

RESOLUTION NO. 16-040

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
RECOMMENDING THAT THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
APPROVE VESTING TENTATIVE TRACT 3069
APPLICANT – ERSKINE / RANCH & COAST PROPERTIES, INC.
APN: 025-435-031, 030 and 029**

WHEREAS, Kirk Consulting, on behalf of Tom Erskine and Ranch & Coast Properties, Inc., has filed an application requesting consideration of Vesting Tentative Tract Map 3069, in connection with the development of a project known as the Erskine Industrial Park General Plan Amendment (the “Project”); and

WHEREAS, the Project is located at the eastern end of Wisteria Lane, north of State Route 46 East, APN: 025-435-031, 030 and 029; and

WHEREAS, Vesting Tentative Tract Map 3069 consists of a request to subdivide three (3) existing parcels, APNs 025-435-029, 030, and 031, totaling 212 acres into 13 lots that would total 77.3 acres and one 134.7 acre remainder lot; and

WHEREAS, Vesting Tentative Tract Map 3069 is part of the Erskine General Plan Amendment Project, that includes GPA 15-003 (formerly 14-001), and Rezone 14-001 requesting the change in zoning and land use designations as follows:

General Plan Amendment 15-003: to change the existing land use designations as follows:

- **Lots 9-11 (Tract 2778):** Business Park to Commercial Services
- **Lot 1:** Ag/Parks and Open Space to Commercial Services
- **Lots 2:** Ag/Parks and Open Space to Commercial Services
- **Lot 3:** Ag/Parks and Open Space to Business Park
- **Lots 5-12:** Parks & Open Space to Business Park
- **Lot 13:** Ag/Parks & Open Space to Business Park
- **Remainder Parcel and Lot 4:** No changes proposed

Rezone 14-001: to change the existing zoning designations as follows:

- **Lots 9-11 (Tract 2778):** PM (Planned Industrial) to C3-PD (Commercial/Light Industrial - Planned Development Overlay)
- **Lots 1-2:** RA-PD (Residential Ag, Planned Development) to C3-PD (Commercial/Light Industrial-Planned Development Overlay)
- **Lot 3:** RA-PD (Residential Ag, Planned Development) and POS (Parks & Open Space) to C3-PD (Commercial/Light Industrial – Planned Development Overlay)

- **Lots 5-12:** POS (Parks & Open Space) to PM-PD (Planned Industrial, Planned Development Overlay)
- **Lot 13:** RA-PD (Residential Ag, Planned Development) and POS (Parks & Open Space) to PM-PD (Planned Industrial, Planned Development Overlay);
- **Remainder Parcel and Lot 4:** No changes proposed

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

WHEREAS, the circulation period for the Negative Declaration is June 24, 2016 to July 24, 2016, the information contained in the Initial Study prepared for this project, concludes that there is no substantial evidence that this project would have significant adverse effects on the environment and recommends that the City Council approve the Negative Declaration; and

WHEREAS, at a meeting held on July 12, 2016, the Planning Commission took the following actions regarding this ordinance:

- Considered the facts and analysis, as presented in the staff report prepared for this project;
- Held a public hearing to obtain public testimony on the proposed ordinance;
- Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve the Negative Declaration;
- Recommended that the City Council approve Vesting Tentative Tract Map 3069 and the new street name as 'Erskine Parkway'; and

NOW, THEREFORE, the Planning Commission of the City of El Paso de Robles recommends as follows:

SECTION 1: Findings Map: based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings as required by Government Code Sections 66474 and 65457:

- Vesting Tentative Tract Map 3069 will be consistent, in part, with the General Plan Land Use Element, and will specifically support the intent of LU-1, by providing opportunities for new commercial and industrial development.
- Vesting Tentative Tract Map 3069 will allow for the continuation of business park type uses in close proximity to the Airport.
- Vesting Tentative Tract Map 3069 will provide for orderly growth and development, including extension of streets and utilities necessary to serve the project.

