

RESOLUTION NO.: 08-021

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING A MITIGATED NEGATIVE DECLARATION FOR  
TENTATIVE PARCEL MAP PR 07-0296 &  
AMENDMENT TO PLANNED DEVELOPMENT 05-016  
(DRY CREEK PARTNERS, LLC - MONDO)  
APN: 025-435-013 & 014

WHEREAS, Tentative Parcel Map PR 07-0296 has been filed by McCarthy Engineering on behalf of Dry Creek Partners, LLC – Doug Mondo, to subdivide an approximate 30-acre site into 3 lots and 1 remainder lot; and

WHEREAS, the Parcel Map is located within the Airport Road Business Park, which is on the southwest corner of Airport Road and Dry Creek Road; and

WHEREAS, in conjunction with PR 07-0296, an amendment to Planned Development 05-016 has been submitted to establish development standards for the three parcels to insure consistency with the Airport Road Business Park; and

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

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

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2008 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination, and

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

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the Planning Commission finds no substantial evidence that there would be a significant impact on the environment based on the attached Mitigation Agreement and mitigation measures described in the initial study and contained in the resolution approving Tentative Tract 2772 as site specific conditions summarized below.

Topic of Mitigation	Condition #
Kit Fox /Biological	13
Air Pollution:	8

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, to approve a Mitigated Negative Declaration for Tentative Parcel Map PR 07-0296 & Planned Development 05-016 Amendment in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 22<sup>nd</sup> day of April, 2008, by the following roll call vote:

AYES: Peterson, Flynn, Holstine, Johnson, Treach, Steinbeck

NOES: None

ABSENT: Hodgkin

ABSTAIN: None

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CHAIRMAN ED STEINBECK

ATTEST:

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RON WHISENAND, PLANNING COMMISSION SECRETARY

**ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM  
CITY OF PASO ROBLES  
PLANNING DIVISION**

- 1. PROJECT TITLE:** Tentative Parcel Map PR 07-0296 & Planned Development  
05-016 Amendment
- Concurrent Entitlements:** As described above
- 2. LEAD AGENCY:** City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446
- Contact:** Darren R. Nash, Associate Planner  
**Phone:** (805) 237-3970
- 3. PROJECT LOCATION:** Southeast corner of Airport Road and Dry Creek Road, Paso  
Robles, California
- 4. PROJECT PROPONENT:** Dry Creek Partners, LLC
- Contact Person:** Doug Mondo  
**Phone:** 238-2642
- 5. GENERAL PLAN DESIGNATION:** Business Park (BP)
- 6. ZONING:** Airport Planned Development (AP,PD)
- 7. PROJECT DESCRIPTION:** Request to subdivide an approximate 30-acre site into 3 lots for business park  
development, and one remainder lot.
- 8. ENVIRONMENTAL SETTING:**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

The subject property is located in the City of Paso Robles, at the southwest corner of Airport Road and Dry Creek Road. The Paso Robles Municipal Airport is located to the northeast, and the California Youth Authority property is to the north. The elevation is approximately 790 feet above sea level. The property is relatively flat, sloping to a ravine along the south end of the site. There are oak trees on the site but out of the project area.

**9. RELATED ENVIRONMENTAL DOCUMENTATION:**

None

**10. PERSONS PARTICIPATING IN THE PREPARATION OF THE INITIAL STUDY:**

Darren Nash: Associate Planner.

**11. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR PROJECT:**

This environmental initial study analyzes the potential impacts of the 2-acre site that includes the subdivision to create Parcels 1, 2 & 3 for business park development. Future development of the 28-acre remainder parcel would require further environmental review at that time.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

**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” or is “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Land Use & Planning    | <input type="checkbox"/> Transportation/Circulation         | <input type="checkbox"/> Public Services             |
| <input type="checkbox"/> Population & Housing   | <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Geological Problems    | <input type="checkbox"/> Energy & Mineral Resources         | <input type="checkbox"/> Aesthetics                  |
| <input type="checkbox"/> Water                  | <input type="checkbox"/> Hazards                            | <input type="checkbox"/> Cultural Resources          |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Recreation                  |
|   | <input type="checkbox"/> Mandatory Findings of Significance |  |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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ISSUES (and Supporting Information Sources):

**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 the mitigation measures described on an attached sheet have been added to the project. **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 significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effect(s) that remain to be addressed.

