RESOLUTION NO.: 09-005

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 08-002, CONDITIONAL USE PERMIT 08-002
AND VESTING TENTATIVE TRACT MAP 2962
(DESTINO PASO - HANDLEY)
APN: 025-436-029 & 030

WHEREAS, Planned Development 08-002 & Conditional Use Permit 08-002 has been filed by North Coast Engineering on behalf of Jerry and Katherine Handley for the construction of a resort project consisting of 291 hotel and casitas rooms, including accessory uses such as restaurant, spa, conference center, trails, pools, parking lots and other accessory uses; and

WHEREAS, Tract 2962 has also been filed proposing to subdivide a 40.3 acre property into nine lots ranging in size from 1.81 acres to 10.86 acres; and

WHEREAS, Tract 2962 also includes a condominium map that would create 58 air-space condominium units that includes 175 individual casitas units; and

WHEREAS, the project is located at 3340 & 3350 Airport Road; and

WHEREAS, Section 21.23B, of the Zoning Code (Development Review) requires any project subject to environmental review in which a negative declaration is required, is subject to Planning Commission approval of a development plan (PD); and

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

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

WHEREAS, 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, 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 Mitigation Agreement and mitigation measures; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, to approve a Mitigated Negative Declaration for Planned Development 08-002, Conditional Use Permit 08-002 & Vesting Tentative Tract Map 2962 in accordance with the California Environmental Quality Act, subject to the following mitigation measures and subject to the timing of completion of the mitigation measures as outlined in Exhibit B, Mitigation Monitoring Table:

LAND USE: LU-1: Kitchen facilities for hotel or casitas units shall be limited to "kitchenettes" and may include a sink, microwave, 2-burner stove and beverage refrigerator.

TRAFFIC: T-1: The Destino Paso project will be conditioned to pay transportation development impact fees in effect at the time of occupancy. The calculation of the fees will not include consideration of fees currently in effect or those that may have been in effect at the time the entitlement application was made or in effect at the time of submittal of a building permit.

AIR POLLUTION CONTROL DISTRICT:

APCD-1: Prior to any grading on the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, as exemption form must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos (Air Toxics Control Measure) ACTM.

APCD-2: If utility pipelines are scheduled for removal or relocation; or building are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61,Subpart M – asbestos NESHAP).

APCD-3: The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

a. Reduce the amount of the disturbed area where possible.
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
c. All dirt stockpile areas should be sprayed daily as needed.
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.

e. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible

APCD-4 Construction Permit Requirements: If portable equipment, 50 horsepower or greater, are used during construction, a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the Districts CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50hp or greater;
- IC Engines;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

APCD-5 **Develop a comprehensive Construction Activity Management Plan** designed to minimize the amount of large construction equipment operating during any given time period. The plan should be submitted to the District for review and approval prior to the start of construction. The plans should include but not be limited to the following elements:

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

APCD-6: Standard NOx Control Measures for Construction Equipment: The standard construction equipment mitigation measures for reducing nitrogen oxide (NOx) emissions are listed below and in section 6.3.1 of the Air Quality Handbook. **These measures are applicable to all projects where construction equipment will be used:**

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of on-road heavy-duty equipment and trucks that meet the ARB's 1998 or newer certification standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

APCD 7 : OPERATIONAL PHASE MITIGATION

Greenhouse Gas Impacts and Mitigation

While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

The APCD staff considered the operational impact of this proposed development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts of the greenhouse gas known as carbon dioxide (CO2) will be approximately 19533 pounds per day in the summer and 18685 pounds per day in the winter. **While statewide/global thresholds have not yet been defined for GHG impacts, SLO County APCD recommends the implementation of feasible mitigation measures that minimize project related GHG impacts.** Examples of potential measures for this development include:

- Developments within Urban Reserve Lines with walking or bicycling access to nearby commercial and transit services thus reducing automobile dependence;
- Install on-site solar power infrastructure to offset grid-based power consumption.
- Provide low-speed neighborhood electric vehicles (NEVs) and charging stations for internal use by resort patrons.
- Replacing support equipment and vehicles that have internal combustion engines with their electric equivalents;

- Green building techniques such as:
  - Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
  - Planting of native, drought resistant landscaping;
  - Use of locally or nearby produced building materials; and,
  - Use of renewable or reclaimed building materials.

Other measures suitable for GHG as well as ozone precursor mitigation are listed below in this comment letter.

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Electrical generation plants or the use of standby generator;
- Food and beverage preparation (primarily coffee roasters);
- Dry cleaning; and,
- Boilers.

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

APCD 8: APCD staff has determined the operational impacts of this development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The results of the model using conservative County average trip distances demonstrated that the operational impacts will (likely exceed the APCD's CEQA **Tier II** significance threshold value of **25 lbs/day** for nitrogen oxides (NOx), reactive organic gases (ROG) and particulate matter (PM10) as shown below:

Season	**Project Emissions by Pollutant (lbs/day)**		
	ROG	NOx	PM10
Summer	28.90	37.24	31.54
Winter	32.30	47.13	31.52

As a result of this estimated threshold exceedence, this project must implement all applicable Standard Mitigation Measures and at least 10 Additional Mitigation Measures listed below. Should this project move forward, the APCD will consider the overall air quality impacts from this project to have been reduced to a level of insignificance with the implementation of these mitigation measures. Other measures may be proposed as replacements by contacting the APCD's Planning Division at 781-5912.

Standard Measures (Include all standard mitigation measures marked below)

- Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce employee lunchtime trips.
- Provide preferential carpool and vanpool parking spaces.
- Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- Include easements or land dedications for bikeways and pedestrian walkways.
- Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.

Additional Measures (Include at least 10 of the following)

Site Design Mitigation for this Project

- Increase street shade tree planting.
- Increase shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
- Provide on-site banking (ATM) and postal services.
- Provide on-site child care facilities for employees.
- Provide on-site housing for employees.
- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment with designated walkways.
- Provide pedestrian signalization and signage to improve pedestrian safety.
- If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to the project.
- Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
- Increase number of bicycle routes/lanes.

Transportation Demand Mitigation

- If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to the project or improve existing transit stop amenities.
- Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc by implementing the Transportation Choices Program. The applicant should Contact SLO Regional Rideshare at 541-2277 to receive free consulting services on how to start and maintain a program.

- Provide Transportation Choices Program information centers on alternative transportation modes at the site (i.e. a transportation kiosk). Contact SLO Regional Rideshare for appropriate materials at 541-2277.
- Install electric vehicle charging stations.
- Employ or appoint an Employee Transportation Coordinator.
- Implement an APCD approved Trip Reduction Program.
- Provide for shuttle/mini bus service.
- Implement a lunch-time shuttle to reduce single occupant vehicle trips.
- Participate in an employee "flash pass" program, which provides free travel on transit buses.

Energy Efficiency Measures

- Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use built-in energy efficient appliances, where applicable.
- Use double-paned windows.
- Use low energy parking lot and street lights (e.g. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (e.g. light emitting diode).
- Install door sweeps or weather stripping if more energy efficient doors and windows are not available.
- Install high efficiency or gas space heating.
- Use high efficiency gas or solar water heaters.

Operational Permit Requirements:

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

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

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

BIOLOGICAL:

Biological Resources Mitigation Measures

BIO-1: A Wetland Delineation was prepared for the project in June 2008 (see Attachment G). Of the four areas of the site evaluated for wetlands, two of the sites (sites 1 & 3) were determined to be a Federal and State Wetland. Since wetlands to occur on the project site, the following mitigation measures shall be applied:

i. Permits must be obtained, as appropriate, from the California Department of Fish and Game (DFG Code 1603), the U.S. Army Corps of Engineers (Section 404 of the Clean Water Act), the Regional Water Quality Control Board (Section 401 of the Clean Water Act) for any activity that must offset wetland resources.
ii. An on-site monitor will be required during construction activities in areas containing jurisdictional wetlands.
iii. Any mitigation, monitoring, and reporting plan will be prepared and approved by the City and other jurisdictional agencies, as appropriate (i.e., California Department of Fish and Game, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board). Wetland mitigation will increase the aerial extent of wetland habitat on site at a two-to-one ratio (created wetland area to impacted wetland area).
iv. Mitigation implementation and success will be monitored for a minimum of three years, depending on the jurisdictional agencies' requirements.

BIO-2: Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during breeding season from March 15 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet nest until chicks are fledged. Construction activities shall observe a 300-foot buffer for occupied raptor nests. 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 or the buffer zone and make recommendations on additional monitoring requirements.

Oak tree impacts and mitigation requirements shall be compiled by the project Arborist. The following mitigation recommendations are modeled after guidelines set forth in the Paso Robles Tree Ordinances (City of Paso Robles – Ordinance No. 835 N.S.).

BIO-3: Tree canopies and trunks within 50-feet of proposed disturbance zones should be mapped and numbered by a 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. –

Completed 2005, See Arborist Report by A&T Arborists along with plan by NCE, Attachment F).

BIO-4: An oak tree protection plan shall be prepared and approved by the City of Paso Robles.

BIO-5: Impact to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, and ground disturbance within the dripline or CRZ of the tree (whichever is greater), and trunk damage. The current plans show encroachments of decks into the CRZ's of trees No. 1, 48, 49 and 59. The arborist shall review and approve the foundation designs for the decks.