- d. Vesting Tentative Tract Map 3069 will be consistent with the General Plan Circulation Element, by providing most of the right-of-way for the Connection Road between the "interchange" at Union Road - Highway 46E and the northerly extension of a connecting road to Airport Road (CF-3 Needs List Project).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby recommend that the City Council approve Vesting Tentative Tract Map 3069, subject to the following:

Exhibit A	Project Conditions
Exhibit B	Standard Conditions of Approval
Exhibit C	Pedestrian Trail Easement Exhibit
Exhibit D	Vesting Tentative Tract Map 3069

PASSED AND ADOPTED THIS 12th day of July, 2016 by the following Roll Call Vote:

AYES: Commissioners Barth, Donaldson, Burgett, Agredano and Davis

NOES: Chairman Rollins

ABSENT:

ABSTAIN: Commissioner Brennan



BOB ROLLINS, CHAIRMAN

ATTEST:



WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Exhibit A

Conditions of Approval / Mitigation Measures (Erskine Industrial Park – General Plan Amendment /Tract 3069)

Planning Division Conditions:

1. Vesting Tentative Tract Map 3069 shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
B	Standard Conditions of Approval
C	Pedestrian Trail Easement Exhibit
D	Vesting Tentative Tract Map 3069
E	Mitigation Monitoring and Reporting Table

2. In accordance with Action Item 2 of Policy C-1A of the Conservation Element of the General Plan, concurrent with recordation of the Phase 1 final map, a non-exclusive easement shall be provided to the City of Paso Robles over the area identified as the 100-year flood plain of Huer Huero Creek. The purpose of the easement is to allow groundwater recharge within the riverbed.
3. In accordance with Action Item 3 of Policy PR-1B of the Parks and Recreation Element and Action Item 2, concurrent with recordation of the Phase 1 final map, a 40-ft wide public trail easement shall be provided to the City of Paso Robles as identified in Exhibit C. The purpose of the easement is to allow a future public trails for bicyclists, and pedestrians between City property on Huer Huero Creek and Airport Road.
4. Future development of Parcels 1-13 of Tract 3069 shall submit for a development plan (PD) and Conditional Use Permit (CUP) as necessary, prior to the submittal of a building permit for each lot.

5. With the approval of GPA 14-001, RZ 14-001 and Vesting Tentative Tract 3069, the following environmental factors have been complied with, subject to compliance with the established mitigation measures as outlined in the Mitigation Monitoring and Reporting Table, Exhibit E:

- Biological Resources;
- Transportation/Traffic;
- Cultural Resources;

With the development of each parcel within Tract 3069, any additional environmental factors will need to be addressed through the CEQA process.

6. All landscaping located behind the street curb and gutter, shall be installed and maintained by the property owner for their corresponding street frontage. Specific landscape plans will provided at the time of the development plan for each parcel.

Airport:

7. Any future development/use of Parcels 1-13 of Tract 3069 shall comply with the provisions outlined in the Airport Land Use Plan, including but not limited to Table 6 (Paso Robles Municipal Airport Land Use Compatibility Matrix) including the Notes to Table 6 that outline the limitations people per acre densities.
8. Concurrent with the recordation of the Phase I final map, the area within Zone 2 (Inner Approach/Departure Zones) that is 250 from the runway center line, within 6000-feet of the corresponding runway, it shall be indicated that no structures, congregations of equipment or vehicles, or public venues shall be located within this area, as shown on Exhibit E. A constructive notice shall be recorded over the parcels that are located within the Zone 2 area that notices future property owners that certain areas of their property have these restrictions.
9. A constructive notice shall be recorded over the parcels that are located within Zone 4 that notices future property owners that certain restrictions may apply, as outlined in the Airport Land Use Plan.
10. Concurrent with the recordation of the Phase I final map, an Avigation Easement shall be recorded over the area within Tract 3069.
11. Non-residential density for the Project Site shall be limited to 40 persons per acre in Safety Zone 4 and 60 persons per acre in Safety Zone 3, and 20 persons per acre in Safety Zone 2 as required by the ALUP. The maximum number of people on a single acre at any time shall not exceed 120 people.

