts to the trunk and main branches of the tree. A demolition strategy that minimizes root impacts shall be approved by the arborist. Foundations, asphalt, and other materials within the CRZ must be removed by hand – equipment can be used to break up these materials into pieces small enough to lift, but contractors may not use equipment to drag materials out from under the tree.

Less than 20 percent of the tree will be impacted by proposed construction of the residential units, walking paths, and planter curb near this tree. The following measures would minimize impacts to Tree 71 during and after construction:

- d. Tree protection fencing shall be installed at the outer limit of the Critical Root Zone (CRZ) at the onset of ground breaking activities. The fencing shall be in place throughout the duration of the project, and temporarily relocated only under the direction of the project environmental monitor or arborist, such as while demolition is in progress.
- e. Soil shall not be excavated during removal of foundations or other solid structures. Demolition shall not result in unnecessary ground disturbance. Any roots exposed by demolition shall be treated (as appropriate) by a tree care specialist and covered by a layer of soil.
- f. Landscape material within the CRZ must be of native, drought tolerant species. Lawns are prohibited within the CRZ.
- g. Fence posts and hardscape such as sidewalks shall be installed under the supervision of an arborist. Post locations shall avoid major roots (over 2 inches in diameter).

³ Replacement equation is calculated by 32-inch DBH * 0.25 = 8 inches caliper ÷ 1.5 inches per 24-inch box tree = 5.3 trees; rounds to 5 trees

Prior to hardscape installation, the disturbance area shall be investigated by hand (or with an air spade) and holes/trenches situated to avoid large roots.

- h. Building construction may require tree pruning. Pruning shall be done under permit, by a tree care specialist.
- i. Tot lot construction shall be designed to avoid impacts within the CRZ.
- j. Installation of light pole may require pruning. Pruning shall be done under permit, by a tree care specialist.

G. Trees 72 and 73 (To be Protected from Unauthorized Impacts):

Tree 72 is a 17-inch valley oak, and Tree 73 is a 15-inch valley oak, a pair of trees with condition ratings of Fair (59%). They are located along Experimental Station Road, under utility lines in front of an existing residence (Photos 17 and 18). The existing driveway is within the CRZ, and will be removed as part of the home demolition. A planter has been constructed around these trees, and filled with soil, raising the grade above natural level and piling soil against the trunks of both trees. Tree 72 has grown into a metal post that is now embedded in the trunk. Both of these trees will be impacted by the demolition project. Temporary impacts to Trees 72 and 73 will result from demolition of existing driveways, planters, and landscapes within the CRZ.

- a. Protection fencing shall be in place throughout the duration of the project, and temporarily relocated only under the direction of the project environmental monitor or arborist, while demolition is in progress. Tree protection fencing shall be approved by the project arborist or environmental monitor prior to start of work.
- b. Ground disturbance within the CRZ shall be minimized where practicable. If vehicles or equipment must operate within CRZ, they shall be the smallest size equipment possible, and have rubber tires only.
- c. The contractor shall take every precaution to avoid impacts to the trunk and main branches of the tree. Demolition may require substantial hand work to minimize damage to the roots of the tree. A demolition strategy that minimizes root impacts must be approved by the arborist prior to starting work. Asphalt and driveway base materials within the CRZ must be removed by hand—equipment can be used to cut or break up these materials into pieces small enough to lift, but contractors may not use equipment to drag materials out from under the tree.
- d. Planter and built up soil around Trees 72 and 73 must be removed by hand, returning soil elevation to natural grade.
- e. Trees 72 and 73 may require treatment within the CRZ to increase aeration following removal of the existing driveway. Treatment shall consist of root collar excavation to expose root flare, vertical mulching and applying a 6-inch layer of wood chips within the CRZ.
- f. The metal stake embedded in the trunk of Tree 72 shall not be removed.
- g. Any roots exposed by demolition shall be treated (as appropriate) by a tree care specialist and covered by a layer of soil.

Trees 72 and 73 will be impacted by the construction of a sidewalk and installation of a fence. Tree 72 will have permanent impacts to less than 25 percent of its canopy and CRZ. An estimated 10 percent of Tree 73 will be impacted by the project.

- h. Sidewalk material shall be pervious, to provide air and flexibility for root growth.
- i. Prior to hardscape installation, the disturbance area shall be investigated by hand (or with an air spade) and holes/trenches situated to avoid large roots.
- j. Site preparation for hardscape installation in the vicinity of Trees 72 and 73 shall be supervised by an arborist or trained environmental monitor.

H. Tree 74 (To be Protected from Unauthorized Impacts):

This tree is the largest on the Property, a 50-inch blue oak located in the front yard of an existing residence on Experimental Station Road (Photos 19 and 20). It has a condition rating of Poor (44%). The rating is low because of cavities in the trunk formed by the loss of primary limbs. Cement has been used to fill these cavities. The canopy is in fair condition, but is lopsided due to loss of primary limbs and competition from a nearby elm tree. The project will demolish the adjacent trailer and driveway, and will impact the root zone of Tree 74. A sidewalk will pass through the CRZ on the north side. A driveway and part of the eastern-most house would also pass through the CRZ on the east side. Construction of the project is expected to cause impacts up to approximately 50 percent of the root zone.

- a. Tree protection fencing shall be installed at the outer limit of the Critical Root Zone (CRZ) at the onset of ground breaking activities. The fencing shall be in place throughout the duration of the project, and temporarily relocated only under the direction of the project environmental monitor or arborist, while demolition is in progress.
- b. The cement in the trunk of the tree shall be evaluated by the project arborist who shall then make recommendations regarding its future. Further inspection may determine if the cement should be removed and the old spar pruned off for aesthetics and trunk healing.
- c. Ground disturbance within the CRZ shall be minimized where practicable. The contractor shall use the smallest equipment possible that will effectively do the demolition, in order to reduce compaction to the root zone. Where equipment must access the CRZ, only rubber tired vehicles shall be used.
- d. The contractor shall take every precaution to avoid impacts to the trunk and main branches of the tree. Demolition may require substantial hand work to minimize damage to the roots of the tree. A demolition strategy that minimizes root impacts must be approved by the arborist prior to starting work. Foundations within the CRZ must be removed by hand—equipment can be used to cut or break up these materials into pieces small enough to lift, but contractors may not use equipment to drag materials out from under the tree.
- e. Demolition shall not result in unnecessary ground disturbance. Any roots exposed by demolition shall be treated (as appropriate) by a tree care specialist and covered by a layer of soil.

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- f. An adjacent driveway to the proposed house east of Tree 74 will require paving within the CRZ. Interlocking pavers, permeable pavers, or similar materials shall be used that will allow proper infiltration of water and exchange of oxygen to the root zone of the tree. The project architect and civil engineer will work with the arborist to create a design that is both effective and aesthetically pleasing. In areas requiring paving, pervious surfaces shall be maximized.
 - g. The foundations of the adjacent house and residential unit to the east and the south shall be designed and constructed such that CRZ impacts are minimized.

I. Tree 75 (To be Protected from Unauthorized Impacts):

This tree is a 37-inch blue oak located behind the easternmost residence (Photos 21 and 22). It is a large healthy tree with a tall, spreading canopy. The condition rating for this tree is Fair (63%). A metal hoist and a shed with a cement foundation are currently located within the CRZ, adjacent to the trunk of the tree. Demolition activities may impact 10 percent of the root zone. An adjacent residential unit and parking area would impact less than 20 percent of the CRZ on its west side.

- a. Tree protection fencing shall be installed at the outer limit of the Critical Root Zone (CRZ) at the onset of ground breaking activities. The fencing shall be in place throughout the duration of the project, and temporarily relocated only under the direction of the project environmental monitor or arborist, while demolition is in progress.
- b. Ground disturbance within the CRZ shall be minimized where practicable. The contractor shall use the smallest equipment possible that will effectively do the demolition, in order to reduce compaction to the root zone. Rubber tired vehicles shall be used within the CRZ. An environmental monitor will monitor construction activities adjacent to the CRZ of this oak tree.
- c. The contractor shall take every precaution to avoid impacts to the trunk and main branches of the tree. Demolition may require substantial hand work to minimize damage to the roots of the tree. A demolition strategy that minimizes root impacts must be approved by the arborist prior to starting work. Foundations within the CRZ must be removed by hand—equipment can be used to cut or break up these materials into pieces small enough to lift, but contractors may not use equipment to drag materials out from under the tree.
- d. The hoist adjacent to the trunk shall be removed under the supervision of a Certified Arborist or environmental monitor. A welding torch shall be used to cut the hoist into pieces prior to removal. If practicable, the hoist footings shall be cut at, or slightly below, ground level to avoid impacts to the CRZ.
- e. Soil shall not be excavated during removal of foundations or other solid structures. Demolition shall not result in unnecessary ground disturbance. Any roots exposed by demolition of the shed shall be treated (as appropriate) by a tree care specialist and covered by a layer of soil.
- f. Landscaping and building construction would require foundation work and paving within the CRZ.