BIO-6: Impacted oaks shall be mitigated for by planting one 24-inch boxed tree for impacts up to 25-percent of the root zone or canopy. Two 24-inch boxed trees shall be planted for trees within impacts of 50-percent of the tree, and so on. The mitigation tress shall be incorporated into the landscape plan.

BIO-7: Replacement oaks for removed trees must be an equivalent to 25-percent of the diameter of the remove 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). The 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.

BIO-8: Replacement trees should be seasonally maintained (browse protection, weed reduction, and irrigation, as needed) and monitored annually for at least 7 years.

BIO-9: An Arborist Report was prepared by A&T Arborists for this project. The report indicates that all trees will be preserved on this site except for Trees No. 18 & 19, which are trees that are in poor condition and are needed to be removed in order to allow for the road improvements to Airport Road. The request to remove these two trees will need to go forward to the City Council. In the event that the Council does not approve the removal of the two trees, they will need to be preserved in accordance with the Oak Tree Ordinance.

BIO-10: Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of El Paso de Robles, Community Development, Planning Division that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented, corresponding with each subsequent phase and identified areas of disturbance:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **51** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects if 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 **$127,500**. 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; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

c. Purchase **51** 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 **$127,500**. 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.

BIO-11: 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, stockpiling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-14 through BR-23. 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-14iii). 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 stop all activities and 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.

BIO-12: 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.**

BIO-13: 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.

BIO-14: 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.

BIO-15: During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BIO-16: 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

BIO-17: 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.

BIO-18: 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.

BIO-19: 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.

BIO-20: 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-10 to BR-20): 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 the construction plans.

American badger

American badger could occur in the project areas. The project will result in a net loss of badger habitat. Mitigation is not required for loss of badger habitat. To ensure take of live badgers does not occur, the following mitigation recommendation shall be implemented:

BIO-21: A pre-construction survey shall be conducted within thirty days of beginning work on the project 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 El Paso de 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 and February 1 all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are 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.

BIO-22: 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 may harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

BIO-23: All occupied nests shall be mapped using GPS or survey equipment. The mapped locations shall be placed on a copy of the grading plans with a 300-foot buffer indicated. Work shall not be allowed within the 300 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas. The project biologist may use discretion to reduce or increase the buffer distance based on the sensitivity level of the nest adjacent work.

BIO-24: Occupied nests of special status bird species that are within 300-feet of project work areas shall be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work can commence.

BIO-25: Prior to the issuance of grading and/or construction permit(s), if work is expected to impact seasonal ponds on the property, a biologist qualified to conduct surveys for sensitive fairy shrimp species according to USFWS protocols shall conduct a fairy shrimp habitat assessment to determine the potential for fairy shrimp to occur on site. If potential habitat is present, a protocol survey shall be conducted. If vernal pool fairy shrimp (branchinecta lynchi) are discovered, grading and/or construction work shall stop immediately and consultation with the USFWS must occur.

HAZARDS:

H-1 – Airport and Aircraft Safety: Development of any new land use on the project site shall not create an undue public safety risk from overflight of aircraft. The eastern portion of project site is in Airport Safety Zone 3 for turning and sideline zones and the western portion is Safety Zone 4 for outer approach and departure zones. All development plans, proposed uses, or subdivisions on the project site is subject to the nonresidential land use densities and open space requirements as provided in Chapter 4 of the Paso Robles ALUP which are excerpted below (Table 5, ALUP, 2007).

Handley Property Airport Safety Areas	Maximum Land Use Density (persons/acre)	Maximum Single Acre Land Use Density (persons/acre)	Maximum Percent Open Space (% gross area)
Safety Zone 2	20	40	30[1]
Safety Zone 3	60	120	25[2]
Safety Zone 4	40	120	20[2]

1 No structures, congregations of equipment or vehicles, or public venues shall be located within 250 feet of any extended runway centerline and within 6000 feet of the corresponding runway end.

[2]When feasible, development should be planned in a manner that maintains maximum open space within 50 feet of any extended runway centerline.

H-2 - Airspace Protection: No object or structure may be erected, and no plant allowed to grow, to penetrate any "imaginary surface" as defined in Federal Aviation Regulations Part 77. Any proposed feature approaching these surfaces will be referred to the airport manager for review and recommendation. Building within the height limits of this specific plan will not approach the FAA imaginary surfaces.

H-3 - Operations Interference: No use shall be established which produces visually significant quantities of smoke.

H-4 - Bird Attractants: No use shall be established and no activity conducted which attracts birds to the extent of creating a significant hazard of bird strikes. Examples are outdoor storage or disposal of food or grain, or large, artificial water features. This provision is not intended to prevent enhancement or protection of existing wetlands, the mitigation of impacts to wetlands or construction of required detention basins.

H-5 Avigation Easements: At the time of subdivision development, avigation easements shall be recorded for each affected parcel in a form approved by the County of San Luis Obispo Airport Land Use Commission.

H-6 Real Estate Disclosure: All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area. The format of the disclosure shall be approved by the County of San Luis Obispo Airport Land Use Commission.

NOISE

N-1: Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the study area without said muffler.

N-2: All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.

N-3: Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

N-4: Construction activity for site preparation and for future development shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday and Saturday 8:00 AM to 6:00 PM. No construction shall occur on Sundays or State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours.

N-5: For all construction activity on the project site, noise attenuation techniques shall be employed as needed to ensure that noise remains below 65 dBA at nearby residences. Such techniques may include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and affected uses.

N-6: Provide notification to residential occupants adjacent to the project area at least 24 hours prior to initiation of construction activities that could significantly affect outdoor or indoor living areas. This notification shall include the anticipated hours and duration of construction and a description of noise reduction measures.

N-7: The applicant shall provide a telephone number of the project general contractor or designee for local residents to call to submit complaints associated with construction noise. The number shall be posted along the Airport Road portion of the site and shall be easily viewed from adjacent public areas.

Exterior Noise Attenuation

N-8: Structures located within unacceptable noise contours shall provide attenuation of exterior usable area noise levels to below 65 dBA CNEL. This can be accomplished using one or more of the following methods:

N-9: A structural setback from the roadways that generate the unacceptable noise levels;

N-10: Installation of vegetated berms, in combination with structural setbacks from the roadways that generate the unacceptable noise levels;

N-11: Locate exterior usable areas that border sources of unacceptable noise levels within an interior courtyard.

Interior Noise Attenuation

N-12: The walls, doors and windows of units or buildings that face Airport Road shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 45 dBA. This would require at a minimum the use of double-paned windows on all floors for those windows that face Airport Road.

N-13: Windows should have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.

N-14: Doors with a minimum STC of 35 should be used for doorways facing Airport Road and should be insulated in conformance with California Title 24 requirements.

N-15: The exterior wall facing material shall be stucco and/or shall be designed for a minimum STC of 45.

N-16: Roof or attic vents facing Airport Road should be baffled.

N-17: Air conditioning or a mechanical ventilation system should be included in development plans so that windows and doors may remain closed to reduce interior noise to the extent possible.

PASSED AND ADOPTED THIS 10th day of February 2009, by the following roll call vote:

AYES: Nemeth, Gregory, Garcia, Peterson

NOES: Johnson

ABSENT: Treatch

ABSTAIN: Holstine

Joel C Peterson

JOEL PETERSON, CHAIRMAN PRO-TEM

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

CITY OF PASO ROBLES – PLANNING DIVISION
INITIAL STUDY

1. GENERAL PROJECT INFORMATION

PROJECT TITLE:	Planned Development (08-002), Conditional Use Permit 08-002 & Tentative Tract 2962
LEAD AGENCY:	City of Paso Robles - 1000 Spring Street, Paso Robles, CA 93446
Contact:	Darren Nash
Telephone:	(805) 237 - 3970
PROJECT LOCATION:	3340 and 3350 Airport Road (APNs 025-436-029, 025-436-030)
PROJECT PROPONENT:	Applicant: Jerry & Kathie Handley PO Box 1011, Paso Robles, CA 93446 Representative: North Coast Engineering
LEAD AGENCY CONTACT/ INITIAL STUDY PREPARED BY:	Darren Nash, Associate Planner
Telephone:	(805) 237-3970
Facsimile:	(805) 237-3904
E-Mail:	dnash@prcity.com
GENERAL PLAN DESIGNATION:	Parks and Open Space (POS) with Airport (AP) Overlay
ZONING:	Parks and Open Space (POS) with Resort Lodging Overlay (R/L)

2. PROJECT DESCRIPTION

The applicants request to construct a resort project consisting of: two hotels with 50 rooms each, a 14 room boutique hotel and 175 casitas rooms, totaling 291 units. The project is proposed to include accessory uses such as a 5,700 square foot restaurant, a 5,000 square foot conference center, a spa, walking trails, pools, parking lots and other accessory uses. Tentative Tract 2962 is requested to subdivide the two existing parcels totaling approximately 40.33 acres, into 9 parcels. Additionally, there is a request to approve a condo map that would further subdivide the 175 casitas units into condominium units to allow ownership of the individual units. Use of the units would have a limited stay no longer than 30 days, consistent with the requirements of transient lodging. Permanent residential use of the condominium units would be strictly prohibited since residential use of the units would conflict with the Airport Land Use Plan (ALUP).