12. 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 Influence Area and Avigation easements shall be recorded for all properties included in the Project.
13. All moderately noise sensitive land uses on the Project Site shall include noise mitigation as required by the ALUP.
14. All extremely noise sensitive land uses shall be prohibited on the Project Site.
15. No development on the Project Site, including any structure, landscaping, glare, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation.
16. Future development on the Project Site shall meet the minimum open space requirements of 30% in Safety Zone 2, 25% in Safety Zone 3, and 20% in Safety Zone, and shall not surpass the requirements set by the ALUP as discussed in the report.
17. Concurrent with the recordation of the Phase I final map Avigation easements shall be recorded for all properties created by Tract 3069. If no subdivision takes place, any future development shall be required to obtain and record the appropriate avigation easements.

Engineering:

18. With development of Tract 3069, a 14-inch recycled water main shall be extended in Wisteria Lane and the Connection Road. The water main easement to Paso Robles Boulevard may be widened up to 30 feet to accommodate a future recycled water main. The developer will be eligible for reimbursement for over-sizing the recycled water main over 8-inch.
19. With development of Tract 3069, a 10-inch water main shall be extended north in the Connection Road right-of-way to connect to the 16-inch water main in Airport Road.
20. With development of Tract 3069, a public sanitary sewer lift station shall be constructed by the City at a location to be determined. If the lift station is sited within the project limits, a minimum of 2,500 square feet of right of way shall be dedicated.

Emergency Services

21. With the development of Phase I of Tract 3069, an emergency access easement shall be dedicated and an unrestricted all-weather temporary emergency access road connection to Combine Street from the south end of the Connection Road shall be constructed. The access may be gated with fire department approved gate(s). The easement language shall include a provision that the temporary easement will terminate when an alternative egress has been established (i.e. Connection to Airport Road completed, Union Road Interchange completed. Etc.)

Mitigation Measure Conditions

Air Quality

- AQ-1. Future development will need to be evaluated to determine if there will be potential future project-related air quality impacts with the development of each lot.

Transportation/Traffic

- T-1. Concurrent with recordation of the first phase of Tract 3069 map, the project will dedicate a 100 ft right-of-way for the Connection Road from Wisteria Lane to Airport Road consistent with the Vesting Tentative Tract Map Exhibit C, and additional right or way as necessary to accommodate a new intersection of the Connection Road to Airport Road consistent with Exhibit B. A conceptual design for the bridge and future connection to Airport Road shall be submitted and approved by the City prior to the recordation of the Final Map
- T-2. With the development of Tract 3069 install a new two-lane divided arterial street improvements as shown on the Vesting Tentative Tract Map, Exhibit C.
- T-3. Traffic Impact Fees shall be paid at time of occupancy for all new structures built within the project area.
- T-4. Concurrent with phase 1 subdivision improvements, Wisteria Lane will be striped and signed to establish Class II bike lanes from Golden Hill Road to the Connection Road.
- T-5. Concurrent with phase 1 subdivision improvements the Connection Road will be striped and signed with Class II bike lanes.

Biological Resources

- BR-1. The canopy edge and trunk location of oak trees within 50 feet of proposed construction on the Property shall be surveyed by a licensed land surveyor and placed on all plan sets. Tree assessments should be conducted by a certified arborist or qualified botanist. Data collected for the tree shall include diameter at breast height (4.5 feet) of each stem/trunk, canopy diameter, tree height, tree health, and habitat notes (cavities for

birds or bats), raptor nests, wood rat nests, and unique features. The tree map shall be used to determine impacts to trees from the project and will inform the mitigation plan.