\_\_\_\_\_  
Signature

Darren R. Nash  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Associate Planner  
\_\_\_\_\_  
Title

	Potentially Significant	Potentially Significant	Potentially Significant	
ISSUES (and Supporting Information Sources):	Unless Mitigation Incorporated	Less Than Significant Impact		No Impact

**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 the project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
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. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVII. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix I of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the needs and requirements of the City of Paso Robles.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers’ information, a list of applicable standard conditions identified in the discussions has been provided as an attachment to this document.)

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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*Would the proposal result in or expose people to potential impacts involving:*

<i>Landslides or Mud flows? (Sources: 1, 6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Discussion: The attached source list explains that 1 is the Paso Robles General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).*



ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**I. LAND USE AND PLANNING.** Would the Proposal:

- a) Conflict with general plan designation or zoning? (Source: 1,2)

Discussion: The proposal to subdivide the 30-acre site into 3-lots consisting of approximately 2.5-acres, and one remainder lot approximately 28-acres is a permitted use in the AP-PD Zone, and is consistent with the Business Park (BP) General Plan designation.

Future development of the remainder parcel will require the submittal of a development plan and further environmental review.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

Discussion: There are no other environmental plans currently in place for the property by other agencies.

- c) Be incompatible with existing land use in the vicinity? (Source: 1,2)

Discussion: Subdividing the site into parcels for future business park use would be consistent with subdivision within and around the airport that currently have industrial/business park uses.

The California Youth Authority is located directly to the north of the subject site. There are no restrictions for business park use in the vicinity of the Authority.

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?

Discussion: The site is currently covered with native grasses. There would not appear to be a conflict with agricultural resources. Other portions of the 107 acre site (Parcels 2 and 3) are currently planted in vineyards.

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

Discussion: The surround designations are similar to this site, there is not an established community in this area of the City.

**II. POPULATION AND HOUSING.** Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Source: Paso Robles General Plan.)

Discussion: There is no residential development proposed with this General Plan with the subdivision, therefore this project will not exceed population projections.

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The site is in the vicinity of existing roads/highways. The infrastructure in the area such as sewer and water is in the vicinity of this site and can be extended to serve the project.

- c) Displace existing housing, especially affordable housing?

Discussion: N/A

**III. GEOLOGIC PROBLEMS.** Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture?

Discussion: This portion of San Luis Obispo County (generally the Paso Robles area) is located at the far southerly end of the Salinas Valley which also extends up into Monterey County. There are two known fault zones on either side of this valley. The San Marco-Rinconada Fault system runs on the west side of the valley. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code to all new development within the City. Soils reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standardly applied conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant.

- b) Seismic ground shaking?

Discussion: See the response to Section III(a). Based on that response, the potential for exposure of persons or property to seismic hazards is not considered significant.

- c) Seismic ground failure, including liquefaction?

Discussion: The City's General Plan contains public safety policies that would require special attention to projects with potential for liquefaction. Also, see the response to Section III(a). Based on the above discussion, the potential for exposure of persons or property to seismic hazards, including liquefaction is not considered significant.

- d) Seiche, tsunami, or volcanic hazard?

Discussion: The project site is not located in an area identified at risk for seiche, tsunami, or volcanic hazards.

- e) Landslides or Mud flows?

Discussion: See discussion for III (f).

- f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

Discussion: See the discussion in Section III(a). In addition to standard erosion control measures being part of a future development, all grading would be subject to standard conditions of approval ensuring that soils conditions are suitable for the proposed structures and improvements. As such, no significant impacts are anticipated.

- g) Subsidence of the land?

Discussion: See the discussion in Sections III (a) and (f) above. No significant adverse impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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h) Expansive soils?

Discussion: See the discussion in Sections III (a) and (f) above. No significant adverse impacts are anticipated.

i) Unique geologic or physical features?