The project site is located in northeast Paso Robles, along the east side of Airport Road, just north of the intersection of Airport Road and Highway 46 (refer to Exhibit A, Vicinity Map).

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

The subject properties and adjacent parcels are situated on alluvial terraces on the east side of Huer Huero Creek, with the eastern end of the property on the terrace and the western portion sloping down to include a small portion of Huer Huero Creek. Existing use of the site includes cattle grazing, an access road from Airport Road, and one single family home with adjacent barns and outbuildings, including foundations for a caretaker's house and warehouse. The land use designation and zoning districts include Parks and Open Space generally to the south, southeast, and west, across Airport Road and Agriculture to the north and east.

The site is within the Airport Overlay District and is subject to consistency with the Airport Land Use Plan (ALUP). The project site is required to include mitigation measures for consistency with the ALUP.

3. **OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED (For example, issuance of permits, financing approval, or participation agreement)**:
California Department of Fish and Game
California Department of Transportation (CalTrans)

4. **EARLIER ENVIRONMENTAL ANALYSIS AND RELATED ENVIRONMENTAL DOCUMENTATION:**
This Initial Study incorporates by reference the City of El Paso de Robles General Plan Environmental Impact Report (EIR) (SCH#2003011123).

This Initial Study incorporates by reference a Mitigated Negative Declaration prepared for GPA 06-002 & Rezone 05-006 (SCH#2006081056).

5. **CONTEXT OF ENVIRONMENTAL ANALYSIS FOR THE PROJECT:**
This Initial Study relies on expert opinion supported by the facts, technical studies, and technical appendices of the City of El Paso de Robles General Plan EIR. These documents are incorporated herein by reference. They provide substantial evidence to document the basis upon which the City has arrived at its environmental determination regarding various resources.

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following initial study). Implementation of the proposed mitigation measures will reduce the potentially significant effects associated with the proposed uses to less than significant levels.

6. **PURPOSES OF AN INITIAL STUDY**
The purposes of an Initial Study for a Development Project Application are:

A. To provide the City with sufficient information and analysis to use as the basis for deciding whether to prepare an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration for a site specific development project proposal;

B. To enable the Applicant of a site specific development project proposal or the City as the lead agency to modify a project, mitigating adverse impacts before an Environmental Impact Report is required to be prepared, thereby enabling the proposed Project to qualify for issuance of a Negative Declaration or a Mitigated Negative Declaration;

C. To facilitate environmental assessment early in the design of a project;

D. To eliminate unnecessary EIRs;

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

E. To explain the reasons for determining that potentially significant effects would not be significant;

F. To determine if a previously prepared EIR could be used for the project;

G. To assist in the preparation of an Environmental Impact Report if one is required; and

H. To provide documentation of the factual basis for the finding of no significant effect as set forth in a Negative Declaration or a Mitigated Negative Declaration prepared for the a project.

7. EXPLANATION OF ANSWERS FOUND ON THE ENVIRONMENTAL CHECKLIST FORM

A. Scope of Environmental Review

This Initial Study evaluates potential impacts identified in the following checklist.

B. Evaluation of Environmental Impacts

1. A brief explanation is required for all answers to the questions presented on the following Environmental Checklist Form, except where the answer is that the proposed project will have "No Impact." The "No Impact" answers are to be adequately supported by the information sources cited in the parentheses following each question or as otherwise explained in the introductory remarks. 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 and/or general standards. The basis for the "No Impact" answers on the following Environmental Checklist Form is explained in further detail in this Initial Study in Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 10 (Context of Environmental Analysis for the Project).

2. All answers on the following Environmental Checklist Form must take into account the whole action involved with the project, including implementation. 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 9 (Earlier Environmental Analysis and Related Environmental Documentation) 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).

10 Environmental Checklist Form

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

See Section 4 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 11 (Earlier Analysis and Background Materials) of this Initial Study.

6. References to the information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the Environmental Checklist Form. See Section 11 (Earlier Analysis and Related Environmental Documentation). Other sources used or individuals contacted are cited where appropriate.

7. The following Environmental Checklist Form generally is the same as the one contained in Title 14, California Code of Regulations; with some modifications to reflect the City's needs and requirements.

8. Standard Conditions of Approval: The City imposes standard conditions of approval on Projects. These conditions are considered to be components of and/or modifications to the Project and some reduce or minimize environmental impacts to a level of insignificance. Because they are considered part of the Project, they have not been identified as mitigation measures. For the readers' information, the standard conditions identified in this Initial Study are available for review at the Community Development Department.

9. Certification Statement: The statements made in this Initial Study and those made in the documents referenced herein present the data and information that are required to satisfy the provisions of the California Environmental Quality Act (CEQA) – Statutes and Guidelines, as well as the City's Procedures for Implementing CEQA. Further, the facts, statements, information, and analysis presented are true and correct in accordance with standard business practices of qualified professionals with expertise in the development review process, including building, planning, and engineering.

8. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The proposed project may potentially affect the environmental factors checked below, and may involve at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," if so indicated on the following Environmental Checklist Form (Pages 8 to.15)

☑ Land Use & Planning	☑ Transportation/Circulation	☐ Public Services
☐ Population & Housing	☑ Biological Resources	☐ Utilities & Service Systems
☐ Geological Problems	☐ Energy & Mineral Resources	☐ Aesthetics
☐ Water	☑ Hazards	☐ Cultural Resources
☑ Air Quality	☑ Noise	☐ Recreation
	☐ Mandatory Findings of Significance	

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

9. ENVIRONMENTAL DETERMINATION: On the basis of this initial evaluation: I find that:

The proposed project could not have a significant effect on the environment; and, therefore, a **NEGATIVE DECLARATION** will be prepared. ☐

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. Therefore, a **MITIGATED NEGATIVE DECLARATION** will be prepared. ☑

The proposed project may have a significant effect on the environment; and, therefore an **ENVIRONMENTAL IMPACT REPORT** is required. ☐

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." ☐

Therefore, an **ENVIRONMENTAL IMPACT REPORT** is required, but it will analyze only the effect or effects that remain to be addressed.

Signature: _____ Date: December 24, 2008

Darren Nash, Associate Planner

10 Environmental Checklist Form

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

I. LAND USE AND PLANNING. Would the Proposal:

a) Conflict with general plan designation or zoning? (Sources: 1 & 8) ☐ ☐ ☑ ☐

Discussion: The proposed project has a General Plan Land Use and Zoning designation of Parks and Open Space (POS) with a Resort/Lodging (RL) Overlay. The Park and Open Space Land Use Category is intended for open space and recreation uses on public or private properties, specifically, parks, lands along creeks and steep, wooded hillsides, hotels and motels in proximity to golf courses and commercial recreation. The Resort/Lodging (R/L) overlay district allows the City to consider and conditionally approve resort hotels, motels, and bed and breakfast inns, along with related accessory/ancillary land uses.

Furthermore, Table 21.16.200 of the Zoning Code, which identifies permitted use in various zoning districts, allows for transient lodging (hotels and motels) in the POS zoning district with a Conditional Use Permit (CUP).

The applicants have submitted applications for a Development Plan (PD) along with a CUP for the resort project.

A resort project with ancillary uses as proposed would meet the intent of the General Plan, since it would provide the development of a resort project in close proximity to golf courses and commercial recreation. The project also complies with the intent of the POS zoning designation for the site.

Additionally, the resort project is consistent with the City's Economic Strategy, since it would "expand and diversify hotel products, including end destination full-service resorts.

Therefore this project will not be in conflict with the general plan and zoning designations.

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Sources: 1 & 3) ☐ ☑ ☐ ☐

Discussion: The project site includes an Airport Overlay (AP) and is therefore subject to consistency with the Airport Land Use Plan (ALUP). The ALUP identifies that the subject site is within portions of Zones 2, 3 & 4. The ALUP plan indicates that transient lodging along with accessory uses such as restaurants are compatible within zones 3 & 4 with a limitation on the number of persons or density allowed per gross acre. The density condition will be applied to the project. Transient lodging and restaurant uses are not compatible with Zone 2. The project has been designed to only locate uses such as roads, parking lots and landscaping to be within the minimal portions of Zone 2.

About half of the casitas units (approximately 80) are proposed to include kitchen facilities. The kitchens provide for a potential for a more residential-type use that would not be compatible with Airport Land Use Plan. The following mitigation measure has been applied to the project to address this issue:

***LU-1:** Prior to the issuance of a building permit for any casitas buildings, the kitchen facilities shall be omitted from the plans.*

c) Be incompatible with existing land uses in the vicinity? (Sources: 1 & 3) ☐ ☐ ☐ ☑

Discussion: The surrounding land use designations are Park and Open Space to the south, southeast, and west; and Agriculture to the north and east. Existing uses adjacent to the project site include a RV park, golf course, commercial waterslide, winery, rural residential, and cattle grazing. The proposed project has been designed in a manner that would allow guests to walk to the various uses that surround the site. It is anticipated that the proposed project will be compatible with existing and future land uses in the area.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?	☐	☐	☑	☐

Discussion: Surrounding land uses include agriculture, rural residential, RV park, and recreation (water park). The soils map in the United States Department of Agriculture (USDA) Soil Survey of San Luis Obispo County, California, Paso Robles Area (1984) delineates four soil map units on the property: Arbuckle-Positas complex with 9 to 15 percent slopes, Arbuckle-Positas complex with 30 to 50 percent slopes, Arbuckle-San Ysidro complex with 2 to 9 percent slopes, and Xerofluvents-Riverwash association. Some of the soils found onsite may be considered desirable for agricultural use, specifically crop production, if irrigated; however, only one acre west of the existing residence is irrigated for use as pasture. Annual grassland habitat occurs on more than 30 acres of the property. Since the project is proposed for transient uses it would not likely be significantly impacted by cattle grazing or vineyard agricultural uses in the vicinity.

e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (Sources: 1 & 3)	☐	☐	☐	☑

Discussion: The project area will not divide or disrupt an established community as surrounding land uses are diverse and disconnected (rural residential, agricultural and an RV Park).