- BR-2. Impacts to the oak canopy or critical root zones (CRZ) should be avoided where practicable. Impacts include pruning, ground disturbance within the CRZ, and trunk damage.
- BR-3. Prior to ground breaking, tree protection fencing shall be installed as close to the outer limit of the CRZ as practicable for construction operations. The fencing shall be in place throughout the duration of the project, and removed only under the direction of the project environmental monitor or arborist, while demolition is in progress.
- BR-4. Trenching within the CRZ must be approved by the project arborist, and shall be done by hand or with an air spade. Any roots exposed by demolition shall be treated by a tree care specialist and covered with a layer of soil to match existing topography.
- BR-5. Landscape material within the CRZ must be of native, drought tolerant species. Lawns are prohibited within the CRZ.
- BR-6. Paving adjacent to and within the CRZ shall utilize interlocking pavers or equivalent that will allow proper infiltration of water and exchange of oxygen to the root zone of the tree.
- BR-7. Tree removal, if approved, shall commence within 30 days of inspection by a qualified biologist to determine the tree is not being used by nesting birds or bats at the time of removal.
- BR-8. Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection, and reported to the County.
- BR-9. Impacts to oaks shall be mitigated by planting additional trees on site. Any oak tree with a dbh of five inches or greater shall require mitigation. Oaks removed shall be replaced in kind at a 4:1 ratio.
- BR-10. Impacts to oaks shall be mitigated by planting additional oak trees, in kind, at a 2:1 ratio. Replacement trees shall be of one gallon size, of local origin, and of the same species as was impacted. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least seven years.
- BR-11. Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years. Replacement trees shall be the same species as the tree impacted or removed, and of local origin. 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 the breeding season from March 1 to August 31. If construction activities must be

conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

BR-12. A focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Game to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
- Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate horned lizards as specified above.
- A letter report shall be submitted to the County and CDFW within 30 days of legless lizard relocation, or as directed by CDFW.

BR-13. Occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.

BR-14. Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.

BR-15. A preconstruction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. 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 1st and February 1st 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 CDFW wildlife biologist for the area shall be contacted to review current allowable management practices

BR-16. Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

BR-17. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (City) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **111.68** 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 Wildlife (Department) and the City.

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

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San

Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy”, would total **\$279,200**. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; 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 **111.68** 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 **\$279,200**. This fee is calculated based on the current cost- per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-18. 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. preconstruction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed

longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-19 through BR-28. 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-19iii). 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 CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

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

- BR-19. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox*". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
- BR-20. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
- BR-21. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-22. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-23. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-24. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-25. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-26. 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 CDFW 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 CDFW for care, analysis, or disposition.

BR-27. 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
- 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-17 to BR-27): Compliance will be verified by the City of Paso Robles, Planning Division in consultation with the California Department of Fish and Wildlife. As applicable, each of these measures shall be included on construction plans.

Cultural Resources

- Cul-1. The applicant should retain the services of a qualified archaeologist to determine whether impacts to JVW-1, -2, or -3 will occur as a result of the activities proposed as part of the project modifications.
- Cul-2. If the archaeologist demonstrates that direct impacts will result due to project modifications, a Phase II archaeological investigation should be conducted by a professional archaeologist to evaluate the eligibility of those portions of the archaeological deposits subject to impact for inclusion in the CRHR.I
- Cul-3. If that portion of the archaeological deposit is eligible for the CRHR, then the project should be modified to avoid impacting that portion. If impact avoidance is not feasible, a Phase III data recovery investigation should be conducted by a professional archaeologist to offset the loss of scientific data that will result from the disturbance of the deposit.
- Cul-4. For each investigation conducted pursuant to these recommendations (e.g., Phase II and Phase III), a report should be prepared to document the methods, analysis, and findings of the study. The report(s) would include Department of Parks and Recreation 523 update forms, to be filed with the CCIC.
- Cul-5. Step Nos. 1–4, above, should be implemented whenever a project modification results in proposed activities that would encroach on the 100-foot radius around JVW-1, -2, or -3.
- Cul-6. An Extended Phase I subsurface survey should be conducted by a qualified archaeologist to determine whether subsurface deposits associated with the isolated artifact are within proposed disturbance areas. If subsurface archaeological deposits are identified as a result of the Extended Phase I study, Phase II or Phase III excavation may be required.
- Cul-7. In addition to the site-specific measure provided above, and given the overall heightened sensitivity of the project area for the presence of archaeological cultural resources, it is recommended that prior to the issuance of a grading permit, an Archaeological Monitoring Plan (AMP) be developed for those areas of the project subjected to ground disturbance.
- Cul-8. If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery should be redirected, and a qualified archaeologist should be contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. The project proponent should also be notified. Project personnel should not collect or move any archaeological materials or human remains and associated materials.

