

RESOLUTION NO. PC 17-012

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PASO ROBLES  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
CABERNET LINKS RV AND GOLF RESORT (PLANNED DEVELOPMENT 15-004,  
CONDITIONAL USE PERMIT AMENDMENT 94-005,  
VESTING TENTATIVE TRACT MAP 3088, AND VARIANCE 17-001)  
5151 JARDINE ROAD, APN: 025-442-021 - 023 & 025-444-001 - 014  
APPLICANT – TOM ERSKINE

**WHEREAS**, an application for Planned Development Amendment (PD 15-004), Conditional Use Permit Amendment (CUP 94-005), Vesting Tentative Tract Map (VTTM 3088), and Variance (VAR 17-001) have been filed by Tom Erskine for Cabernet Links Golf and RV Resort with 290 RV sites within the existing golf course and ancillary site improvements; and

**WHEREAS**, the project is consistent with the applicable policy and regulatory documents of the City, including the following:

- **General Plan Business Park with a Airport Overlay (BP/AP) land use designation** – the project would provide development of "... transient occupancy uses in close proximity to golf courses and commercial recreation...and resorts, lodging and related ancillary land uses..."; and
- **Zoning District of Airport with a Planned Development Overlay and an Airport Overlay (AP/PD/AP)** – the project is a "*conditionally permitted*" use in the AP-PD district; and
- **Airport Land Use Plan** – Table 6, Land Use Compatibility Matrix, Zones 3, and 5, RV Parks, Golf Courses, and Retail Commercial; and
- **Economic Strategy** – the project advances tourism and employment goals of the Economic Strategy to, "*Improve quality of place to attract investment and knowledge workers stimulate investment by establishing distinctive, quality, stable, safe and sustainable physical improvements and attractions that welcome industry, commerce, tourism, employment, and wealth necessary to maintain and enhance quality of life.*"

**WHEREAS**, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared and circulated for a 30-day public review period beginning on January 27, 2017 through February 27, 2017. No public comments were received on the MND prior to the Planning Commission meeting. A copy of the Draft MND/Initial Study is included in Exhibit A (Attachment 11 of the project staff report) of this Resolution, and it is on file at the Paso Robles Community Development Department; and

**WHEREAS**, mitigation measures have been incorporated into the MND and will be imposed on the project through the City's adoption of a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guideline 15074(d). These mitigation measures are imposed on the project to address potential environmental effects from: air quality; biological resources, public services; and greenhouse gas emissions. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. These mitigation measures are provided in Exhibit B, "Mitigation Monitoring and Reporting Program" attached to this Resolution; and

**WHEREAS**, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

**WHEREAS**, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

**WHEREAS**, the applicant has executed a Mitigation Agreement whereby the applicant has agreed to incorporate all of the mitigation measures listed in Exhibit B into the project. A copy of the executed Mitigation Agreement is on file in the Community Development Department; and

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

**WHEREAS**, a public hearing was conducted by the Planning Commission on October 11, 2016 to consider the Initial Study and the draft MND prepared for the proposed project, and to accept public testimony on the Planned Development, Conditional Use Permit, Vesting Tentative Tract Map, Oak Tree Removal, and environmental determination. At the close of this public hearing, the Planning Commission recommended adoption of the MND and approval of the proposed project to the City Council; and

**WHEREAS**, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the Planning Commission finds that there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the project; and

**WHEREAS**, pursuant to CEQA the Planning Commission has independently reviewed the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record before it finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of El Paso de Robles, based on its independent judgment and analysis, recommends the City Council adopt the Mitigated Negative Declaration (Exhibit A) for the Destino Paso Resort project and adopts a Mitigation Monitoring and Reporting Program (Exhibit B), and imposes each mitigation measure as a condition of approval, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

**PASSED AND ADOPTED THIS 28th day of February, 2017, by the following roll call vote:**

AYES: Commissioners Barth, Donaldson, Agredano, Davis, Brennan, Rollins  
NOES: None  
ABSENT: None  
ABSTAIN: None



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BOB ROLLINS, CHAIRPERSON

ATTEST:



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WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Exhibits:

- A. Exhibit A – Mitigated Negative Declaration / Initial Study (refer to Attachment 12 of the Planning Commission staff report)
- B. Exhibit B – Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Plan

Project File No./Name: Cabernet Links RV Resort & Golf Course  
 Approving Resolution No.: \_\_\_\_ by:  Planning Commission  City Council

Date: February 28, 2017

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type: ..... Project, ongoing, cumulative

Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.