II. POPULATION AND HOUSING. Would the proposal:

a) Cumulatively exceed official regional or local population projections? (Sources: 1 & 3)	☐	☐	☐	☑

Discussion: Since the project is consistent with the general plan and zoning for Parks and Open Space, and will not be developing new residential land uses, the proposed project will not result it exceeding regional or local 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)? (Sources: 1 & 3)	☐	☐	☑	☐

Discussion: The project site is in an area zoned for Parks and Open Space type uses, such as the RV park, Firestone Vineyard and the water park. These project along with Vina Robles winery/hotel is required to extend the water and sewer lines prior to additional phases. The extension of the water and sewer lines in this area of the City is part of the City's master plans, and all of these project are required to contribute their fair share. Since the projects are part of a master plan, and there is no request for change of zoning or land use designation, the project will not induce substantial growth in an area either direct or indirectly.

c) Displace existing housing, especially affordable housing? (Sources: 1, 3, & 5)	☐	☐	☑	☐

Discussion: The two existing houses will be removed to accommodate the resort project, however they are not considered affordable housing. Since the project is consistent with the general plan and zoning code, the resort project will not have a significant impact on the displacement of existing housing.

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

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

a) Fault rupture? (Sources: 1, 2) ☐ ☐ ☑ ☐

Discussion: The primary sources of potential ground shaking in the Paso Robles area are the Rinconanda Fault and San Andreas Fault. The Rinconada Fault system traverses the southwestern portion of the City. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. Review of available information and examinations conducted as part of the General Plan Update EIR, indicate that neither of these faults is active with respect to ground rupture in Paso Robles.

The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code (UBC) to all new development within the City. 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. Soils reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. In addition, per requirements of the Alquist-Priolo Earthquake Fault Zones, only structures for human habitation need to be setback a minimum of 50 feet of a known active trace fault.

b) Seismic ground shaking? (Sources: 1, 2) ☐ ☐ ☑ ☐

Discussion: The City is located within an active earthquake area that could experience seismic ground shaking from the Rinconada and San Andreas Faults. The General Plan EIR identifies impacts resulting from ground shaking as less than significant and provides mitigation measures that will be incorporated into the design of any development proposal on the project site, including adequate structural design and not constructing over active or potentially active faults. Future building construction on the project site will be required to comply with current UBC codes.

c) Seismic ground failure, including liquefaction? (Sources: 1,2) ☐ ☐ ☑ ☐

Discussion: Per the General Plan and General Plan EIR, a portion of the project site is located in an area (Huer Huero Creek corridor) with soil conditions that have a potential for liquefaction or other type of ground failure due to seismic events. The EIR identifies measures to reduce this potential impact, which will be incorporated into this project. This includes a requirement to conduct a site-specific analysis of liquefaction potential. Based on analysis results, the design and construction of buildings on the project site may include specific design requirements to reduce the potential impacts on structures due to liquefaction to a less than significant level, as required by the UBC codes.

d) Seiche, tsunami, or volcanic hazard? (Sources: 1, 2) ☐ ☐ ☐ ☑

Discussion: The project area is approximately 30 miles from the Pacific Ocean, is approximately 800 feet above sea level, and is not located within close proximity to a lake, reservoir, or known volcano. As such, effects from seiche, tsunami, and volcanoes are not expected.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Landslides or Mudflows? (Sources: 1, 2)	☐	☐	☑	☐

Discussion: According to hazard maps contained in the General Plan (Figure S-4), the project is located in an area with a low potential of landslide risk. Effects from landslides or mudflows are not expected.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 2, 3, & 4)	☐	☐	☑	☐

Discussion: The project site is situated on alluvial terraces on the east side of Huer Huero Creek. The eastern end of the property is on the terrace, and the western portion slopes down to include a small portion of Huer Huero Creek. Most of the property is grazed annual grassland habitat with stands of blue oaks and valley oaks. There is a steep ravine in the middle of the property that has a dense forest of blue oaks. The proposed project is proposing grading for the construction of roads, parking lots and buildings. An Erosion Control Plan will be required to be submitted for review and approval of the City Engineer prior to commencement of site grading to insure compliance with the Municipal Code. Therefore, impacts due to erosion that may occur from this project are considered less than significant.

g) Subsidence of the land? (Sources: 1, 2, & 3)	☐	☐	☐	☑

Discussion: Refer to c. above.

h) Expansive soils? (Sources: 4)	☐	☐	☑	☐

Discussion: Per the General Plan EIR, Paso Robles is an area that has moderately expansive soils. Development projects proposed for the project site would be required to implement recommendations of a site specific soils report, which is routinely required as part of an application for a building permit, would be sufficient to mitigate hazard impact to a less than significant level.

i) Unique geologic or physical features? (Sources:1 & 3)	☐	☐	☐	☑

Discussion: There are no unique geologic or physical features on or near the project site.

IV. WATER. Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Sources:1, 3, & 7)	☐	☐	☑	☐
b) Exposure of people or property to water related hazards such as flooding? (Sources: 1, 3, & 7)	☐	☐	☑	☐
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? (Sources: 1, 3, & 7)	☐	☐	☑	☐

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Changes in the amount of surface water in any water body? (Sources: 1, 3, & 7)	☐	☐	☑	☐
e) Changes in currents, or the course or direction of water movement? (Sources: 1, 3, & 7)	☐	☐	☑	☐
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? (Sources: 1,3, & 7)	☐	☐	☑	☐
g) Altered direction or rate of flow of groundwater? (Sources: 1, 3, & 7)	☐	☐	☑	☐
h) Impacts to groundwater quality? (Sources: 1, 3, & 7)	☐	☐	☑	☐
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (Sources: 1, 3, & 7)	☐	☐	☑	☐

Discussion: a-i

The property is situated on alluvial terraces on the east side of Huer Huero Creek in the northeastern corner of the City of Paso Robles. The project site is identified on the City's Hazard Mitigation as being located in the 100-year floodplain (Figure 6-10). The eastern end of the property is on the terrace, and the western portion slopes down to include a small portion of Huer Huero Creek. Two drainages pass through the property, each with a seasonal man-made stock pond actively used by cattle, and several small grassy swales are on the property that drain storm run-off from the flat terraces. The main drainage flows northeast through the center of the property. Surface flows are seasonal, but standing water may be present into late spring. Pond 2, the smaller of two stock ponds on the property, is located in this drainage, east of the existing residence. An earthen dam occasionally breaches, spilling water through an irrigated pasture to a storm drain at Airport Road. The main drainage is shaded by a blue oak woodland canopy covering the north-facing slope and drainage bottom. The entire length of the drainage is about half a mile, extending east of the property into adjacent rangeland. A smaller drainage meanders through the adjacent RV park and enters the property from the south, terminating at Pond 1. The riparian canopy is open, consisting of blue and valley oaks. Pond 1 is the larger pond on the property, located south of the existing residence.

With the development of the resort project there will be an increase in the amount of surface runoff as a result of the addition of roads, parking lots and buildings. The project has provided a grading and drainage plan that has incorporates Low Impact Design (LID) techniques. The project will be required to submit a final grading, drainage and erosion control plan for review by the City Engineer to insure compliance with City and State standards, in relation to impacts of the development on runoff, flooding, surface water and water quality, since the project will be required to meet City and State standards, development within a flood zone, historic rate of runoff and LID requirements. Additionally, there will be a requirement to utilize drought tolerant landscaping techniques and encouragement to use water conservation techniques to reduce the amount or water used by the project. It is not anticipated that there will be a significant impact to water in relation to drainage, flow, quality, quantity and flooding, since there are specific City and State standards that would prevent these water related impacts to be significant.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. AIR QUALITY. Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 3, & 7)	☐	☑	☐	☐
b) Expose sensitive receptors to pollutants? (Sources: 1, 3, & 7)	☐	☐	☐	☑
c) Alter air movement, moisture, or temperature?	☐	☐	☐	☑
d) Create objectionable odors?	☐	☐	☐	☑

Discussion a – d:

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 that 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 April 2003. This handbook establishes screening thresholds for measuring the potential of projects to generate air quality impacts. Generally, any project that has the potential to emit 10 lbs./day or more of reactive organic gases (ROG), oxides of nitrogen (NOx), sulfur dioxide (SO2), or particulate matter (PM10) or 50 lbs/day or more of carbon monoxide (CO) should be reviewed by the SLO APCD.