- Cul-9. Impacts to archaeological deposits should be avoided by project activities. If such deposits cannot be avoided, they should be evaluated for their CRHR eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination should be made as to whether it qualifies as a “unique archaeological resource” under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the CRHR, or is a unique archaeological resource, it will need to be avoided by project actions that may result in impacts, or such impacts must be mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.
- Cul-10. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results of the investigation, and provide recommendations for the treatment of the archaeological materials discovered. The report should be submitted to the client and the CCIC.
- Cul-11. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, or choppers) or obsidian, chert, basalt, or quartzite tool-making debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, or handstones).
- Cul-12. Prehistoric sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.
- Cul-13. If human remains are encountered during project activities, work within 25 feet of the discovery should be redirected and the San Luis Obispo County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation and consult with agencies as appropriate. The project proponent should also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification. The NAHC will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.
- Cul-14. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendant. The report should be submitted to the County of San Luis Obispo and the CCIC.

Exhibit B

EXHIBIT B OF RESOLUTION

CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS

☐ Planned Development _____ ☐ Conditional Use Permit _____
☐ Tentative Parcel Map _____ ☒ Tentative Tract Map _____
Approval Body: City Council _____ Date of Approval: Aug. 2, 2016 _____
Applicant: Erskine Industrial GPA _____ Location: East end of Wisteria Ln. _____
APN: 025-435-029, 030 & 031

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

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

A. GENERAL CONDITIONS – PD/CUP:

- ☒ 1. This project approval shall expire on August 2, 2018 unless a time extension request is filed with the Community Development Department, or a State mandated automatic time extension is applied prior to expiration.
- ☐ 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- ☒ 3. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney's fees, incurred by City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.

(Adopted by Planning Commission Resolution _____)

- ☐ 4. Any site specific condition imposed by the Planning Commission in approving this project **(Conditional Use Permit)** may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.
- ☒ 5. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- ☐ 6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- ☐ 7. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- ☐ 8. Prior to the issuance of a Building Permit a landscape and irrigation plan consistent with the Landscape and Irrigation Ordinance, shall be submitted for City review and approval. The plan needs to be designed in a manner that utilizes drought tolerant plants, trees and ground covers and minimizes, if not eliminates the use of **turf**. The irrigation plan shall utilize drip irrigation and limit the use of spray **irrigation**. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- ☐ 9. A reciprocal parking and access easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space, areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CC&Rs).
- ☐ 10. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- ☐ 11. For commercial, industrial, office or multi-family projects, all refuse enclosures are required to provide adequate space for recycling bins. The enclosure shall be architecturally compatible with the primary building. Gates shall be view obscuring and constructed of durable materials. Check with Paso Robles Waste Disposal to determine the adequate size of enclosure based on the number and size of containers to be stored in the enclosure.

(Adopted by Planning Commission Resolution _____)

- ☐ 12. For commercial, industrial, office or multi-family projects, all existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- ☐ 13. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- ☐ 14. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.
- ☐ 15. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- ☐ 16. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.
- ☒ 17. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No.835 N.S., Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
- ☐ 18. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
- ☐ 19. Prior to recordation of the map or prior to occupancy of a project, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- ☐ 20. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.

(Adopted by Planning Commission Resolution _____)

- ☒ 21. Prior to the issuance of building permits, the
- ☐ Development Review Committee shall approve the following:
 - ☐ Planning Division Staff shall approve the following:
- ☐ a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
 - ☐ b. A detailed landscape plan;
 - ☐ c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
 - ☒ d. Other: Each parcel shall process a development application for the development review process for their respective development plan.