Discussion: N/A

**IV. WATER.** Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Source: 6,7,9)

Discussion: In the future, when a development plan is submitted for each lot, a standard condition of approval would be added to the project that would require the applicant to submit a complete grading and drainage plan prepared by a registered civil engineer with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer.

b) Exposure of people or property to water related hazards such as flooding?

Discussion: See comment for IV.a

c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen, turbidity)?

Discussion: N/A

d) Changes in the amount of surface water in any water body?

Discussion: See Sec. IV a, discussion

e) Changes in currents, or the course or direction of water movement?

Discussion: N/A

f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?

Discussion: N/A

g) Altered direction or rate of flow of groundwater?

Discussion: N/A

h) Impacts to groundwater quality?

Discussion: N/A

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (source: 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: It is not anticipated that the amount of ground water will be any more than typically used for a business park/light-industrial type use.

**V. AIR QUALITY.** Would the proposal:

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Source: 9,10) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: The San Luis Obispo County area is a non-attainment area for the State standards for ozone and suspended particulate matter. The SLO County Air Pollution Control District (APCD) administers a permit system to ensure that stationary sources do not collectively create emissions which would cause local and state standards to be exceeded. To aid in the assessment of project impacts subject to CEQA review, the APCD published the "CEQA Air Quality Handbook" in August, 1995. This handbook establishes screening thresholds for measuring the potential of projects to generate air quality impacts. Generally, any project that generates less than 10lbs./day of emissions would "qualify" for a Negative Declaration determination, and a project that generates between 10 and 24lbs./day of emissions would "qualify" for a Mitigated Negative Declaration.

The standard APCD mitigation measures identified with Tract 2772 & PD 05-016 have been applied to this project and are listed within the PR 07-0296 resolution.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to pollutants? (Source: 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There would not be an exposure to sensitive receptors to pollutants with the approval of this project.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature? (Source: 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: N/A.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create objectionable odors? (Source: 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: N/A

**VI. TRANSPORTATION/CIRCULATION.** Would the proposal result in:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increased vehicle trips or traffic congestion? Source 13 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: A Traffic Analysis Report was prepared by Higgins Associates for the original Airport Road Business Park, and the project is currently being constructed in accordance with the required traffic mitigation. The addition of the three parcels will not have a significant impact on traffic trips or traffic congestion.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The intent of the subdivision is to allow for the extension of C-Street (Hughes Parkway) to the southerly

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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project border. The extension will allow for the continuation of the street to connect to the properties to the south if and when they develop. Allowing for this subdivision and street extension will improve circulation and therefore will not have a significant impact on hazards and safety.

- c) Inadequate emergency access or inadequate access to nearby uses?

Discussion: The GPA, Rezone and tentative subdivision would not create any impacts. At the time of the review of the development plan for each site, City Staff will review the project further to make sure there is not an impact related to this issue.

- d) Insufficient parking capacity on-site or off-site?

Discussion: There is no development proposed with this application. Upon review of a future development plan, City staff and the project engineer will need to insure that the proper parking numbers meet city codes.

- e) Hazards or barriers for pedestrians or bicyclists?

Discussion: N/A.

- f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion: N/A.

- g) Rail, waterborne or air traffic impacts?

Discussion: The portions of the project are within zones 1- 4 of the Airport Land Use Plan. The APLUP does allow development within these zones, within limited development within zones 1 and 2. As designed, the project would only have parking and landscaping within zones 1 and 2. As each lot develops, accordance with the APLUP will be required. Constructive notice will be required to be recorded against each parcel requiring conformance with the APLUP.

**VII. BIOLOGICAL RESOURCES.** Would the proposal result in impacts to:

- a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)? Source 14, 15

Discussion:

The following Biological mitigation measures are standard mitigation based on the Kit Fox Mitigation Ratio Map. Based on the disturbed area of the site being 2.59 acres (Parcels 1, 2 & 3) and the site being within the 3:1 mitigation ratio area, the replacement habitat would be 7.8 acres. The following are the standard mitigation for Kit Fox mitigation:

**BR-1 Immediately prior to ground disturbance activities**, if work occurs between March 1<sup>st</sup> and August 1<sup>st</sup>, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during the breeding season from March 1<sup>st</sup> to August 1<sup>st</sup>. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grasslands. If surveys do not locate nesting

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300 foot buffer for raptor nests.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the City of Paso Robles (see contact information below) that states that one or a combination of the following four 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 **7.8** 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 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the 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. Purchase **7.8** 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.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- c. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **7.8** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the City prior to City permit issuance and initiation of any ground disturbing activities.