<p style="text-align: center;"><b>Mitigation Measure</b>                      PD 15-004, VTM 3088, CUP 94-005 Amendment                      (Cabernet Links Golf &amp; RV Resort)</p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p><b>AQ-1:</b> The following measures shall be implemented to minimize construction-generated emissions. These measures shall be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>a. Reduce the amount of the disturbed area where possible.</li> <li>b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. <u>Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to</u></li> </ul>	<p>Project</p>	<p>Qualified Air Quality Specialist</p>			<p>Prior to Issuance of a Grading Permit</p>

<p style="text-align: center;">Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf &amp; RV Resort)</p>	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p><b><u>reduce the amount of water used for dust control.</u></b> For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;</p> <ul style="list-style-type: none"> <li>c. All dirt stock pile areas should be sprayed daily as needed.</li> <li>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;</li> <li>e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</li> <li>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 SLOAPCD.</li> <li>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.</li> <li>h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</li> <li>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.</li> <li>j. Install wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved methods sufficient to minimize the track-out of soil onto paved roadways.</li> </ul>					

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<ul style="list-style-type: none"> <li>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.</li> <li>l. The burning of vegetative material shall be prohibited.</li> <li>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.</li> <li>n. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.</li> <li>o. Divert 65 percent of non-hazardous construction or demolition debris.</li> </ul>					
<p><b>AQ-2:</b> To reduce operational emissions, the proposed project shall implement the following measures. The project proponent shall submit proof to the Paso Robles Community Development Department Staff that implementation of all measures have been met in accordance with a time schedule deemed appropriate by Community Development Department staff.</p> <ul style="list-style-type: none"> <li>a. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. Design should provide 50% tree coverage within 10 years of construction using low ROG emitting, low maintenance native drought resistant trees.</li> </ul>	<p style="text-align: center;">Project</p>	<p style="text-align: center;">Qualified Air Quality Specialist CDD</p>			<p style="text-align: center;">Prior to issuance of grading permit</p>

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<ul style="list-style-type: none"> <li>b. Include the planting of native and drought tolerant trees beyond those required as mitigation for tree removal.</li> <li>c. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.</li> <li>d. Provide a designated parking space for alternatively fueled vehicles.</li> <li>e. The project site shall be designed to minimize barriers to pedestrian access, internally links all uses, and connects to all existing or planned external streets, public transit, and pedestrian facilities contiguous with the project site.</li> <li>f. Provide on-site bicycle parking beyond those required by California Green Building Standards Code and related facilities to support long-term use (lockers, or a locked room with standard racks and access limited to bicyclists only).</li> <li>g. Implement traffic calming improvements as appropriate (e.g., marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, median islands, mini-circles, tight corner radii, etc.)</li> <li>h. Install water conservation measures sufficient to meet, at a minimum, CALGreen Tier 1 standards for water efficiency and conservation.</li> <li>i. The project shall be designed to incorporate the future installation of solar photovoltaic systems to serve the proposed RV park.</li> <li>j. The the extent locally available, utilize pre-finished building materials or materials that do not require the application of architectural coatings.</li> <li>k. Install energy-efficient appliances and building components sufficient to achieve overall reductions in interior energy use beyond those</li> </ul>					

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<p>required at the time of development by CalGreen standards.</p> <ul style="list-style-type: none"> <li>l. Install roofing material with a solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling needs.</li> <li>m. Provide a minimum of one on-site level two electrical vehicle (EV) charging station with sufficient electrical capacity for future expansion to add a minimum of three additional EV stations.</li> <li>n. Utilize high efficiency lights in parking lots, streets, and other public areas.</li> </ul>					
<p><b>AQ-3:</b> The following measures shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>a. Implement Mitigation Measure AQ-1.</li> <li>b. Demolition of onsite structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to implement the Federal Asbestos NESHAP. Prior to demolition of onsite structures, the SLOAPCD shall be notified, per NESHAP requirements. SLOAPCD notification form and reporting requirements are included in Appendix A. Additional information may be obtained at website url: <a href="http://slocleanair.org/business/asbestos.php">http://slocleanair.org/business/asbestos.php</a>.</li> <li>c. If during demolition of existing structures, paint is separated from the construction materials (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified hazardous materials inspector to</li> </ul>	<p>Project</p>	<p>Qualified Air Quality Specialist CDD</p>			<p>Prior to issuance of grading permit</p>



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<p>determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (DTSC), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements. Contact the SLOAPCD Enforcement Division at (805) 781-5912 for more information. Approval of a lead work plan and permit may be required. Lead work plans, if required, will need to be submitted to SLOAPCD ten days prior to the start of demolition</p> <p>d. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:</p> <ol style="list-style-type: none"> <li>1) Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,</li> <li>2) Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at</li> </ol>					