B. GENERAL CONDITIONS – TRACT/PARCEL MAP:

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

(Adopted by Planning Commission Resolution _____)

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

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

C. PRIOR TO ANY PLAN CHECK:

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

D. PRIOR TO ISSUANCE OF A GRADING PERMIT:

- ☐ 1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
- ☒ 2. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to its removal.
- ☒ 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
- ☐ 4. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
- ☐ 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- ☒ 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department

(Adopted by Planning Commission Resolution _____)

Standards and Specifications.

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

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

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

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

<u>Connection Road – 'Erskine Parkway'</u>		
Street Name	City Standard	Standard Drawing No.
- ☒ 4. If, at the time of approval of the final map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act.

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

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

(Adopted by Planning Commission Resolution _____)

- ☒ 6. If the existing pavement and structural section of the City street adjacent to the frontage of the project is adequate, the applicant shall provide a new structural section from the proposed curb to the edge of pavement and shall overlay the existing paving to centerline for a smooth transition.
- ☐ 7. Due to the number of utility trenches required for this project, the City Council adopted Pavement Management Program requires a pavement overlay on _____ along the frontage of the project.
- ☒ 8. The applicant shall install all utilities. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project.
- ☐ 9. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
- ☐ a. Public Utilities Easement;
 - ☐ b. Water Line Easement;
 - ☐ c. Sewer Facilities Easement;
 - ☐ d. Landscape Easement;
 - ☐ e. Storm Drain Easement.
- ☐ 10. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:
- ☐ a. Street lights;
 - ☐ b. Parkway/open space landscaping;
 - ☐ c. Wall maintenance in conjunction with landscaping;
 - ☐ d. Graffiti abatement;
 - ☐ e. Maintenance of open space areas.
- ☐ 11. For a building with a Special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM), the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a lands surveyor or civil engineer licensed in the State of California.
- ☒ 12. All final property corners shall be installed.
- ☐ 13. All areas of the project shall be protected against erosion by hydro seeding or landscaping.
- ☒ 14. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's

(Adopted by Planning Commission Resolution _____)

Source Reduction and Recycling Element.

- ☐ 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. An electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

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

G. GENERAL CONDITIONS

1. ☒ Prior to the start of construction:
 - ☒ Plans shall be reviewed, approved and permits issued by Emergency Services for underground fire lines.
 - ☒ Applicant shall provide documentation to Emergency Services that required fire flows can be provided to meet project demands.
 - ☒ Fire hydrants shall be installed and operative to current, adopted edition of the California Fire Code.
 - ☒ A based access road sufficient to support the department's fire apparatus (HS-20 truck loading) shall be constructed and maintained for the duration of the construction phase of the project.
 - ☒ Access road shall be at least twenty (20) feet in width with at least thirteen (13) feet, six (6) inches of vertical clearance.
2. ☒ Provide central station monitored fire sprinkler system for all residential, commercial and industrial buildings that require fire sprinklers in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
 - ☒ Plans shall be reviewed, approved and permits issued by Emergency Services for the installation of fire sprinkler systems.
3. ☒ Provide central station monitored fire alarm system for all residential, commercial and industrial buildings that require fire alarm system in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
4. ☒ If required by the Fire Chief, provide on the address side of the building if applicable:
 - ☒ Fire alarm annunciator panel in weatherproof case.
 - ☒ Knox box key entry box or system.

(Adopted by Planning Commission Resolution _____)

- ☒ Fire department connection to fire sprinkler system.
- 5. ☒ Provide temporary turn-around to current City Engineering Standard for phased construction streets that exceed 150 feet in length.
- 6. ☒ Project shall comply with all requirements in current, adopted edition of California Fire Code and Paso Robles Municipal Code.
- 7. ☒ Prior to the issuance of Certificate of Occupancy:
 - ☒ Final inspections shall be completed on all underground fire lines, fire sprinkler systems, fire alarm systems and chemical hood fire suppression systems.
 - ☒ Final inspections shall be completed on all buildings.