The resort project has been reviewed by the San Luis Obispo Air Pollution Control District. See the attached letter (Attachment C) from the APCD indicating the necessary mitigation measures for the construction and operation phases of the project to reduce emissions from this project to a less than significant level.

APCD-1 Prior to any grading on the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, as exemption form must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos (Air Toxics Control Measure) ACTM.

APCD-2 If utility pipelines are scheduled for removal or relocation; or building are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61,Subpart M – asbestos NESHAP).

APCD-3 The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

a. Reduce the amount of the disturbed area where possible.
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
c. All dirt stockpile areas should be sprayed daily as needed.
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
e. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In

addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible

APCD-4 Construction Permit Requirements:

If portable equipment, 50 horsepower or greater, are used during construction, a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the Districts CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50hp or greater;
- IC Engines;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

APCD-5 **Develop a comprehensive Construction Activity Management Plan** designed to minimize the amount of large construction equipment operating during any given time period. The plan should be submitted to the District for review and approval prior to the start of construction. The plans should include but not be limited to the following elements:

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

APCD-6 **Standard NOx Control Measures for Construction Equipment**

The standard construction equipment mitigation measures for reducing nitrogen oxide (NOx) emissions are listed below and in section 6.3.1 of the Air Quality Handbook. **These measures are applicable to all projects where construction equipment will be used:**

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of on-road heavy-duty equipment and trucks that meet the ARB's 1998 or newer certification standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

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

APCD 7 OPERATIONAL PHASE MITIGATION

Greenhouse Gas Impacts and Mitigation

While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

The APCD staff considered the operational impact of this proposed development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts of the greenhouse gas known as carbon dioxide (CO2) will be approximately 19533 pounds per day in the summer and 18685 pounds per day in the winter. **While statewide/global thresholds have not yet been defined for GHG impacts, SLO County APCD recommends the implementation of feasible mitigation measures that minimize project related GHG impacts.** Examples of potential measures for this development include:

- Developments within Urban Reserve Lines with walking or bicycling access to nearby commercial and transit services thus reducing automobile dependence;
- Install on-site solar power infrastructure to offset grid-based power consumption.
- Provide low-speed neighborhood electric vehicles (NEVs) and charging stations for internal use by resort patrons.
- Replacing support equipment and vehicles that have internal combustion engines with their electric equivalents;
- Green building techniques such as:
  - Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
  - Planting of native, drought resistant landscaping;
  - Use of locally or nearby produced building materials; and,
  - Use of renewable or reclaimed building materials.

Other measures suitable for GHG as well as ozone precursor mitigation are listed below in this comment letter.

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Electrical generation plants or the use of standby generator;
- Food and beverage preparation (primarily coffee roasters);
- Dry cleaning; and,
- Boilers.

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

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

APCD 8: APCD staff has determined the operational impacts of this development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The results of the model using conservative County average trip distances demonstrated that the operational impacts will (likely exceed the APCD's CEQA **Tier II** significance threshold value of **25 lbs/day** for nitrogen oxides (NOx), reactive organic gases (ROG) and particulate matter (PM10) as shown below:

Season	Project Emissions by Pollutant (lbs/day)		
	ROG	NOx	PM10
Summer	28.90	37.24	31.54
Winter	32.30	47.13	31.52

As a result of this estimated threshold exceedence, this project must implement all applicable Standard Mitigation Measures and at least 10 Additional Mitigation Measures listed below. Should this project move forward, the APCD will consider the overall air quality impacts from this project to have been reduced to a level of insignificance with the implementation of these mitigation measures. Other measures may be proposed as replacements by contacting the APCD's Planning Division at 781-5912.

Standard Measures (Include all standard mitigation measures marked below)

- Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce employee lunchtime trips.
- Provide preferential carpool and vanpool parking spaces.
- Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- Include easements or land dedications for bikeways and pedestrian walkways.
- Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.

Additional Measures (Include at least 10 of the following)

Site Design Mitigation for this Project

- Increase street shade tree planting.
- Increase shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
- Provide on-site banking (ATM) and postal services.
- Provide on-site child care facilities for employees.
- Provide on-site housing for employees.
- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment with designated walkways.
- Provide pedestrian signalization and signage to improve pedestrian safety.
- If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to the project.
- Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
- Increase number of bicycle routes/lanes.

Transportation Demand Mitigation

- If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to the project or improve existing transit stop amenities.
- Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc by implementing the Transportation Choices Program. The applicant should Contact SLO Regional Rideshare at 541-2277 to receive free consulting services on how to start and maintain a

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

program.

- Provide Transportation Choices Program information centers on alternative transportation modes at the site (i.e. a transportation kiosk). Contact SLO Regional Rideshare for appropriate materials at 541-2277.
- Install electric vehicle charging stations.
- Employ or appoint an Employee Transportation Coordinator.
- Implement an APCD approved Trip Reduction Program.
- Provide for shuttle/mini bus service.
- Implement a lunch-time shuttle to reduce single occupant vehicle trips.
- Participate in an employee "flash pass" program, which provides free travel on transit buses.

Energy Efficiency Measures

- Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use built-in energy efficient appliances, where applicable.
- Use double-paned windows.
- Use low energy parking lot and street lights (e.g. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (e.g. light emitting diode).
- Install door sweeps or weather stripping if more energy efficient doors and windows are not available.
- Install high efficiency or gas space heating.
- Use high efficiency gas or solar water heaters.

Operational Permit Requirements:

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

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

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

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

a)	Increased vehicle trips or traffic congestion? (Sources: 1, 3, & 7)	☐	☑	☐	☐

Discussion: A Traffic Study was prepared by Omni Means in April 2008 (Attachment D) to study the traffic and circulation affects of the proposed resort project on the Airport Road corridor.

The City Engineer reviewed the traffic study and provided the following determinations and conclusions:

The development of the Handley Resort project will incrementally affect operations on the intersection of Airport Road and SR 46E, and will thereby affect overall operations of Highway 46 East.

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

Caltrans is currently in the process of developing a Route 46E Comprehensive Corridor Study. The City is currently in the process of developing an updated traffic model with the intention of updating the Circulation Element of the General Plan. Once the documents referenced above have been adopted by the City Council, transportation impact fees will be amended to reflect new improvement projects which will mitigate traffic impacts from development in the project vicinity, including this project.

The Destino Paso project will be conditioned to pay transportation development impact fees in effect at the time of occupancy. These fees will be based on the results of the studies and improvements noted above. The calculation of the fees will not include consideration of fees currently in effect or those that may have been in effect at the time the entitlement application was made or in effect at the time of submittal of a building permit.

In order to adequately mitigate it's traffic related impacts to a level of less than significant, the following mitigation measures need to be applied to this project:

Mitigation Measures:

T-1. The project will be subject to traffic impact and other development impact fees in effect at the time of occupancy of the project. Traffic mitigation will include the deposit of $1,600,000 towards construction of a bridge over the Huer Huero proportionally applied to the incremental development of the project. When transportation impact fees are updated by council action, the final fee obligation shall be equal to that defined by the new fee structure.

b)	Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 3, & 7)	☐	☐	☐	☑

Discussion: There would be no hazards related to the improvements of Airport Road and there are no incompatible uses. Airport Road will be improved per City Standards including any necessary turn lanes.

c)	Inadequate emergency access or inadequate access to nearby uses? (Sources:1, 3, & 7)	☐	☐	☐	☑

Discussion: The Fire Marshal has reviewed the project and does not have any concerns with access in to or out of the project. Internally the project will be required to meet the minimum 20-foot wide driveway standards set by the Emergency Services Department.

d)	Insufficient parking capacity on-site or off-site? (Sources: 1, 3, 7, & 8)	☐	☐	☐	☑

Discussion: The project has been designed to comply with the parking required by the Parking Ordinance.

e)	Hazards or barriers for pedestrians or bicyclists? (Source: 7)	☐	☐	☐	☑

Discussion: The project has been designed to provide a pedestrian/bike trail to connect the various uses on the site, additionally the path will allow connection to the RV Park to the south. The street improvements for Airport Road will also include a bike lane. There would not be hazards or barriers for pedestrians or bicyclists as a result of this project.

f) Conflicts with adopted policies supporting alternative

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1 & 8)	☐	☐	☐	☑

Discussion: The project will include bike racks, and also provide shuttle services as an amenity of the resort project. The City bus system does not indicate Airport Road as an established route. There will not be any conflicts with established adopted policies.

g) Rail, waterborne or air traffic impacts?	☐	☐	☐	☑

Discussion: There are no impacts with rail or waterborne modes of transportation. See section IXc related to Hazards and airport related impacts.

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)?	☐	☑	☐	☐
b) Locally designated species (e.g., heritage trees)?	☐	☑	☐	☐
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	☐	☑	☐	☐
d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	☐	☑	☐	☐
e) Wildlife dispersal or migration corridors?	☐	☑	☐	☐

Discussion a-e: Existing use of the site includes cattle grazing, an access road from Airport Road, and one single family home with adjacent barns and outbuildings, including a caretaker residence and warehouse.