- g. If final field staking indicates that paving will impact the CRZ, interlocking pavers or Aqua Stone shall be used that will allow proper infiltration of water and exchange of oxygen to the root zone of the tree. The project architect will work with the arborist to create a roadway design using pavers that is both effective and aesthetically pleasing.

J. Tree 76 (To be Protected from Unauthorized Impacts):

This tree is an 11-inch DBH blue oak located near the east edge of the project, on the top of the slope east of Tree 74 (Photos 23 and 25). The tree is just south of a proposed home. The condition rating for this tree is Fair (63%). The foundation of the proposed home would encroach slightly into the CRZ for Tree 76. Demolition activities may impact less than 10 percent of the root zone. The following measures are required to minimize impacts to Tree 76:

- a. Tree protection fencing shall be installed at the outer limit of the Critical Root Zone (CRZ) at the onset of ground breaking activities and shall be in place throughout the duration of the project. Fencing may be temporarily relocated only under the direction of the project environmental monitor or arborist while demolition is in progress.
- b. Excess soil from grading shall not be deposited into the CRZ or onto the slope.

K. Trees 77 and 78 (To be Protected):

Tree 77 is a blue oak with total DBH of 11 inches (Photos 24 and 26). This tree located close Tree 76 near the east edge slope of the project area. Tree 78 is a blue oak with total DBH of 20 inches (Photos 27 and 28). Tree 78 is east of Tree 75. Both trees have condition ratings of Fair (63% and 66% respectively). These trees are unlikely to be impacted by construction of the project provided the following measures are implemented:

- a. Prior to construction, tree protection fencing shall be placed to define the no-work area for crews and construction activities. Tree protection fencing shall be approved by the project arborist or environmental monitor prior to start of work.
- b. Excess soil from grading shall not be deposited into the CRZ or onto the slope.

L. Trees 81, 82, 87, and 88 (To be Protected):

These blue oak trees are located near the southeast corner of the proposed Project (Photos 29 and 30). Trees 81 and 82 both have a condition rating of Fair (50) and share a combined canopy. Trees 87 and 88 have a condition rating of Poor (47% and 44% respectively) and present with decay on their trunks. All four trees have heavy end weight in their canopies and soil has built up around the upslope side of their trunks. A retaining wall has been redesigned to minimize impacts to these trees and to Trees 83 through 86. The proposed wall is outside the CRZ of Trees 81 through 82 and 87 through 88. However, retaining walls can affect water movement, influencing future success of trees downslope of the wall. The following design recommendations would help ensure no impacts to these trees:

- a. An arborist shall review and approve final grading, drainage and landscape plans (related to tree impacts) prior to issuance of the grading permit.
- b. Final grade changes and drainage patterns shall not increase erosion onto the slope.

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- c. Increase in grade level shall not encroach beyond edge of existing slope and should stay outside the CRZ where possible.
 - d. Excess soil from trenching for the retaining wall footing shall not be deposited into the CRZ or onto the slope.

M. Trees 83 through 86 (To be Protected from Unauthorized Impacts):

Trees 83 through 86 are blue oaks, ranging in size from 6.5 to 15 inches DBH (Photos 29 and 30). Condition ratings range from Poor (47%) for Tree 85, Fair (50%) for Tree 86, and Fair (59%) for Trees 83 and 84. All trees have crowded canopies and significant soil build up at their bases. The retaining wall proposed for the southeast corner of the project would directly affect CRZ for Tree 86, and changes in water movement could indirectly affect Trees 83 through 85. The following measures would minimize impacts to these trees:

- a. An arborist shall review and approve final grading and landscape plans (related to tree impacts) prior to issuance of the grading permit.
- b. Tree protection fencing shall be installed at the outer limit of the Critical Root Zone (CRZ) at the onset of ground breaking activities wherever feasible. The fencing shall be in place throughout the duration of the project, and relocated (or removed) only under the direction of the project environmental monitor or arborist, while construction is in progress.
- c. Ground disturbance within the CRZ shall be minimized where practicable. Any roots exposed by project activities shall be treated (as appropriate) by a tree care specialist and covered by a layer of soil. An environmental monitor will monitor construction activities adjacent to the CRZ.
- d. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand. Roots will be treated by the project arborist or approved tree care specialist.
- e. Excess soil from trenching for the retaining wall footing shall not be deposited into the CRZ or onto the slope.
- f. Increase in grade level shall not encroach beyond edge of existing slope and should stay outside the CRZ where possible.

N. Tree 89 (To be Protected from Unauthorized Impacts):

This tree is a small blue oak with total DBH of 13 inches. The condition rating for this tree is Fair (53%). This tree is close to a proposed tot lot, and some activities for construction of the tot lot would encroach on the CRZ. A pedestrian path would encroach slightly on the other side of the CRZ. The retaining wall will encroach into the TPZ for a total disturbance of less than 40 percent. We recommend the following measures to reduce impacts to Tree 89:

- a. A 6-inch layer of mulch shall be placed in the CRZ of Tree 89.
- b. Configure the tot lot play equipment such that no foundations or ground-disturbing work is necessary within the CRZ.
- c. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand. Roots will be treated by the project arborist or approved tree care specialist.

O. Tree 101 (Dead; To be Removed):

This tree is a 30-inch valley oak located at the northeast property corner, along Experimental Station Road (Photo 5). The tree died in June 2006. We recommend removal.

- a. Tree removal, if approved, shall commence within 30 days of inspection by a qualified biologist to determine the tree is not being used by nesting birds or bats at the time of removal. Mulch produced from this tree may be stockpiled and used under the canopy of oaks to be retained.

P. Trees 50–66, 79–80, and 90–99 (To be Protected)

These trees are outside the project impact footprint, and updated assessments of these trees were not necessary for the Buena Vista Apartments project (Photo 33). Fencing or flagging the edge of the project area would sufficiently protect these trees.

Tree Protection and Mitigation Measures.

Mitigation 1. Protect and monitor all trees to be impacted and fully protected within 50 feet of disturbance. This includes preparation of a tree fencing plan upon completion of grading plans and prior to issuance of permits.

Mitigation 2. Monitor all tree impacts and removals.

Mitigation 3. Replace trees that are removed per City Tree Ordinance.

Mitigation 4. Judiciously prune; treat large wounds and cuts to roots and branches.

Mitigation 5. Prepare and implement an oak tree planting plan to account for mitigation plantings.

Mitigation 6. Use porous pavers when paving is required within the CRZ.

Mitigation 7. Show all tree protection requirements on grading plans.

Mitigation 8. Tot lot construction shall minimize impacts to Tree 89.

Mitigation 1. Protect and monitor oaks on and adjacent to the Project Impact Area. Provide protection during construction for all trees not proposed for removal. Upon completion of grading plans and prior to issuance of permits, prepare a Tree Protection Plan Sheet illustrating locations of tree protection fencing and calling out specific measures for each tree in the Project Impact Area.

- a. All native trees will be tagged with permanent numbered tags (round aluminum tags, 1.25 inches in diameter). - Completed September 2004, checked May 2012.
- b. Any changes in the project referenced in this report will need Project Arborist review to ensure the report is still valid.
- c. Tree protection fencing (orange construction fencing) will be installed at the outer limit of the CRZ or, where feasible, the TPZ with t-posts placed in the ground no further apart than six (6) to eight (8) feet. Construction fencing will be firmly affixed with wire or zip ties. Trees that may be impacted shall be protected with construction fencing, depending on the impacts expected within the dripline (see Appendix D).
 - o Protective fencing is required between all construction activities and native trees. Fence locations will be established at the direction and approval of the Project Arborist prior to commencing construction.
 - o Protective fencing shall be installed prior to any site disturbance or construction, and shall remain in place until all construction is complete.
 - o No grading, trenching, materials storage, soil storage, debris or site disturbance shall occur within the protected area. No concrete, plaster, or paint washout shall be allowed within the protected area. No concrete, plaster, or paint washout shall be allowed within the tree protection zone. Under no circumstance shall lack of space be used as reason to remove protective fencing.