**BR-3 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 Planning Division. The retained biologist shall perform the following monitoring activities:

- a. **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.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, 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-3 through BR11. 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-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
- c. **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

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact

probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department 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 U.S. Fish and Wildlife Service/Department determine 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 U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

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:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) 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 during ground disturbing activities shall be required by a qualified biologist.

**BR-4 Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *“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**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-5 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-6 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-7 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact

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

**BR-8 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, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**BR-9 During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and 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-10 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-11 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 U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). 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 the Department for care, analysis, or disposition.

**BR-12 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:

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

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.

**BR-13 Immediately prior to ground disturbance activities**, if work occurs between March 1<sup>st</sup> and August 1<sup>st</sup>, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during breeding season from March 1<sup>st</sup> to August 1<sup>st</sup>. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grass lands. If nesting birds are located, no construction activities shall occur within 100 feet of nest until chicks are fledged. Construction activities shall observe a 300 foot buffer for raptor nests.

**Contact Information**



ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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California Department of Fish and Game  
 Central Coast Region  
 P.O. Box 47  
 Yountville, CA 94599  
 (805) 528-8670

U.S. Fish and Wildlife Service  
 Ventura Field Office  
 2493 Portola Road, Suite B  
 Ventura, CA 93003  
 (805) 644-1766

City of Paso Robles  
 Planning Department  
 Darren Nash  
 1000 Spring Street  
 Paso Robles, CA 93446  
 (805) 237-3970

**BR-13** A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager, CDFG, and the City of Paso Robles.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1<sup>st</sup> and February 1<sup>st</sup> all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.

The following is standard biological mitigation originally applied to Tract 2772 that will carry over into PR 07-0296:

**BR-14** 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 harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

**BR-15** Immediately prior to ground disturbance activities, if work occurs between March 1<sup>st</sup> and August 1<sup>st</sup>, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during the breeding season from March 1<sup>st</sup> to August 1<sup>st</sup>. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grasslands. 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.

**BR-16** Prior to commencement of project grading, protocol level surveys shall be conducted by a qualified biologist to determine if any listed species of fairy shrimp occur in ephemeral pools on the property. If vernal pool fairy shrimp are discovered, consultation with the US Fish and Wildlife Service must occur.

**BR-17** Prior to commencement of project grading, a survey shall be conducted by a qualified biologist to determine if spadefoot toads are breeding in ephemeral pools on the property. Surveys shall be conducted from January to April, as conditions permit. If Western spadefoot toads are discovered, consultation with CDFG shall occur.

**BR-18** Minimize impacts to rare species habitat. If less than 10 percent of any one plant population is impacted, no effect on the viability of the population is expected.

**BR-19** If 10 percent or more of any one population is impacted, replace impacted rare species habitat in kind elsewhere

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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on the property. Prepare a mitigation and monitoring plan for rare species habitat replacement on site.

- Obispo Indian paintbrush is an annual wildflower, the seeds of which can be collected in early May and sowed in proposed open space areas.

b) Locally designated species (e.g., heritage trees)?

Discussion: There are multiple oak trees located on this site. The future development plans for the site will be required to design around the trees and preserve them.

c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

Discussion: There are oak tree groves located on the creek banks in the northern area of the site. These slopes along with the trees will be preserved. The development will be proposed to take place on the flatter areas away from the slope banks.

d) Wetland habitat (e.g., marsh, riparian and vernal pool)?

Discussion: N/A

e) Wildlife dispersal or migration corridors?

Discussion: N/A

**VIII. ENERGY AND MINERAL RESOURCES.** Would the proposal:

a) Conflict with adopted energy conservation plans?

Discussion: N/A

b) Use non-renewable resource in a wasteful and inefficient manner?