Althouse and Meade prepared a Biological Report dated August 2006 and revised in January 2008 (Attachment E). The Report indicated that the project site was surveyed for biological resources on November 17, 2005 and January 5, February 10, and 27, and March 30, May 2 and 31, and July 31, 2006, and August 29, 2007 (Table 3) and conducted a search of the California Natural Diversity Database (CNDDB March 6, 2006 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California for rare species that could occur within five miles of the project site. The Handley property contains seven habitat types: irrigated pasture, anthropogenic, annual grassland, blue oak woodland, seasonal pond, wetland, and riparian. Annual grassland habitat occurs on more than 30 acres of the property and includes non-native annual grass species. A floristic survey of the property identified 125 species of plants, including 2 rare species. Wildlife surveys on the property observed 95 animal species, including 2 crustaceans, 5 amphibians, 9 reptiles, 58 birds, and 21 mammals. The site has the appropriate habitat to support 7 rare plant species (Dwarf Calyncadenia, Obispo Indian paintbrush, Lemmon's Jewel-flower, Douglas' spineflower, Yellow-flowered EriasturmRound-leaved Erodium, and Shinging Navarretia). Two of the seven plant species, Douglas' spineflower and shing navarretia, were identified on the property in the fall of 2005. The project site also has the appropriate habitat for 11 rare animals (pallid bat, burrowing owl, vernal pool fairy shrimp, southwestern pond turtle, horned lark, loggerheard shrike, California linderiella, San Joaquin pocket mouse, western spadefoot toad, American badger, and San Joaquin kit fox). Preliminary site surveys did not reveal the presence of rare animals.

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

A & T Arborists prepared an Arborist Report and a Tree Preservation Plan (Attachment F) for the project site which includes an inventory and survey of all trees (blue oaks) on the periphery of the ravine located in the middle of the property and an inventory all other oak trees on the property. The inventory documented approximately 300 oak trees on the property. According to the development plan, no oak trees will be removed to accommodate future development on the project site; however, 3 trees will receive slight impacts during construction, and approximately 30 trees will have intermittent use under the canopies after implementation of the development plan.

Since this site is in an area that is considered to be a migration corridor for the Kit Fox, an evaluation was prepared by Mike McGovern of Althouse & Meade which was reviewed by Department of Fish and Game. The Department reviewed the evaluation and adjusted the score of the Habitat Evaluation Score to 76, and concluded that the project would be required to mitigate at a 3:1 mitigation ratio.

Specific biological mitigation measures are as follows:

Biological Resources Mitigation Measures

***BIO-1:** A Wetland Delineation was prepared for the project in June 2008 (see Attachment G). Of the four areas of the site evaluated for wetlands, two of the sites (sites 1 & 3) were determined to be a Federal and State Wetland. Since wetlands to occur on the project site, the following mitigation measures shall be applied:*

i. Permits must be obtained, as appropriate, from the California Department of Fish and Game (DFG Code 1603), the U.S. Army Corps of Engineers (Section 404 of the Clean Water Act), the Regional Water Quality Control Board (Section 401 of the Clean Water Act).

ii. An on-site monitor will be required during construction activities in areas containing jurisdictional wetlands.

iii. Any mitigation, monitoring, and reporting plan will be prepared and approved by the City and other jurisdictional agencies, as appropriate (i.e., California Department of Fish and Game, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board). Wetland mitigation will increase the aerial extent of wetland habitat on site at a two-to-one ratio (created wetland area to impacted wetland area).

iv. Mitigation implementation and success will be monitored for a minimum of three years, depending on the jurisdictional agencies' requirements.

BIO-2: Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during breeding season from March 15 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet nest until chicks are fledged. Construction activities shall observe a 300-foot buffer for occupied raptor nests. 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 or the buffer zone and make recommendations on additional monitoring requirements.

Oak tree impacts and mitigation requirements shall be compiled by the project Arborist. The following mitigation recommendations are modeled after guidelines set forth in the Paso Robles Tree Ordinances (City of Paso Robles – Ordinance No. 835 N.S.).

BIO-3: Tree canopies and trunks within 50-feet of proposed disturbance zones should be mapped and numbered by a 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. – Completed 2005, See Arborist Report by A&TArborists along with plan by NCE, Attachement F).

BIO-4: An oak tree protection plan shall be prepared and approved by the City of Paso Robles.

BIO-5: Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, an ground disturbance within the dripline or CRZ of the tree (whichever is greater), and trunk damage. The current plans shows encroachments into trees No. 1, 59, 49 and 48 show encroachments into the CRZ for footings of casitas buildings. The project needs to be redesigned so that there is not encroachment into the CRZ of any oaks.

BIO-6: Impacted oaks shall be mitigated for by planting one 24-inch boxed tree for impacts up to 25-percent of the root zone or canopy. Two 24-inch boxed trees shall be planted for trees within impacts of 50-percent of the tree, and so on. The mitigation tress shall be incorporated into the landscape plan.

BIO-7: Replacement oaks for removed trees must be an equivalent to 25-percent of the diameter of the remove 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). The 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.

BIO-8: Replacement trees should be seasonally maintained (browse protection, weed reduction, and irrigation, as needed) and monitored annually for at least 7 years.

BIO-9: An Arborist Report was prepared by A&T Arborists for this project (see Attachment F). The report indicates that all trees will be preserved on this site except for Trees No. 18 & 19, which are trees that are in poor condition and are needed to be removed in order to allow for the road improvements to Airport Road. The request to remove these two trees will need to go forward to the City Council. In the event that the Council does not approve the removal of the two trees, they will need to be preserved in accordance with the Oak Tree Ordinance.

BIO-10: Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of El Paso de Robles, Community Development, Planning Division 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 **51** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

   This mitigation alternative (a.) requires that all aspects if this program must be in place before County 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 **$127,500**. 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; 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 **51** 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 $\underline{\$127,500]}$. 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 County permit issuance and initiation of any ground disturbing activities.

BIO-11: 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, stockpiling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-14 through BR-23. 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-14iii). 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

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

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.

BIO-12: 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.**

BIO-13: 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.

BIO-14: 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.

BIO-15: During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BIO-16: 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

BIO-17: 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.

BIO-18: 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.

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

BIO-19: 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.

BIO-20: 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-10 to BR-20): 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 the construction plans.

American badger

American badger could occur in the project areas. The project will result in a net loss of badger habitat. Mitigation is not required for loss of badger habitat. To ensure take of live badgers does not occur, the following mitigation recommendation shall be implemented:

BIO-21: A pre-construction survey shall be conducted within thirty days of beginning work on the project 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 El Paso de 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 and February 1 all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are 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.

BIO-22: 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 may harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

BIO-23: All occupied nests shall be mapped using GPS or survey equipment. The mapped locations shall be placed on a copy of the grading plans with a 300-foot buffer indicated. Work shall not be allowed within the 300 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas. The project biologist may use discretion to reduce or increase the buffer distance based on the sensitivity level of the nest adjacent work.

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

BIO-24: Occupied nests of special status bird species that are within 300-feet of project work areas shall be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work can commence.

BIO-25: Prior to the issuance of grading and/or construction permit(s), if work is expected to impact seasonal ponds on the property, a biologist qualified to conduct surveys for sensitive fairy shrimp species according to USFWS protocols shall conduct a fairy shrimp habitat assessment to determine the potential for fairy shrimp to occur on site. If potential habitat is present, a protocol survey shall be conducted. If vernal pool fairy shrimp (branchinecta lynchi) are discovered, consultation with the USFWS must occur.

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Sources: 1)	☐	☐	☐	☑

Discussion: The proposed project will not conflict with adopted energy conservation plans. The project will be required to comply with California Energy Code.

b) Use non-renewable resources in a wasteful and inefficient manner? (Sources: 1)	☐	☐	☐	☑

Discussion: The project will not use or promote the use of non-renewable resource in a wasteful and inefficient manner.

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? (Sources: 1, 7)	☐	☐	☐	☑

Discussion: The project is not located in an area of known mineral resources that would be of future value to the region and the residents of the State.

IX. HAZARDS. Would the proposal involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)? (Sources: 1 & 7)	☐	☐	☐	☑

Discussion: The proposed project does not include the use, transport, or storage of hazardous materials and will not result in a risk of accidental explosion or release of hazardous substances.

b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1 & 7)	☐	☐	☐	☑

Discussion: The proposed project will not interfere with an emergency response plan or emergency evacuation plan since it is not a designated emergency response location to be used for staging or other uses in an emergency.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) The creation of any health hazard or potential hazards? (Sources: 1, 7 & 11)	☐	☑	☐	☐

Discussion: All projects in the Airport SubArea/Overlay, must be consistent with the ALUP. (Refer to ALUP Section 4.5) The following mitigation measures are recommended to ensure compliance with the ALUP and to reduce potentially significant effects of airport-related hazards to a less than significant level:

Hazard Mitigation Measures

H-1 – Airport and Aircraft Safety: Development of any new land use on the project site shall not create an undue public safety risk from overflight of aircraft. The eastern portion of project site is in Airport Safety Zone 3 for turning and sideline zones and the western portion is Safety Zone 4 for outer approach and departure zones. All development plan, proposed use, or subdivision on the project site is subject to the nonresidential land use densities and open space requirements as provided in Chapter 4 of the Paso Robles ALUP which are excerpted below (Table 5, ALUP, 2007).