- o Weather-proof signs shall be permanently posted on protection fences every 50 feet (maximum) with the following information:

<p>Tree protection zone</p> <p>No personnel, equipment, materials, and vehicles are allowed. Do not remove or replace this fence.</p> <p>Project Manager [name and phone number].</p>

- d. An environmental monitor or arborist shall conduct a worker education meeting for the contractors and operators prior to ground-breaking activities. The briefing shall include a walk-through to identify each of the trees in the work area: the trees to be protected, and the trees that may be impacted or removed. The project manager shall be responsible for instructing workers about tree protection goals, implementing protection of root zones, dust control, and installing and maintaining protective fencing.
- e. The monitor shall check weekly to determine if the listed trees are being protected.

Mitigation 2. Monitor all tree impacts and removals. Prepare a monitoring program to implement the required mitigation measures.

- a. All impacts and disturbance within the root zone shall be documented and reported to the project manager and to the arborist who must treat and/or assess damaged branches and roots.
- b. Removals will be documented by the monitor who will tabulate mitigation obligations.
- c. The project will be reviewed by the arborist at various times of the development. Meetings with the arborist shall be arranged at least 48 hours in advance. The arborist shall review the project:
 - i. Prior to issuance of a grading permit to ensure proper installation of protective fencing and signage;
 - ii. At the time there is any work within the CRZ of an oak tree;
 - iii. Prior to certificate of occupancy;
 - iv. Any other critical times the arborist deems necessary (i.e., during installation of tot-lot improvements)
 - v. At the time of each monitoring site visit, a field report form (see example in Appendix D) will be filled out and given to the Project Manager and the City of Paso Robles Planning Department.

Mitigation 3. Replace oaks that are removed with eight (8) 24-inch boxed oaks.

- a. The City of Paso Robles Tree Preservation Ordinance⁴ requires mitigation for native trees removed. The sizes protected are six inches (6”) DBH or greater, for native deciduous trees. Replacement trees shall be locally grown, native stock (if available) of the same species as the removed tree.
- b. Table 4 provides a summary of the mitigation obligation for removal of Trees 49 and 70. Replacement oak caliper diameter must be equivalent to 25% of the diameter of the removed trees⁵.

TABLE 4. Tree replacement calculated to mitigate for proposed removals⁶ Trees will be replaced with 24-inch box trees with a minimum caliper of 1.5 inches.

Tag #	Common Name	Health/Aesthetic Rating	DBH (inches)	Mitigation caliper required (inches)	Number of 24” box trees, 1.5” caliper
49	Valley Oak	Fair (63%)	15.5	3.9	3
70	Valley Oak	Poor (38%)	32.0	8.0	5
Totals			47.5	11.9 ⁷	8 trees

- c. If a senescent or decadent tree rated “Poor” proposed for removal dies of natural causes during the planning process, the tree will be removed from the mitigation calculation.
- d. The environmental monitor will keep a running tally of the total number of trees removed during construction of the project. A final mitigation obligation determination will be provided by the environmental monitor to the project manager and to the City of Paso Robles.

Mitigation 4. Pruning and wound care shall be done under the supervision of a Certified Arborist or City approved tree care specialist.

- a. All cuts to roots over 1 inch and branches over 3 inches in diameter will be treated, as appropriate, to reduce fungal, bacterial, and insect infections. A Certified Arborist or tree care specialist shall be contracted to care for damaged roots and branches during construction. Appropriate antifungal, antibacterial, and pesticide treatments should

⁴ City of El Paso de Robles - Ordinance No. 835 N.S.

⁵ For example, the replacement requirement for removal of two trees of 15 inches DBH (30 inches, total) would be 7.5 inches (caliper, measured at the base of the young tree). 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. (City of El Paso de Robles - Ordinance No. 835 N.S., page 5)

⁶ Tree 101 is not included in this table because it is dead.

⁷ Calculation: 47.5 inches * 25% = 11.9 inches mitigation ÷ 1.5 inches/mitigation tree = 7.9 mitigation trees

be used on cut roots and branches. Black tree paint shall not be used on either roots or branches.

- b. Treat large wounds to roots and branches by cutting perpendicular to the root direction. Cut back to undamaged wood.
- c. Roots exposed during demolition and construction shall be treated, as appropriate, by a tree care specialist and covered by a layer of soil.

Mitigation 5. Prepare and implement a Mitigation Monitoring and Reporting Plan.

- a. The mitigation plan will include tree planting, protection, maintenance, and monitoring for seven (7) years. Success criteria will include tree height and total numbers of live trees at the end of seven years. The final landscape bond amount will not be returned until the success criteria have been met.
- b. The mitigation plantings will be monitored by a City-qualified tree specialist (biologist or arborist).

Mitigation 6. Use porous pavers when paving is required within the CRZ.

- a. Trees 71, 74 and 75 are large oaks located near proposed parking, driveways, and sidewalks. These hardscapes encroach within the CRZ of each tree. Any paving within the CRZ shall be done with porous pavers that will allow oxygen and moisture exchange to occur within the root zone. Porous pavers shall be approved by arborist. The pavers shall cover the CRZ at minimum, and should cover the largest possible portion of the paved area surrounding the tree with a minimum amount of base material.

Mitigation 7. Show all tree protection requirements on final grading plans.

- a. All trees to be protected from unauthorized impacts will be clearly shown on grading plans.
- b. Tree protection recommendations approved by the project arborist will be shown on the grading plans.

Mitigation 8. Tot lot construction shall minimize impacts to Tree 89.

- a. A 6-inch layer of mulch shall be placed in the CRZ of Tree 89.
- b. Configure the tot lot play equipment such that no foundations or ground-disturbing work is necessary within the CRZ.
- c. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand. Roots will be treated by the project arborist or approved tree care specialist.

Long Term Impacts

TABLE 5. LONG TERM IMPACT ASSESSMENT FOR TREES IN THE PROJECT IMPACT AREA.

Tree	Location	Immediate Project Impacts	Long-term Impacts	Health Risk
48	Northeast corner of project	N/a	None	n/a
49	Center of project	Removal	Removal of tree; replacement with large container stock.	n/a
67	Northwest corner of the property,	<ul style="list-style-type: none"> • Demolition of driveway and removal of stored materials • Basketball Court edge is within CRZ 	Line clearance pruning unrelated to Project	
69	Northwest portion of the property,	<ul style="list-style-type: none"> • Demolition of house and removal of stored materials 	Damage to CRZ may occur during foundation removal.	High
70	Northern boundary, along Experimental Station Road.	Removal	Removal of tree; replacement with large container stock.	n/a
71	Adjacent to existing outbuildings; near center of project	<ul style="list-style-type: none"> • Demolition of adjacent buildings • Site preparation • Building construction • Storm drain construction 	Change in irrigation regime (it has been in a residential landscape)	
72 73	Experimental Station Rd. – in frontage open space	<ul style="list-style-type: none"> • Demolition of existing driveway and removal of built up soil and planter rim 	Sidewalk and landscape materials	
74	Experimental Station Rd near northeast corner	<ul style="list-style-type: none"> • Demolition of existing driveway and structures • Proposed sidewalk, walking path, driveway, and foundation of house are partially within CRZ 		

Tree	Location	Immediate Project Impacts	Long-term Impacts	Health Risk
75	East side of project	<ul style="list-style-type: none"> • Demolition of existing structures • Proposed driveway and foundation of one unit are partially within CRZ 		
76	East side of project	<ul style="list-style-type: none"> • Proposed house foundation is partially within CRZ • Proposed deck would be within CRZ 		
77 78	East side of project	<ul style="list-style-type: none"> • No likely project impacts 	None	n/a
81-82, 86-88	Southeast corner of project	<ul style="list-style-type: none"> • Unlikely to be impacted, but dependent on final retaining wall design 		
83-86	Southeast corner of Project	<ul style="list-style-type: none"> • Proposed retaining wall is partially within CRZ • Retaining wall could alter flow patterns, changing water availability for trees 83-86 		
89	Southeast corner of project	<ul style="list-style-type: none"> • Tot lot is within CRZ 		

Conclusion

The project, as revised April 2012, meets the requirements of the City of Paso Robles Oak Tree Ordinance to preserve the oak trees on site, provided arborist recommendations for individual trees are incorporated into final plans. Arborist review of final plans is required prior to issuance of permits.