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<p>any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.</p> <ul style="list-style-type: none"> <li>e. Maintain all construction equipment in proper tune in accordance with manufacturer’s specifications;</li> <li>f. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);</li> <li>g. Use diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;</li> <li>h. Idling of all on- and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.</li> <li>i. Electrify equipment when possible;</li> <li>j. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,</li> <li>k. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.</li> </ul>					
<p><b>AQ-4.</b> Effective February 25, 2000, <b><u>the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.</u></b> If you have any questions regarding these requirements, contact the APCD Engineering &amp; Compliance Division at (805) 781-5912.</p>	On-going	CDD			

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<p><b>AQ-5 Construction Permit Requirements</b> Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.</p> <p>The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.</p> <ul style="list-style-type: none"> <li>• Power screens, conveyors, diesel engines, and/or crushers;</li> <li>• Portable generators and equipment with engines that are 50 hp or greater;</li> <li>• Electrical generation plants or the use of standby generator;</li> <li>• Internal combustion engines;</li> <li>• Rock and pavement crushing;</li> <li>• Unconfined abrasive blasting operations;</li> <li>• Tub grinders;</li> <li>• Trommel screens; and,</li> <li>• Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).</li> </ul> <p><b><u>To minimize potential delays, prior to the start of the project, please contact the APCD Engineering &amp;</u></b></p>	<p>Project</p>	<p>Qualified Air Quality Specialist/ CDD</p>			<p>Prior to issuance of a grading permit.</p>

Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf & RV Resort)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<u>Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.</u>					
<b>BR-1.</b> Soil disturbance for the Project exceeds one acre. Prior to the onset of construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. The SWPPP shall contain Best Management Practices (BMPs) to prevent pollutants from leaving the site and entering waters of the State."	On-going	CDD			Prior to issuance of grading permit
<b>BR-2.</b> Biodegradable fiber rolls shall be installed pursuant to Caltrans Fiber Roll Detail SC-5, available at <a href="http://www.dot.ca.gov/hq/construc/stormwater/SC-05.pdf">http://www.dot.ca.gov/hq/construc/stormwater/SC-05.pdf</a> . To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be comprised entirely of natural-fiber, biodegradable materials. No "photodegradable" or other plastic erosion control materials shall be used.	On-going	CDD			Prior to issuance of grading permit
<b>BR-3.</b> Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (DBH) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.	On-going	CDD			Prior to issuance of grading permit
<b>BR-4.</b> Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the drip-line or CRZ of the tree (whichever distance is greater), and trunk damage	On-going	CDD			Prior to issuance of grading permit

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<p><b>BR-5.</b> If ground disturbance is proposed within the drip line or CRZ an oak tree protection plan shall be prepared and approved by the City of Paso Robles.</p>	Project	CDD			Prior to issuing Certificate of Occupancy permit
<p><b>BR-6.</b> BR-6. Impacts to oak trees shall be assessed by a licensed arborist. Mitigations for impacted trees shall comply with the City of Paso Robles tree ordinance.</p>	Project	Certified Arborist CDD			Prior to issuing grading permit
<p><b>BR-7.</b> Within one week of ground disturbance activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. A 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.</p>	On-going	Certified Arborist CDD		Notes shown on construction documents.	Prior to issuing grading permit.
<p><b>BR-8.</b> 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 while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.</p>	On-going	CDD		Notes shown on construction documents.	Prior to issuing grading permit.
<p><b>BR-9.</b> 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 nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.</p>	On-going	CDD			Prior to issuing grading permit.

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<p><b>BR-10.</b> A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. 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 area of disturbance, and shall examine both old and new dens. 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 that may include encouraging badgers to move offsite and/or trapping and relocation.</p>	Project	CDD		Notes shown on construction documents.	Prior to issuing Building Permit.
<p>BR-11. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:</p> <p>a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of:</p> <ul style="list-style-type: none"> <li>34.68 acres for Phase 1</li> <li>51.6 acres for Phase 2</li> <li>30.84 acres for Phase 3</li> <li>19.5 acres for Phase 4</li> <li>23.88 acres for Phase 5</li> </ul>	Project	CDD		Notes shown on construction documents.	Prior to issuing Building Permit.