Handley Property Airport Safety Areas	*Maximum Land Use Density (persons/acre)*	*Maximum Single Acre Land Use Density (persons/acre)*	*Maximum Percent Open Space (% gross area)*
Safety Zone 2	*20*	*40*	*30[1]*
Safety Zone 3	*60*	*120*	*25[2]*
Safety Zone 4	*40*	*120*	*20[2]*

[1] No structures, congregations of equipment or vehicles, or public venues shall be located within 250 feet of any extended runway centerline and within 6000 feet of the corresponding runway end.

[2]When feasible, development should be planned in a manner that maintains maximum open space within 50 feet of any extended runway centerline.

H-2 - Airspace Protection: No object or structure may be erected, and no plant allowed to grow, to penetrate any "imaginary surface" as defined in Federal Aviation Regulations Part 77. Any proposed feature approaching these surfaces will be referred to the airport manager for review and recommendation. Building within the height limits of this specific plan will not approach the FAA imaginary surfaces.

H-3 - Operations Interference: No use shall be established which produces visually significant quantities of smoke.

H-4 - Bird Attractants: No use shall be established and no activity conducted which attracts birds to the extent of creating a significant hazard of bird strikes. Examples are outdoor storage or disposal of food or grain, or large, artificial water features. This provision is not intended to prevent enhancement or protection of existing wetlands, the mitigation of impacts to wetlands or construction of required detention basins.

H-5 Avigation Easements: At the time of subdivision development, avigation easements shall be recorded for each affected parcel in a form approved by the County of San Luis Obispo Airport Land Use Commission.

H-6 Real Estate Disclosure: All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area. The format of the disclosure shall be approved by the County of San Luis Obispo Airport Land Use Commission.

d) Increased fire hazard in areas with flammable brush, grass, or trees? (Sources: 1 & 7)	☐	☐	☐	☑

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

Discussion: The project site is within a low to medium wildfire hazard area according to the City's Hazard Mitigation Study, Figure 6-18. The proposed GPA/Rezoning is not expected to increase fire hazard in the area. Future development of the site will be required to be in compliance with Uniform Building and Fire Codes, related building safety codes, and City and County brush and grass clearance requirements.

X. NOISE. Would the proposal result in:

a) Increases in existing noise levels? (Sources: 1, 7, 8 & 11)	☐	☐	☐	☑
b) Exposure of people to severe noise levels? (Sources: 1, 7, 8 & 11)	☐	☑	☐	☐

Discussion: The City of Paso Robles has adopted noise standards through its Noise Element. The City's noise criteria and standards were developed based on the California Department of Health, Office of Noise Control, noise compatibility guidelines for various land uses, which are included in the City of Paso Robles Noise Element as Figure N-1, as well as the California Department of Transportation (CalTrans) and the Federal Highway Administration. These guidelines are used to assess whether or not transportation noise can potentially pose a conflict with land development.

Because the project involves a destination resort, City noise standards that address hotels and motels would apply. These standards establish both exterior and interior noise limits for noise compatibility. The normally acceptable outdoor standard for this land use is 65 dBA CNEL, under which the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. The conditionally acceptably threshold is 70 dBA CNEL, under which new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made, and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice. The normally acceptable indoor standard for this land use is 45 dBA CNEL.

According to the City of Paso Robles General Plan Noise Element, noise due to construction shall not exceed 70 dBA during the day (7:00 a.m. to 10:00 p.m.) and 65 dBA at night (10:00 p.m. to 7:00 a.m.) at the property line of the receiving land use. Since noise levels associated with heavy equipment typically range from 75-95 dBA at 50 feet from the source, operation of construction equipment has the potential to exceed City thresholds, and may require mitigation. Possible mitigation measures related to sources of construction noise are included at the end of this memorandum.

In order to insure compliance with the City's noise element, Rincon Consultants, Inc. was hired by the applicant to prepare a noise study for the project. The study is attached to this initial study (Attachment H). The following mitigation measures were identified in the study as needing to be complied with to bring the projects noise impacts to a level of non-significance:

Recommended Mitigation Measures

Construction Noise Attenuation

N-1: Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the study area without said muffler.

N-2: All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.

N-3: Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

N-4: Construction activity for site preparation and for future development shall be limited to the hours between 7:00 AM

and 7:00 PM, Monday through Friday and Saturday 8:00 AM to 6:00 PM. No construction shall occur on Sundays or State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours.

N-5: For all construction activity on the project site, noise attenuation techniques shall be employed as needed to ensure that noise remains below 65 dBA at nearby residences. Such techniques may include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and affected uses.

N-6: Provide notification to home occupants adjacent to the study area at least 24 hours prior to initiation of construction activities that could significantly affect outdoor or indoor living areas. This notification shall include the anticipated hours and duration of construction and a description of noise reduction measures.

N-7: The applicant shall provide a telephone number for local residents to call to submit complaints associated with construction noise. The number shall be posted along the Airport Road portion of the site and shall be easily viewed from adjacent public areas.

Exterior Noise Attenuation

N-8: Structures located within unacceptable noise contours shall provide attenuation of exterior usable area noise levels to below 65 dBA CNEL. This can be accomplished using one or more of the following methods:

N-9: A structural setback from the roadways that generate the unacceptable noise levels;

N-10: Installation of vegetated berms, in combination with structural setbacks from the roadways that generate the unacceptable noise levels;

N-11: Locate exterior usable areas that border sources of unacceptable noise levels within an interior courtyard.

Interior Noise Attenuation

N-12: The walls, doors and windows of units or buildings that face Airport Road shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 45 dBA. This would require at a minimum the use of double-paned windows on all floors for those windows that face Airport Road.

N-13: Windows should have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.

N-14: Doors with a minimum STC of 35 should be used for doorways facing Airport Road and should be insulated in conformance with California Title 24 requirements.

N-15: The exterior wall facing material shall be stucco and/or shall be designed for a minimum STC of 45.

N-16: Roof or attic vents facing Airport Road should be baffled.

N-17: Air conditioning or a mechanical ventilation system should be included in development plans so that windows and doors may remain closed to reduce interior noise to the extent possible.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. 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? (Sources: 1, 3, 6, & 7)	☐	☐	☐	☑
b) Police Protection? (Sources: 1, 3, & 7)	☐	☐	☐	☑
c) Schools? (Sources: 1, 3, & 7)	☐	☐	☐	☑
d) Maintenance of public facilities, including roads? (Sources: 1, 3, & 7)	☐	☐	☐	☑
e) Other governmental services? (Sources: 1,3, & 7)	☐	☐	☐	☑

Discussion: a.-e. Since the project complies with the Zoning and Land Use designations for the site, and meets the goals and objectives of the General Plan and Economic Strategy, it is not anticipated that the proposed project will impact public services, such as fire and police protection, schools, maintenance of public facilities and other governmental services. The project will be required to mitigate impacts in the form of development impact fees as established by the city per AB 1600.

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? (Sources: 1, 3, & 7)	☐	☐	☐	☑
b) Communication systems? (Sources: 1, 3, & 7)	☐	☐	☐	☑
c) Local or regional water treatment or distribution facilities? (Sources: 1, 3, & 7)	☐	☐	☐	☑
d) Sewer or septic tanks? (Sources: 1, 3, 7, & 8)	☐	☐	☐	☑
e) Storm water drainage? (Sources: 1, 3, & 7)	☐	☐	☐	☑
f) Solid waste disposal? (Sources: 1, 3, & 7)	☐	☐	☐	☑
g) Local or regional water supplies? (Sources: 1, 3, & 7)	☐	☐	☑	☐

Discussion a-g: Since the project complies with the Zoning and Land Use designations for the site, and meets the goals and objectives of the General Plan and Economic Strategy, it is not anticipated that the proposed project will impact public services, such as fire and police protection, schools, maintenance of public facilities and other governmental services. The project will be required to mitigate impacts in the form of development impact fees as established by the city per AB 1600.

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

In terms of sewer/septic and water supply, the project will be required to comply with City Standards and provide the necessary information so that the Engineering and Public Works Dept. can determine if any additional facility upgrades are needed to serve the project.

XIII. AESTHETICS. Would the proposal:

a) Affect a scenic vista or scenic highway? (Sources: 1, 3, & 7)	☐	☐	☐	☑
b) Have a demonstrable negative aesthetic effect? (Sources: 1, 3, & 7)	☐	☐	☐	☑

Discussion for a-b: The project is not located on a scenic highway. Part of the development review process is for architectural plans to be reviewed and approved by the Planning Commission. Based on the development review process, this project will not have a demonstrable negative aesthetic effect.

c) Create light or glare? (Sources: 1, 3, & 7)	☐	☐	☑	☐

Discussion: Elevated light levels may be experienced on site as a result from development on the project, but all light fixtures will be shielded and downcast as required per city regulations.