Two living oaks and one dead oak are proposed to be removed: Tree 49, a young valley oak with poor structure; Tree 70, an old tree on Experimental Station Road, has been abused by pruning and road improvements; and Tree 101 (already dead). Tree 70 is senescent, and in decline. This tree no longer provides an important aesthetic or habitat function. Tree 101 is dead and would be removed.



Photo 1. Tree 49 – Full View, 2012 condition.



Photo 2. Tree 49 – Showing Basal Cuts, 2012 condition.



Photo 3. Tree 70 – View east on Experimental Station Road (2004 condition).



Photo 4. Tree 70 – View west on Experimental Station Road (2012 condition).



Photo 5. Tree 101 died in June 2006 and would be removed. View south from Experimental Station Road.

APPENDIX A – Figures

- Figure 1. Aerial Photo with Property Boundary and Tree Numbers (Althouse and Meade, 2012)
- Figure 2. Tree Exhibit over Preliminary Site Plan (Arris Studios, 2012).
- Figure 3. Final Tree Protection Site Plan (to be included after final approved grading plans)
- Figure 4. Tree Protection Action Key (to be included after final approved grading plans)

Figure 1. Aerial Photograph with Tree Numbers



Buena Vista Apartments
Experimental Station Road

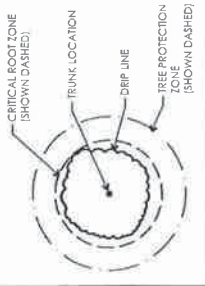


2010 San Luis Obispo County
NAIP Aerial Photography
Map Updated: July 02, 2012, 10:41 AM

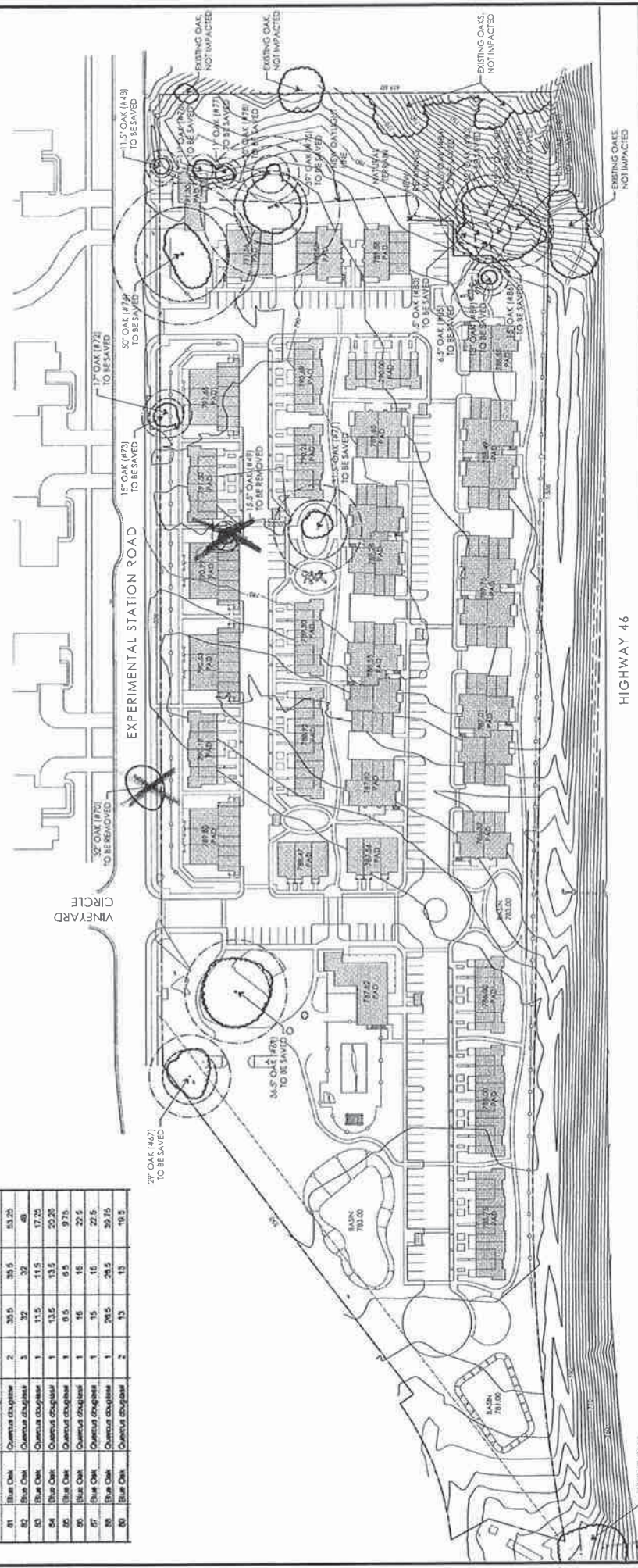


Althouse and Meade, Inc.
1602 Spring Street
Paso Robles, CA 93446

TREE LEGEND



Tag Number	Common Name	Scientific Name	Number of Trunks	Total DBH (in.)	CAZ (Radius) (ft.)	T&E Radius (ft.)
46	Bur Oak	Quercus douglasii	3	11.5	11.5	17.25
47	Valley Oak	Quercus douglasii	4	15.5	15.5	(remove)
48	Bur Oak	Quercus douglasii	1	29	29	43.5
49	Bur Oak	Quercus douglasii	1	35.5	35.5	54.75
50	Valley Oak	Quercus douglasii	1	32	32	(remove)
51	Valley Oak	Quercus douglasii	1	31.5	31.5	47.25
52	Valley Oak	Quercus douglasii	1	17	17	26.5
53	Valley Oak	Quercus douglasii	1	15	15	22.5
54	Bur Oak	Quercus douglasii	1	50	50	75
55	Bur Oak	Quercus douglasii	1	35	35	52.5
56	Bur Oak	Quercus douglasii	1	11	11	16.5
57	Bur Oak	Quercus douglasii	1	11	11	16.5
58	Bur Oak	Quercus douglasii	3	20	20	30
59	Bur Oak	Quercus douglasii	2	35.5	35.5	53.25
60	Bur Oak	Quercus douglasii	3	32	32	48
61	Bur Oak	Quercus douglasii	1	11.5	11.5	17.25
62	Bur Oak	Quercus douglasii	1	13.5	13.5	20.25
63	Bur Oak	Quercus douglasii	1	8.5	8.5	12.75
64	Bur Oak	Quercus douglasii	1	16	16	24
65	Bur Oak	Quercus douglasii	1	15	15	22.5
66	Bur Oak	Quercus douglasii	1	28.5	28.5	42.75
67	Bur Oak	Quercus douglasii	2	13	13	19.5



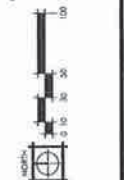
HIGHWAY 46

ARCHITECTURAL SITE PLAN - TREE EXHIBIT

Arjun Buena Vista Properties, LLC
 1005 Avenida Presidentes
 San Clemente, California 92672
 Phone: (949) 437-5425

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Buena Vista Apartments
 802 Experimental Station Road
 Paso Robles, California

PROJECT NO. 2012
 DATE: 11/10/14
 SCALE: 1" = 20'-0"

A1.0

APPENDIX B – Oak Trees in the vicinity of Buena Vista Apartments Project Impact Area

- Table 6. Field observations of trees in or near the Project Impact Area.
- Table 7. Tree Valuation.
- Table 8. Other Trees, not re-evaluated in 2012. These include trees on Caltrans property, not to be impacted, and trees along the eastern edge of the Property, well outside the impact area.

TABLE 6. FIELD OBSERVATIONS OF TREES IN OR NEAR THE PROJECT IMPACT AREA.