Discussion: N/A

c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

Discussion: N/A

**IX. HAZARDS.** Would the proposal involve:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?  Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?  Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential hazards?  Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increased fire hazard in areas with flammable brush, grass, or trees?  Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**X. NOISE.** Would the proposal result in:

a) Increases in existing noise levels?  Discussion: There is no construction associated with this application, with the future development plan, additional environmental review would take place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels?  Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**PUBLIC SERVICES.** Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

a) Fire protection?  Discussion: Upon the development of the site, standard conditions will be added by the Fire Marshall addressing fire hydrants, sprinklers and access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?  Discussion: During the development plan process in the future, the police department would have the opportunity to review the project and make comments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?  Discussion: The project is in the vicinity of schools. Both an elementary school and the high school are within a mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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away from the site. Upon the review of a development plan, for the site the school district will have the opportunity to comment on the project.

- d) Maintenance of public facilities, including roads?

Discussion: With the development of the site, whether R2 or R4 zoned, the developer would be required install the curb, gutter and sidewalk improvements along the property frontage. These improvements would have to be constructed per City Standards, and would eventually be accepted and cared for by the City.

- e) Other governmental services?

Discussion: N/A

**XII.UTILITIES AND SERVICE SYSTEMS.** Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas?

Discussion: Southern California Gas Company provides service to the Paso Robles area. The project is not anticipated to interfere with gas services or create an unmet demand.

- b) Communication systems?

Discussion: The Pacific Bell Company provides service to the Paso Robles and County areas. The project is not anticipated to interfere with phone/communication services.

- c) Local or regional water treatment or distribution facilities?

Discussion: N/A

- d) Sewer or septic tanks? (Source: 7)

Discussion: The project will be required to hook up to City sewer and water.

- e) Storm water drainage? (Source: 6)

Discussion: A standard condition of approval will be added to the project at the time of development that would require the applicant to submit a complete grading and drainage plan prepared by a registered civil engineer with the improvement plans. Drainage calculations will need to be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer

- f) Solid waste disposal?

Discussion: N/A

- g) Local or regional water supplies? (source: 3)

Discussion: There is no development associated with this general plan amendment and rezone, environmental impacts associated with the physical development of the site would be determined with the development plan process for a specific project.

**XIII.AESTHETICS.** Would the proposal:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Affect a scenic vista or scenic highway? (Source: 1,9) Discussion: There is no development proposed with this application. At the time the development plan goes through the planning process, high architectural and grading standards will be anticipated for this site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? (Source: 1,9) Discussion: There is no development proposed with this application. At the time the development plan goes through the planning process, high architectural and grading standards will be anticipated for this site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create light or glare? (Source: 1,9) Discussion: At the time of development, light shielding will be required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XIV. CULTURAL RESOURCES.** Would the proposal:

a) Disturb paleontological resources? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources? Source 16 Discussion: The Paso Robles area has been classified as territory occupied by the Migueleno Salinan and the Obispeno Chumash Native California populations. Past community populations have been evidenced at several sites within the Paso Robles area and unincorporated portions of the surrounding County.  A Cultural Survey was prepared by C.A. Singer & Associates on April 8, 2005 where it was concluded that “no buildings or structures more than 45 years old exist within the surveyed area and both prehistoric and early historic resources are absent. The property is not associated with any important historic event or person and has no unique characteristics. Although Pleistocene age fossils are found in the Paso Robles Formation deposits (mostly marine mammals), cultural materials have never been recovered.”  “.....future development of these 39.1 acres will not have an impact any known or suspected resources and no further investigations are recommended.”	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Affect historical resources? Discussion: See XIV b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? Discussion: N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. RECREATION.** Would the proposal:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the demand for neighborhood or regional parks or other recreational facilities? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities? Discussion N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. 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? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Discussion: N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 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	1977 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Sewer Master Plan	Same as above
8	City of Paso Robles Housing Element	Same as above
9	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
10	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
11	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
12	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

## Summary of Mitigation Measures

**Description of Impact**

Biological/Kit Fox

**Mitigation Measure**

See Tract Resolution for list of Mitigation