XIV. CULTURAL RESOURCES. Would the proposal:

a) Disturb paleontological resources? (Sources: 1, 3, & 7)	☐	☐	☐	☑
b) Disturb archaeological resources? (Sources: 1, 3, & 7)	☐	☐	☐	☑
c) Affect historical resources? (Sources: 1, 3, & 7)	☐	☐	☐	☑
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (Sources: 1, 3, & 7)	☐	☐	☐	☑
e) Restrict existing religious or sacred uses within the potential impact area? (Sources: 1, 3, & 7)	☐	☐	☐	☑

Discussion for a - e: C.A. Singer and Associates, Inc. completed a cultural resources survey and impact assessment for the project site in July 2006. The assessment included a review of archaeological records and reports on nearby properties and a Phase I Archaeological Survey of the project site. No archaeological sites are recorded on or adjacent to the property and no prehistoric or early historic resources have been found in the immediate area. The site reconnaissance survey did not reveal any evidence of prehistoric or historic archaeological resources on the property. The Phase I Report does not recommend further archaeological or historical investigations on the property.

XV.RECREATION. Would the proposal:

a) Increase the demand for neighborhood or regional parks or other recreational facilities? (Sources: 1, 3, & 7)	☐	☐	☐	☑

Discussion for a: The proposed resort project will include recreational activities as accessory uses to the resort project, such as swimming pools, spa facilities, walking paths etc. Since the project is not residential, the project will not increase the demand for neighborhood or regional parks and facilities.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Affect existing recreational opportunities? (Sources 1, 3, & 7)	☐	☐	☐	☑

Discussion: No recreational activities currently or historically are taking place on the proposed site.

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? (Sources: 1 & 3)	☐	☐	☑	☐

Discussion: Significant existing natural resources have been identified on the project site and mitigation measures are recommended to minimize effects of the proposed development activities.

b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? (Sources: 1 & 3)	☐	☐	☐	☑

Discussion: The project will not likely have a potential to achieve short-term, to the disadvantage of long-term environmental goals.

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.) (Sources: 1 & 3)	☐	☐	☐	☑

Discussion: The project will not result in significant cumulative impacts.

d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1 & 3)	☐	☐	☐	☑

Discussion: The project will not result in substantial adverse environmental impacts on human beings, either directly or indirectly.

11. 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). The earlier documents that have been used in this Initial Study are listed below.

Reference Number	Document Title	Available for Review At
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
11	Paso Robles Municipal Airport Land Use Plan	San Luis Obispo County Airport Land Use Commission (ALUC) 976 Osos Street, Room 300, San Luis Obispo, CA 93408

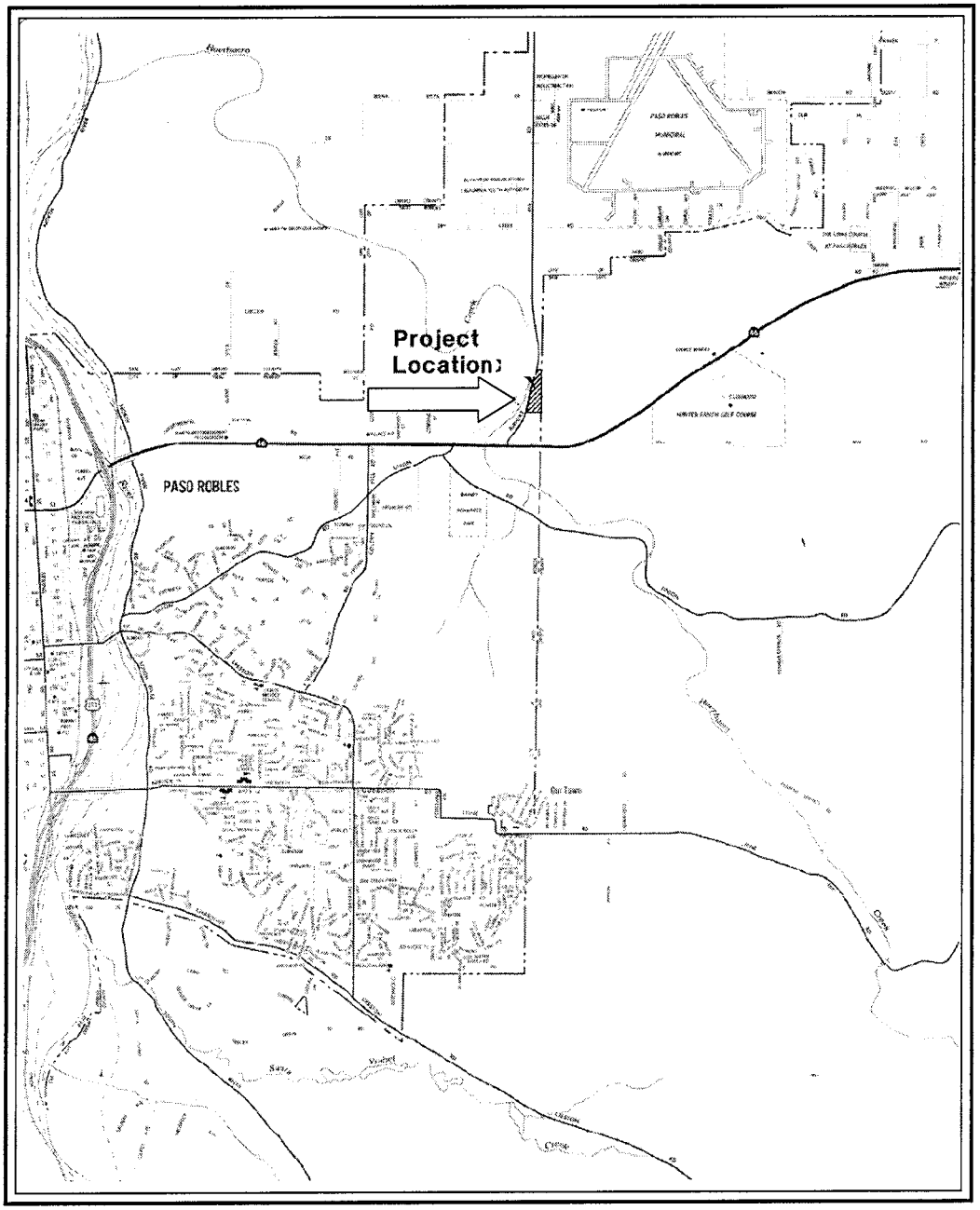
Attachments:

Exhibit A – Vicinity Map
Exhibit B – Mitigation Summary Table

The following exhibits are not attached to this initial study, but are available for review or purchase at the Community Development Department and are also available on the City's website with this entire staff report at www.prcity.com.

Exhibit C - APCD Letter
Exhibit D – Traffic Impact Study
Exhibit E – Preliminary Biological Study
Exhibit F – Tree Preservation Plan/Arborist Report
Exhibit G – Wetland Delineation
Exhibit H - Noise Study

EXHIBIT A VICINITY MAP



General Plan Amendment/ Rezoning
Handley Property
3350, 3360 Airport Rd

General Plan Amendment/ Rezoning
Handley Property
3350, 3360 Airport Rd

Exhibit C Mitigation Summary Table

Biological Resources Mitigation Measure

BIO-1: Prior to site disturbance, including the issuance of grading or construction permits, the applicant shall submit a Final Biological Report for the project site.

Hazard Mitigation Measures

H-1 – Airport and Aircraft Safety: Development of any new land use on the project site shall not create an undue public safety risk from overflight of aircraft. The eastern portion of project site is in Airport Safety Zone 3 for turning and sideline zones and the western portion is Safety Zone 4 for outer approach and departure zones. All development plan, proposed use, or subdivision on the project site is subject to the nonresidential land use densities and open space requirements as provided in Chapter 4 of the Paso Robles ALUP which are excerpted below (Table 9, ALUP, 2005).

Handley Property Airport Safety Areas	Maximum Land Use Density (persons/acre)	Maximum Single Acre Land Use Density (persons/acre)	Maximum Percent Open Space (% gross area)
Safety Zone 3	60	120	25[1]
Safety Zone 4	40	120	20[1]

[1] When feasible, development should be planned in a manner that maintains maximum open space within 50 feet of any extended runway centerline.

H-2 - Airspace Protection: No object or structure may be erected, and no plant allowed to grow, to penetrate any "imaginary surface" as defined in Federal Aviation Regulations Part 77. Any proposed feature approaching these surfaces will be referred to the airport manager for review and recommendation. Building within the height limits of this specific plan will not approach the FAA imaginary surfaces.

H-3 - Operations Interference: No use shall be established which produces visually significant quantities of smoke.

H-4 - Bird Attractants: No use shall be established and no activity conducted which attracts birds to the extent of creating a significant hazard of bird strikes. Examples are outdoor storage or disposal of food or grain, or large, artificial water features. This provision is not intended to prevent enhancement or protection of existing wetlands, the mitigation of impacts to wetlands or construction of required detention basins.

H-5 Avigation Easements: At the time of subdivision development, avigation easements shall be recorded for each affected parcel in a form approved by the County of San Luis Obispo Airport Land Use Commission.

H-6 Real Estate Disclosure: All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area. The format of the disclosure shall be approved by the County of San Luis Obispo Airport Land Use Commission.

Noise Mitigation Measures

N-1: Development proposals for future uses at 3350 and 3360 Airport Road shall include an acoustical analysis (noise studies) to ensure that interior spaces and exterior areas are designed to mitigate impacts to noise levels determined acceptable by the Airport Land Use Plan and City General Plan's Noise Element. Specific construction details shall be identified as recommendations in the study.

N-2: All owners and occupants at 3350 and 3360 Airport Road shall receive disclosure of the airport operations and aircraft activity and potential for noise exposure.