Tree Num	DBH (in.)	Root Health*	Root Structure*	Trunk Health*	Trunk Structure*	Scaffold Branch Health*	Scaffold Branch Structure*	Twigs*	Foliage*	Canopy Radius*	Stems*	Comments	Full Crown,	Narrow Crown,	One Sided,	Large DW (3"+),	Small DW (1-2"),	Compacted Soils,	Root Damage/Decay,	Trunk Decay,	Basal Decay,	Branch Decay,	Broken Limbs,	Included Bark,	Weak Union,	Suppressed,	Stressed,	Hardware,	Vines,	Mechanical Damage,	Overhead Utility,	Serious Decline,	Excessive Lean,					
48	11.5	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	4	3	3 stems, 4th stem cut off, some decay at union, on slope, some soil build up	X				X			X																		
49	15.5	3.0	3.0	3.0	2.0	2.0	1.0	3.0	3.0	8	4	4 stems, repeated cuts to ground level, all stems are mature suckers	X											X														
67	29	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	30	1	pruned for line clearance, multiple trunk scars, dense unpruned interior, multiple stored items under tree, mistletoe	X			X							X								X							
69	36.5	1.0	2.0	1.0	1.0	2.0	2.0	1.0	1.0	25	1	major stubs, decay at base, sucker growth, girdling roots, storage under canopy, missing unhealed bark, poor tree	X			X							X			X						X						
70	32	2.0	2.0	1.0	1.0	1.0	1.0	2.0	2.0	20	1	poor structure, side pruned for power lines, cavity at 20', poor tree			X								X			X								X				
71	31.5	2.0	2.0	2.0	2.0	3.0	3.0	3.0	3.0	25	2	2 stems at 5' and V-shaped crotch, measured below split	X			X									X													
72	17	2.0	2.0	3.0	2.0	2.0	3.0	2.0	3.0	20	1	combined canopy with #73, old stake embedded in trunk, unpruned, buried root flare	X			X										X												
73	15	2.0	2.0	3.0	2.0	2.0	3.0	2.0	3.0	20	1	combined canopy with #72, in raised planter, buried root flare, ground squirrel tunnels	X			X																						
74	50	2.0	2.0	2.0	1.0	1.0	2.0	2.0	2.0	30	1	old broken 30" leader with cement, was a lawn area, decay in trunk/readers, cavities, competes with nearby elm			X											X												
75	39	3.0	2.0	3.0	2.0	3.0	2.0	2.0	3.0	35	1	next to storage shed, some decay in upper leaders/limbs, good root flare, galls present, nice old tree	X			X																						
76	11	3.0	3.0	3.0	2.0	3.0	2.0	2.0	2.0	6	1	measured below split @ 4', young tree at bottom of slope	X			X																						
77	11	3.0	3.0	3.0	2.0	3.0	2.0	2.0	2.0	6	1	measured at 3' below split, young tree with a lower leader, on slope	X			X																						
78	20	3.0	3.0	3.0	2.0	3.0	2.0	2.0	3.0	8	3	3 stems out of base, young tree	X			X																						

Tree Num	DBH (in.)	Root Health*	Root Structure*	Trunk Health*	Trunk Structure*	Scaffold Branch Health*	Scaffold Branch Structure*	Twigs*	Foliage*	Canopy Radius*	Stems*	Comments	Full Crown,	Narrow Crown,	One Sided,	Large DW (3"+),	Small DW (1-2"),	Compacted Soils,	Root Damage/Decay,	Trunk Decay,	Basal Decay,	Branch Decay,	Broken Limbs,	Included Bark,	Weak Union,	Suppressed,	Stressed,	Hardware,	Vines,	Mechanical Damage,	Overhead Utility,	Serious Decline,	Excessive Lean,				
81	35.5	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2	splits at 5', combined/crowded by #82, soil build up on upslope	x		x	x																					
82	32	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	3	3 stems, heavy end weight, combined canopy with #81, suppressed growth	x		x	x																					
83	11.5	2.0	2.0	3.0	3.0	3.0	2.0	2.0	2.0	6	1	top of slope, soil build up on trunk	x			x																					
84	13.5	2.0	2.0	3.0	3.0	3.0	2.0	2.0	2.0	8	1	soil build up on upslope side of trunk	x			x																					
85	6.5	2.0	2.0	2.0	2.0	2.0	2.0	2.0	1.0	8	1	severe lean, poor structure, soil build up		x		x																			x		
86	15	2.0	2.0	3.0	2.0	2.0	1.0	2.0	2.0	10	1	Severe lean, sparse foliage, deadwood, soil build up		x		x																				x	
87	15	2.0	2.0	3.0	2.0	2.0	1.0	2.0	1.0	20	1	measured above old cut which is not healing, leans heavily away from #88, next to billboard, soil build up	x		x					x																x	
88	26.5	2.0	2.0	1.0	2.0	2.0	1.0	2.0	2.0	30	1	next to billboard, large cavity/wound at base, heavy end weight, significant deadwood, lean	x		x					x																x	
89	13	2.0	2.0	3.0	2.0	2.0	2.0	2.0	2.0	8	2	2 stems, buried root crown, sparse foliage, gophers	x																								

*Health Ratings Points 0-4

TABLE 7. TREE VALUATION.

Tree #	FIELD DATA										APPRAISAL CALCULATIONS					
	Species	DBH (in)	Trunk Area (sq in)	Adj. Trunk Area (sq in)	Condition	Site %	Contribution %	Placement %	Location	Species Rating	Appraised Trunk Area (sq in)	Appraised Tree Trunk Increase (sq in)	Basic Tree Cost \$	Appraised Value \$	Rounded Appraised Value \$	
48	Quercus douglasii	12	104	104	50	75	75	75	75	70	104	97	11,020.83	2,892.97	2,900.00	
49	Quercus lobata	16	189	189	63	60	50	50	53	90	189	182	20,020.83	6,006.25	6,000.00	
67	Quercus douglasii	29	660	660	72	70	70	30	57	70	660	653	70,083.33	19,981.05	20,000.00	
69	Quercus douglasii	37	1046	996	31	30	30	30	30	70	996	989	105,748.01	6,939.71	7,000.00	
70	Quercus lobata	32	804	788	38	30	30	10	23	90	788	780	83,605.10	6,583.90	7,000.00	
71	Quercus lobata	32	779	764	63	50	50	50	50	90	764	756	81,055.87	22,796.96	23,000.00	
72	Quercus lobata	17	227	227	59	75	70	70	72	90	227	220	24,083.33	9,223.16	9,000.00	
73	Quercus lobata	15	177	177	59	75	70	70	72	90	177	170	18,750.00	7,180.66	7,000.00	
74	Quercus douglasii	50	1963	1541	44	70	30	30	43	70	1,541	1,533	163,535.03	21,702.46	22,000.00	
75	Quercus douglasii	39	1194	1106	63	80	80	80	80	70	1,106	1,099	117,427.28	41,099.55	41,000.00	
76	Quercus douglasii	11	95	95	63	60	60	60	60	70	95	88	10,083.33	2,646.88	2,600.00	
77	Quercus douglasii	11	95	95	63	60	60	60	60	70	95	88	10,083.33	2,646.88	2,600.00	
78	Quercus douglasii	20	314	314	66	70	70	70	70	70	314	307	33,333.33	10,718.75	11,000.00	
81	Quercus douglasii	36	989	951	50	60	0	60	40	70	951	944	100,951.83	14,133.26	14,000.00	
82	Quercus douglasii	32	804	788	50	60	60	60	60	70	788	780	83,605.10	17,557.07	18,000.00	
83	Quercus douglasii	12	104	104	59	70	70	70	70	70	104	97	11,020.83	3,206.37	3,200.00	
84	Quercus douglasii	14	143	143	59	70	70	70	70	70	143	136	15,187.50	4,418.61	4,400.00	
85	Quercus douglasii	7	33	33	47	50	50	50	50	70	33	26	3,520.83	577.64	600.00	
86	Quercus douglasii	15	177	177	50	60	60	60	60	70	177	170	18,750.00	3,937.50	3,900.00	
87	Quercus douglasii	15	177	177	47	50	50	50	50	70	177	170	18,750.00	3,076.17	3,100.00	
88	Quercus douglasii	27	551	551	44	40	40	40	40	70	551	544	58,520.83	7,168.80	7,000.00	
89	Quercus douglasii	13	133	133	53	60	60	60	60	70	133	126	14,083.33	3,142.34	3,100.00	
	TOTAL														218,400.00	

TABLE 8. OTHER TREES, NOT RE-EVALUATED IN 2012. These include trees on Caltrans property, not to be impacted, and trees along the eastern edge of the Property, well outside the impact area.