<p style="text-align: center;"><b>Mitigation Measure</b>  <b>PD 15-004, VTM 3088, CUP 94-005 Amendment</b>  <b>(Cabernet Links Golf &amp; RV Resort)</b></p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p>160.5 acres total for all phases</p> <p>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 and the City.</p> <p>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.</p> <p>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.</p> <p>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 CDFW 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:</p> <ul style="list-style-type: none"> <li>\$86,700 for Phase 1</li> <li>\$129,000 for Phase 2</li> <li>\$77,100 for Phase 3</li> <li>\$48,750 for Phase 4</li> <li>\$59,700 for Phase 5, or</li> <li>\$401,250 total for all phases.</li> </ul>					

<p style="text-align: center;"><b>Mitigation Measure</b>  <b>PD 15-004, VTM 3088, CUP 94-005 Amendment</b>  <b>(Cabernet Links Golf &amp; RV Resort)</b></p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p>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 CDFW provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.</p> <p>c. Purchase credits in a CDFW-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.</p> <p>Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). 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:</p> <p style="margin-left: 40px;">\$86,700 for Phase 1  \$129,000 for Phase 2  \$77,100 acres for Phase 3  \$48,750 for Phase 4  \$59,700 for Phase 5, or  \$401,250 total for all phases.</p> <p>This fee is calculated based on the current cost-per-credit of \$2,500 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.</p>					



<p style="text-align: center;"><b>Mitigation Measure</b>  <b>PD 15-004, VTM 3088, CUP 94-005 Amendment</b>  <b>(Cabernet Links Golf &amp; RV Resort)</b></p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p><b>BR-12.</b> 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:</p> <p>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.</p> <p>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. 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. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.</p> <p>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.</p>	<p>Project</p>	<p>CDD</p>			<p>Prior to issuing Certificate of Occupancy permit</p>

<p style="text-align: center;">Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf &amp; RV Resort)</p>	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>If incidental take of kit fox during project activities is possible, <b>before project activities commence</b>, 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.</p> <p>iv. In addition, the qualified biologist shall implement the following measures:</p> <ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>▪ Potential kit fox den: 50 feet</li> <li>▪ Known or active kit fox den: 100 feet</li> <li>▪ Kit fox pupping den: 150 feet</li> </ul> </li> <li>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.</li> <li>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.</li> </ol>					

<p style="text-align: center;"><b>Mitigation Measure</b>  <b>PD 15-004, VTM 3088, CUP 94-005 Amendment</b>  <b>(Cabernet Links Golf &amp; RV Resort)</b></p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p><b>BR-13.</b> 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.</p>	<p>Project</p>	<p>CDD</p>			<p>Prior to site disturbance, grading permit issued</p>
<p><b>BR-14.</b> 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.</p>	<p>On-going</p>	<p>Certified Arborist CDD</p>		<p>Shown on construction documents</p>	<p>Prior to issuance of grading permit</p>
<p><b>BR-15.</b> BR-15. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.</p>	<p>On-going</p>	<p>Certified Arborist CDD</p>		<p>Shown on construction documents</p>	<p>Prior to issuance of building permit</p>
<p><b>BR-16.</b> 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</p>	<p>Project</p>	<p>Certified Arborist CDD</p>			<p>Prior to issuance of Final Occupancy</p>

<p style="text-align: center;">Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf &amp; RV Resort)</p>	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>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.</p>					
<p><b>BR-17.</b> 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.</p>	Project	CDD			Prior to issuance of grading permit.
<p><b>BR-18.</b> 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.</p>	On-going	CDD			Prior to issuance of Grading Permit/On-going with project construction.
<p><b>BR-19.</b> 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</p>	On-going	CDD			Prior to issuance of a grading permit.

<p style="text-align: center;">Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf &amp; RV Resort)</p>	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.</p>					
<p><b>BR-20.</b> 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.</p>	On-going	CDD			On Going during construction.
<p><b>BR-21.</b> 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:</p> <ul style="list-style-type: none"> <li>i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.</li> <li>ii. If a more solid wire mesh fence is used, 8 by 12 inch openings near the ground shall be provided every 100 yards</li> <li>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.</li> </ul>	On-going	CDD			Prior to issuance of a grading permit.

<p style="text-align: center;">Mitigation Measure PD 15-004, VTM 3088, CUP 94-005 Amendment (Cabernet Links Golf &amp; RV Resort)</p>	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p><b>FIRE – 1:</b> Provide minimum 60,000 gallon water storage tank and any necessary infrastructure. Plans to be reviewed and approved by the Emergency Services Department. The applicant may choose to work with the City to provide an additional looped water line connection to the City's water system that satisfies the fire flow requirements. If this looped water system satisfies the fire flow requirement as determined by the City, the 60,000 gallon water storage tank would not be required.</p>	Project	ES			With site improvement plans.
<p><b>HYD-1:</b> Ground Water. The project shall be redesigned so that there will be no more demand on ground water pumping than the projects historic rate.</p>	Project	CDD/PW			Prior to recordation of Tract Map.
<p><b>HYD-2:</b> Well Metering. All on- and off-site wells permitted for use with this project shall have well meters installed per Public Works standards prior to recordation of the first subdivision map.</p>	Project	PW			On-going.

(add additional measures as necessary)

Explanation of Headings:

Type: ..... Project, ongoing, cumulative

Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.