(Adopted by Planning Commission Resolution _____)

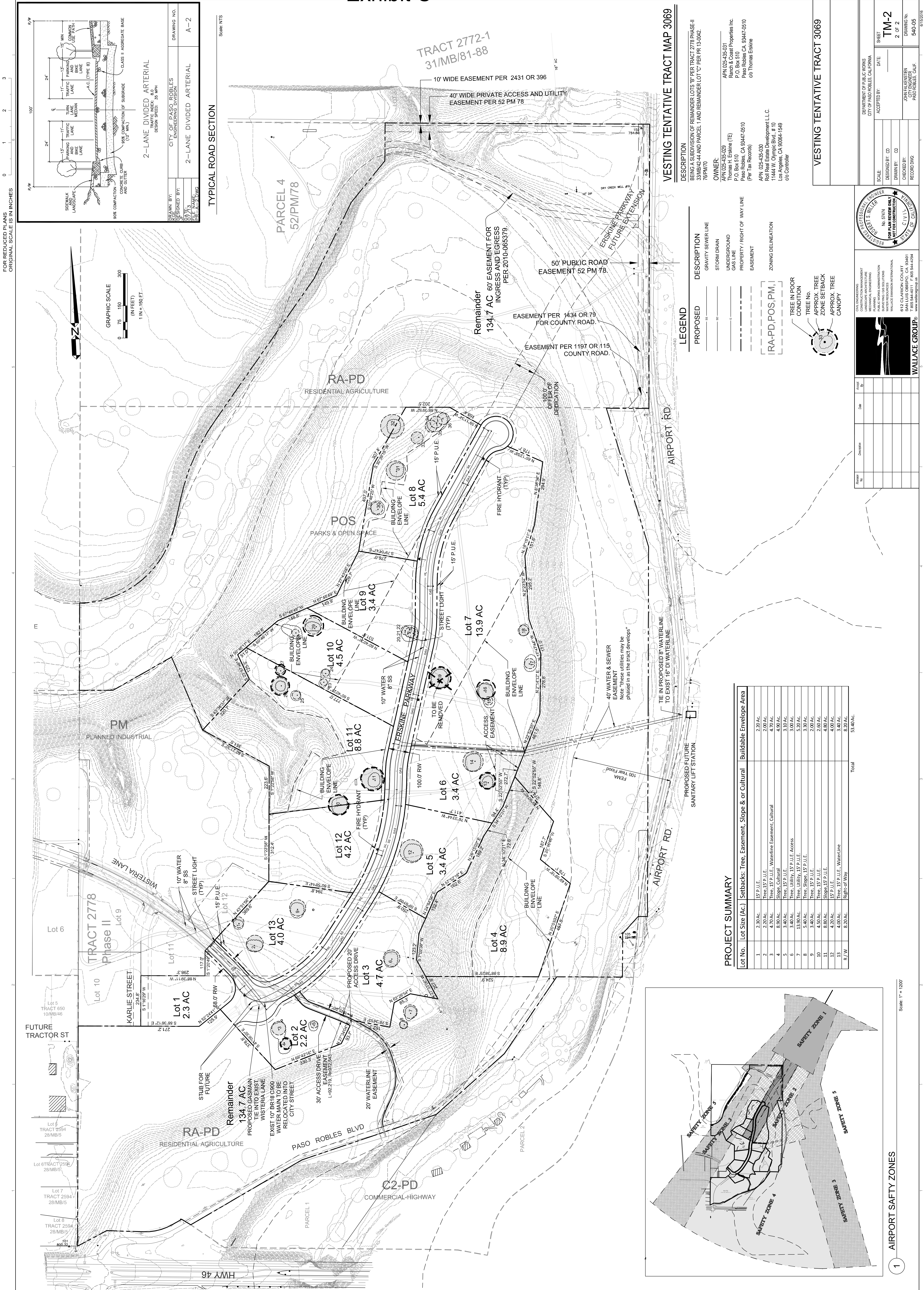


Exhibit D
Public Trail Easement