Tree #	Common Name	Scientific Name	DBH	Health/Aesthetic Rating	Location	Impact Remove Protect
50	Valley Oak	<i>Quercus lobata</i>	10	C	W. End, Caltrans	Protect
51	Valley Oak	<i>Quercus lobata</i>	6	D	W. End, Caltrans	Protect
52	Valley Oak	<i>Quercus lobata</i>	13	C	W. End, Caltrans	Protect
53	Valley Oak	<i>Quercus lobata</i>	11	D	W. End, Caltrans	Protect
54	Valley Oak	<i>Quercus lobata</i>	6	D	W. End, Caltrans	Protect
55	Valley Oak	<i>Quercus lobata</i>	20	B	W. End, Caltrans	Protect
56	Valley Oak	<i>Quercus lobata</i>	8	C	W. End, Caltrans	Protect
57	Valley Oak	<i>Quercus lobata</i>	6	C	W. End, Caltrans	Protect
58	Valley Oak	<i>Quercus lobata</i>	7	F	W. End, Caltrans	Protect
59	Valley Oak	<i>Quercus lobata</i>	7	D	W. End, Caltrans	Protect
60	Valley Oak	<i>Quercus lobata</i>	9	C	W. End, Caltrans	Protect
61	Valley Oak	<i>Quercus lobata</i>	5	C	W. End, Caltrans	Protect
62	Valley Oak	<i>Quercus lobata</i>	5	C	W. End, Caltrans	Protect
63	Valley Oak	<i>Quercus lobata</i>	14	B	W. End, Caltrans	Protect
64	Valley Oak	<i>Quercus lobata</i>	20	B	W. End, Caltrans	Protect
65	Valley Oak	<i>Quercus lobata</i>	8	D	W. End, Caltrans	Protect
66	Valley Oak	<i>Quercus lobata</i>	10	D	W. End, Caltrans	Protect
79	Blue Oak	<i>Quercus douglasii</i>	83	A	East edge of Property	Protect
80	Blue Oak	<i>Quercus douglasii</i>	13.5	D	East edge of property	Protect
90	Blue Oak	<i>Quercus douglasii</i>	10	B	E. End, Caltrans	Protect
91	Blue Oak	<i>Quercus douglasii</i>	10.5	B	E. End, Caltrans	Protect
92	Blue Oak	<i>Quercus douglasii</i>	9	B	E. End, Caltrans	Protect
93	Blue Oak	<i>Quercus douglasii</i>	11	B	E. End, Caltrans	Protect
94	Blue Oak	<i>Quercus douglasii</i>	16	B	E. End, Caltrans	Protect
95	Blue Oak	<i>Quercus douglasii</i>	12	B	E. End, Caltrans	Protect
96	Blue Oak	<i>Quercus douglasii</i>	20	B	E. End, Caltrans	Protect
97	Blue Oak	<i>Quercus douglasii</i>	9	D	E. End, Caltrans	Protect
98	Blue Oak	<i>Quercus douglasii</i>	27	A	Bottom of drainage	Protect

Tree #	Common Name	Scientific Name	DBH	Heath/ Aesthetic Rating	Location	Impact Remove Protect
99	Blue Oak	<i>Quercus douglasii</i>	10	C	Bottom of drainage	Protect
100	Blue Oak	<i>Quercus douglasii</i>	12	B	East property line	Protect

APPENDIX C – Photo Essay

Native Trees Evaluated in October 2004. Updated photos of 2012 condition are provided after photos of original condition in 2004.



Photo 6. Tree 48 was added to the inventory in 2012.



Photo 7. Tree 49 was added to the inventory in 2012. This valley oak would be removed.

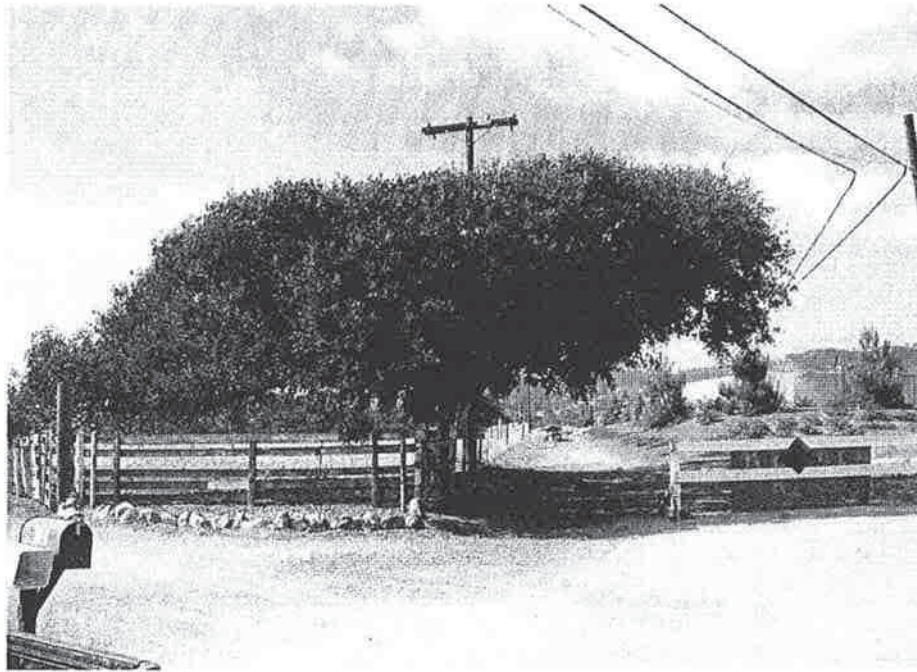


Photo 8. View southwest of Tree 67, a blue oak in the northwestern corner, near Experimental Station Road, in 2004. Street trees were pruned to protect the utility lines. This blue oak was given a “B” rating, good condition, but not excellent form. The development plan was modified to protect this tree. Minor (<20%) root zone impacts will occur.



Photo 9. View of Tree 67 in 2012.



Photo 10. View west of Tree 69 in 2004, a blue oak located adjacent to the existing residence that is proposed for demolition.



Photo 11. Tree 69 adjacent to existing house, shown in 2004. Inset shows fungus growing near base of trunk.



Photo 12. Tree 69 adjacent to existing house, shown in 2012. Health has declined. Inset shows trunk damage.



Photo 13. Tree 70 on Experimental Station Road, proposed for removal. Note dead/dying branch tips. Tree was trimmed for utilities. Ground is compacted on all sides of the root system. View east in 2004.

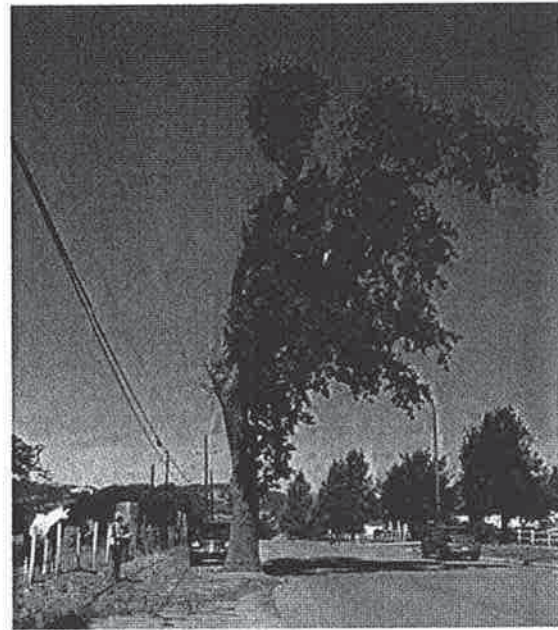


Photo 14. Tree 70 on Experimental Station Road, 2012 condition.



Photo 15. View southwest of Tree 71, located south of an existing residence and adjacent to two outbuildings, in 2004.



Photo 16. View of Tree 71, 2012 condition.



Photo 17. View west in 2004 of two valley oaks (72 and 73) located on Experimental Station Road, adjacent to an easement west of the property.



Photo 18. View of two valley oaks (72 and 73), 2012 condition. Insert shows grown over metal stake and soil/rock build-up on Tree 72.



Photo 19. Tree 74 is near an existing trailer and driveway in 2004.



Photo 20. Tree 74 is near an existing trailer and driveway. Photo shows 2012 condition.



Photo 21. View east of Tree 75, located behind (south) of the easternmost existing residence in 2004. A shed and metal hoist are beneath the canopy.



Photo 22. Tree 75 is near the northeast edge of the project, near an existing trailer and driveway. Photo shows 2012 condition.



Photo 23. Tree 76, young tree east of mature tree 75, 2004 condition.



Photo 24. Tree 77, young tree east of mature tree 75, 2004 condition.



Photo 25. Tree 76, 2012 condition.



Photo 26. Tree 77, 2012 condition.



Photo 27. Tree 78, 2004 condition.

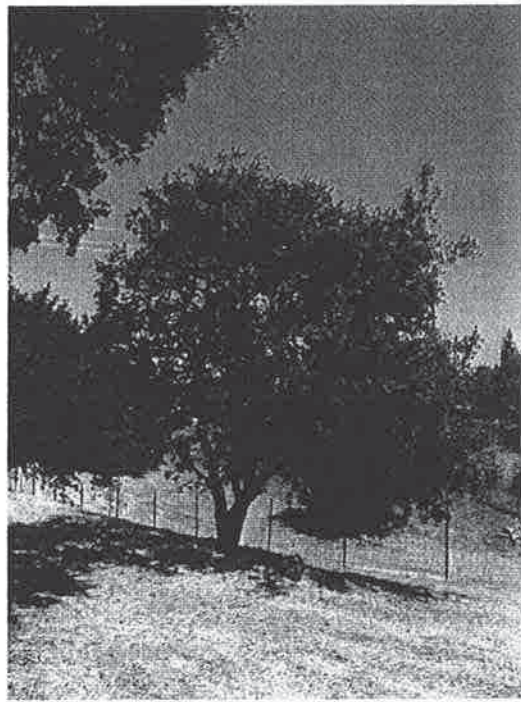


Photo 28. Tree 78, 2012 condition.



Photo 29. View south of a grouping of blue oaks on an east facing slope at the southeastern end of the property (Trees 81-88) in 2004. Tree 88 has a rotting cavity where a second trunk has died.



Photo 30. Trees 81-88, 2012 condition.



Photo 31. Tree 89, a blue oak, shown in 2004.

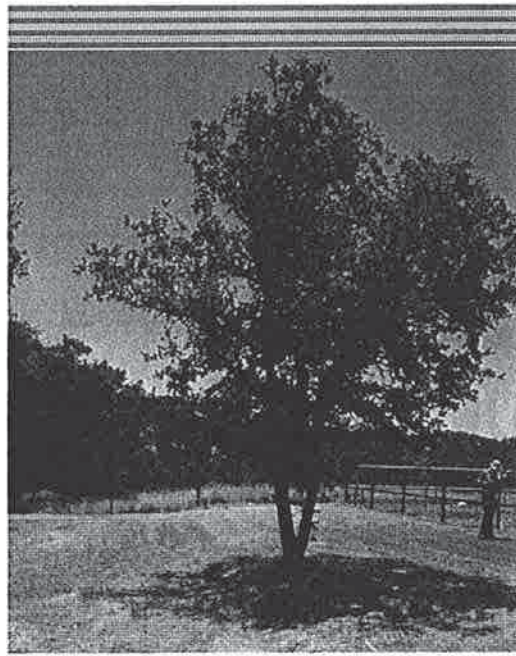


Photo 32. Tree 89, shown in 2012 condition, would be impacted by the proposed tot lot.

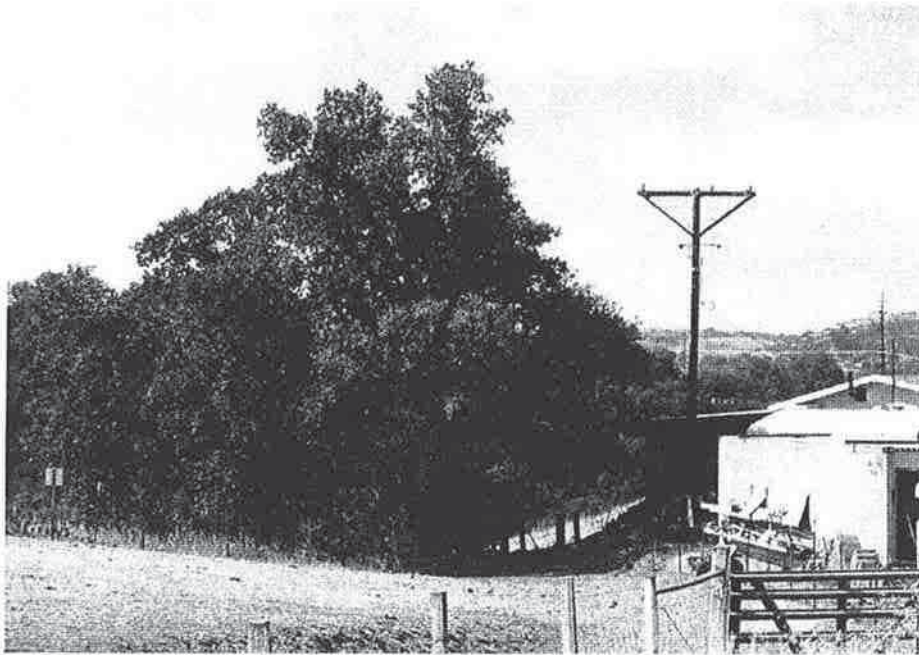


Photo 33. View south of a grouping of 17 valley oaks (50-66) in a small swale near the south-western end of the property, on the Caltrans right-of way in 2004. A culvert in the lower section collects stormwater. The proposed project would not increase flows into the existing culvert.

APPENDIX D – Tree Protection Plan

A tree protection plan exhibit showing locations of protective fencing and tree-specific measures to be incorporated for each tree will be prepared upon completion of the final grading plan. Exact locations of tree protective fencing and some tree-specific measures cannot be fully mapped until grading plans are complete. Development of final grading plans will be in consultation with the project arborist. Measures that can be prescribed based on preliminary plans are described below.

Pre-Construction Tree Protection and Removal

The project manager, construction manager, and equipment operators will be briefed by an environmental monitor. Monitor will describe oak tree protection and removal practices during a morning safety or planning meeting prior to the start of construction.

All trees within 50 feet of the construction zone will be identified, marked and numbered with metal tags. Information about each tree will be collected, including the following: date, species, number of stems, diameter at breast height (DBH) of each stem, critical root zone (CRZ) diameter, canopy diameter (in all four compass directions), tree height, health, habitat notes, and nests observed. Before construction begins, markings will distinguish trees that are to be removed, impacted, or fully protected. Tree removal will be planned to minimize impacts to adjacent trees. Tree impacts include any activity under the canopy or within the CRZ (CRZ = one foot of radius from trunk for every inch DBH of tree). The site will be checked for compliance by the environmental monitor. Grading, cutting and filling on property that has oak trees but which is planned to occur at least five feet beyond the CRZ of any oak trees of six inches or greater DBH shall not occur unless there is a monitor present to insure that grading occurs in accordance with approved plans and without encroachment into areas within five feet of the CRZ of any oak tree(s) of six inches or greater DBH.

Trees to Remove

- Mark each of the oaks to be removed with a blue “X” at approximately 4.5 feet above ground. Alternatively, trees to be removed may be marked with blue flagging.
- Number each of the oaks to be removed with blue paint (if not already tagged).
- Trees to be removed will be verified by the project manager and the environmental monitor or arborist.
- Trees will be removed with minimal impact to adjacent trees.

Trees to Impact

- Impacts are any disturbance within the diameter of the tree canopy or CRZ, including pruning, grading, parking, driving under or near, trenching, storing material, or adding fill.
- Tag each of the trees with two permanent numbered metal tags on two sides of the tree placed approximately 4.5 feet above ground. Flag with green flagging.

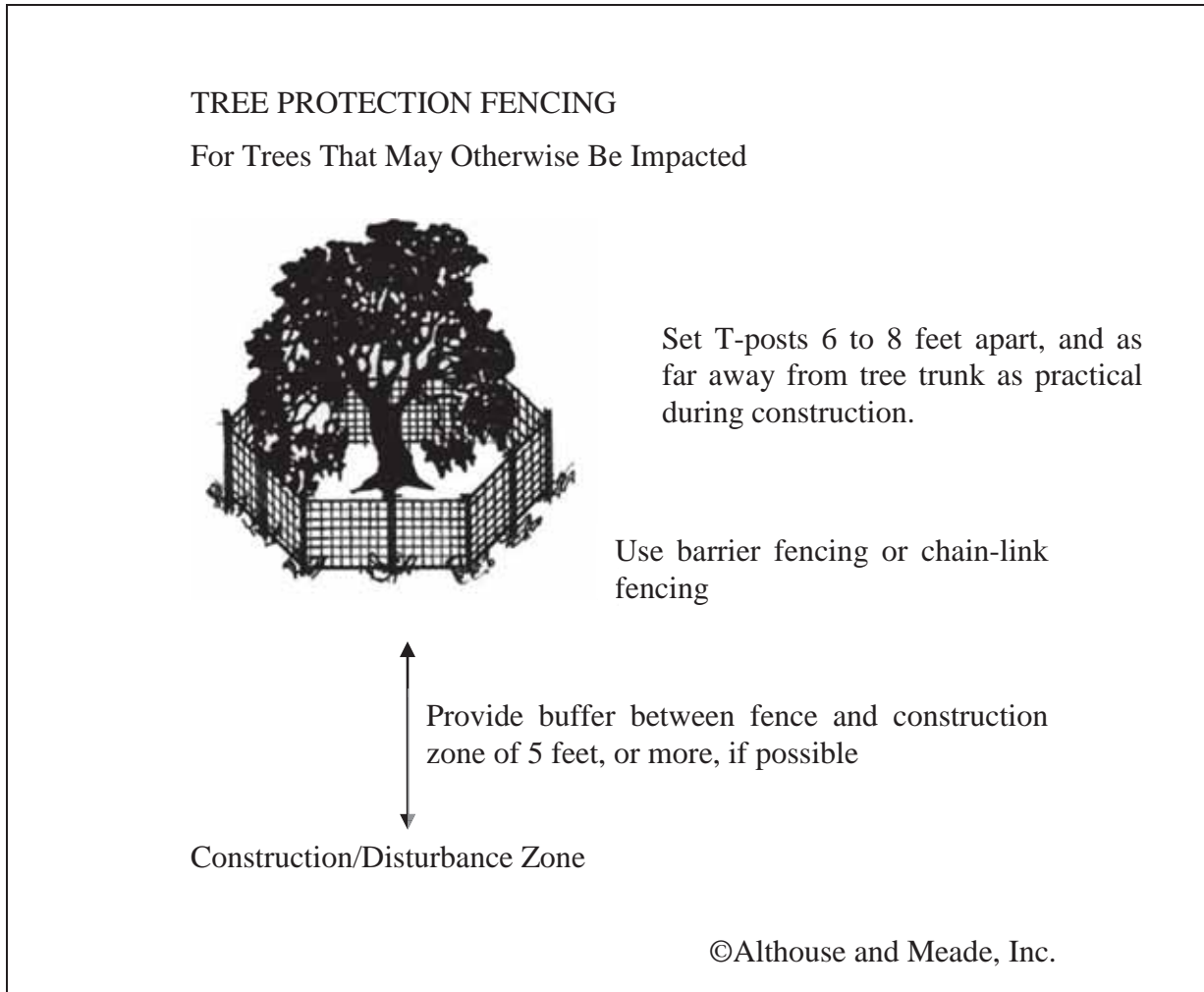
- Install orange construction fencing between the construction zone and the tree to indicate limits of disturbance planned for each tree (Tree Protection Fencing Figure, next page).

The environmental monitor will document pre-construction tree protection activities. An oak tree database will be maintained throughout the construction period that will contain all information related to oak tree impacts and removals.

Construction Tree Protection

- Orange construction fencing will be maintained weekly when heavy equipment is within 50 feet of oak trees.
- If any fully protected oak trees are impacted, the trees will be tagged with two write-on or permanent metal tags on two sides of the tree placed approximately 4.5 feet above ground (if not already tagged). An environmental monitor will note the type and severity of the impact.
- Branch and root pruning shall leave clean cuts. Branch pruning shall be at an angle to shed rain water. Torn roots shall be properly trimmed so that all torn sections are removed and the cut is clean.
- Any impacts to trees that involve cut roots over one inch and branches over three inches in diameter shall be treated by a Certified Arborist or City approved tree care specialist qualified to apply fungicides and pesticides to damaged tissue.
- No vehicles, fill soil, rocks, or construction materials shall be placed within the dripline or CRZ of any oak trees.
- Trenching under the tree canopy shall be avoided. Any trenching required within the dripline or CRZ of an oak tree shall be approved by a Certified Arborist, and done by hand. The arborist may recommend boring within the CRZ to reduce root impacts.
- The only plant species which shall be located within the dripline or CRZ of oak trees are plants that are indigenous to the Paso Robles area. No permanent irrigation shall occur within the CRZ of any mature oak tree.
- The environmental monitor and/or a Certified Arborist shall be present during construction that impacts oak tree root zones.

The environmental monitor will document tree removal and/or construction impacts on each tree. Replacement oaks must be equivalent to one quarter 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 inches 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 boxed, 1.5-inch trees shall be required for each oak tree removed. (City of El Paso de Robles-Ordinance No. 835 N.S.)



Tree Protection Fencing Figure. Orange barrier fencing shall be used to protect oak trees near construction and disturbance zones. Construction fencing shall be placed at dripline or CRZ, whichever is greater.

APPENDIX E – Monitor’s Field Report Form



(Page 1)

Project		Monitor's name	
Date	Time on site	Time off site	
Work Activities in progress			
1.			
2.			
3.			
4.			
5.			
Locations inspected			
1.			
2.			
3.			
Observations			
1.			
2.			
3.			

Project		Monitor's name	
Date	Time on site	Time off site	
Compliance issues			
1.			
2.			
3.			
Personnel contacted on site			
Weather conditions	Dust control	Water truck in use	
Additional Notes:			

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APPENDIX F – Preliminary Grading and Drainage Plans

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Theresa Variano, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Planned Development 12-005 (Buena Vista Apartments) on this 28th day of August, 2012.

City of El Paso de Robles
Community Development Department
Planning Division

Signed:



Theresa Variano

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: August 24, 2012

Hearing Date: September 25, 2012
(Planning Commission)

Project: Planned Development 12-005, Rezone 12-003, Specific Plan Amendment 12-003 and Recommendation to adopt a Mitigated Negative Declaration (Buena Vista Apartments)

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 PLANNED
DEVELOPMENT 12-005, REZONE
12-003 & SPECIFIC PLAN
AMENDMENT 12-003**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, September 25, 2012. The meeting will be held 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 an adoption of a Planned Development, Rezone, Specific Plan Amendment and the associated Mitigated Negative Declaration (statement that there will be no significant environmental effects if certain mitigation measures are implemented) in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:

- **Rezone:** to change the existing R1-B4 (Residential Single-Family, 1 acre lot) zoning designation to R3 (Residential Multi-family 12 units per acre). The rezone to R3 would bring the zoning designation into compliance with the existing General Plan Land Use designation (RMF-12).
- **Specific Plan Amendment:** to amend the Borkey Area Specific Plan to accommodate the multi-family residential project, and establish updated Specific Plan fees;
- **Development Plan:** development plan to review the request to establish 142 residential units with a club house, swimming pool, play areas and other amenities.

The project has been filed by Don Benson on behalf of Arjun Buena Vista Properties, LLC. The site is located at 908 Experimental Station Road (APN: 025-541-021, 025-391-006, 007, 080 & 081).

The public review period for the Mitigated Negative Declaration (MND) is August 24, 2012 through September 25, 2012. 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.

Questions about these applications may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed Project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

If you challenge these applications 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.

Darren Nash, Associate Planner
August 24, 2012 6997651