

RESOLUTION PC 17-049

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PASO ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE PINE STREET HOTEL
(PLANNED DEVELOPMENT 17-006)
944 PINE STREET, APN: 009-156-008
APPLICANT – DEBBIE LORENZ**

WHEREAS, the Pine Street Hotel project has been submitted by Debbie Lorenz, for the development of a 105,195 square foot, 151 room, 4-story hotel that would include a 6,300 square foot restaurant/banquet room, 4,780 square foot retail, and 2,900 square foot conference space on the 2.4-acre site located on the southeast corner of 10th Street and Pine Street, previously Hayward Lumber; and

WHEREAS, the Pine Street Hotel project is a redesign of the currently entitled Pine Street Promenade project that has been updated to include a hotel project with restaurant and retail uses, the revised project does not include the Performing Arts Center, the Parking Structure, or the previous condominium plan that was part of the Promenade project; and

WHEREAS, the property is zoned in the Uptown/Town Center Specific Plan as Town Centre 1 (TC-1), and is designated in the General Plan as Downtown Commercial (DC); and

WHEREAS, Hotels are a permitted land use in the TC-1 zone, and are consistent with the DC General Plan designation; and

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 recirculated for a 20-day public review period beginning on September 6, 2017 through September 26, 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 7 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: cultural resources. 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 September 26, 2017 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, and environmental determination, at the close of this public hearing, the Planning Commission adopted the MND and approved the proposed project; 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, by the Planning Commission of the City of Paso Robles, as follows:

Section 1. All of the recitals above are true and correct and incorporated herein.

Section 2. Based on the information and analysis contained in the Mitigated Negative Declaration prepared for this project, the comments received during the public review period, and testimony received at the public hearing, 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. These findings are based on an independent review of the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record. The Planning Commission further 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 measures provided in the MMRP, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section 3. The Planning Commission of the City of El Paso de Robles, based on its independent judgment and analysis, adopts the Mitigated Negative Declaration (Exhibit A) for the Pine Street Hotel 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 26th day of September 2017, by the following roll call vote:

AYES: Commissioners Brennan, Barth, Davis, Rollins and Chairman Donaldson
NOES:
ABSENT: Commissioners Agredano and Jorgensen
ABSTAIN:



JOHN DONALDSON, CHAIRPERSON

ATTEST:



WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Exhibits:

- A. Exhibit A – Mitigated Negative Declaration / Initial Study (refer to Attachment 7 of the Planning Commission staff report)
- B. Exhibit B – Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Plan

Project File No./Name: Pine Street Hotel – 944 Pine Street, Paso Robles CA.

Approving Resolution No.: ____ by: Planning Commission City Council

Date: September 6, 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.

Mitigation Measure PD 17-006 (Pine Street Hotel)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>AQ-1: 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"> a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter. b. Reduce the amount of the disturbed area where possible. c. 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 	Project	Qualified Air Quality Specialist			Prior to Issuance of a Grading Permit

<p style="text-align: center;">Mitigation Measure PD 17-006 (Pine Street Hotel)</p>	<p style="text-align: center;">Type</p>	<p style="text-align: center;">Monitoring Department or Agency</p>	<p style="text-align: center;">Shown on Plans</p>	<p style="text-align: center;">Verified Implementation</p>	<p style="text-align: center;">Timing/Remarks</p>
<p>used whenever possible. 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 reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.</p> <ul style="list-style-type: none"> d. All dirt stock pile areas should be sprayed daily as needed. e. 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; f. 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. g. 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. h. 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. i. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. j. 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. 					

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<p>k. 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.</p> <p>l. 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.</p> <p>m. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.</p> <p>n. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g, aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.</p> <p>o. 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</p>					

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<p>such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.</p>					
<p>AQ-2: 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"> a. Implement Mitigation Measure AQ-1, as identified in "Impact AQ-C", above. b. Prior to any grading activities a geologic evaluation shall be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to: <ul style="list-style-type: none"> 1. Development of an Asbestos Dust Mitigation Plan which must be approved by the SLOAPCD before operations begin, and, 2. Development and approval of an Asbestos Health and Safety Program (required for some projects). <p>If NOA is not present, an exemption request must be filed with the SLOAPCD. More information on NOA can be found at http://www.slocleanair.org/rules-regulations/asbestos/noa.php.</p> c. 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>Project</p>	<p>Qualified Air Quality Specialist CDD</p>			<p>Prior to issuance of grading permit</p>

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<p>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,</p> <p>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 any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.</p> <p>d. Maintain all construction equipment in proper tune according to manufacturer’s specifications;</p> <p>e. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);</p> <p>f. 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;</p> <p>g. 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.</p> <p>h. Electrify equipment when possible;</p> <p>i. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,</p> <p>j. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.</p>					
<p>AQ-3: 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>	<p>Project</p>	<p>Qualified Air Quality Specialist CDD</p>			<p>Prior to issuance of grading permit</p>

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<p>k. Implement Mitigation Measure AQ-1.</p> <p>l. 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: http://slocleanair.org/business/asbestos.php.</p> <p>m. 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 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</p>					

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<p>required, will need to be submitted to SLOAPCD ten days prior to the start of demolition</p> <p>n. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:</p> <p>3) 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,</p> <p>4) 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 any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.</p> <p>o. Maintain all construction equipment in proper tune in accordance with manufacturer’s specifications;</p> <p>p. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);</p> <p>q. 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;</p> <p>r. 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</p>					

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<p>site to remind drivers and operators of the no idling limitation.</p> <ul style="list-style-type: none"> s. Electrify equipment when possible; t. Substitute gasoline-powered in place of diesel-powered equipment, when available; and, u. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. 					
<p>AQ-4. Effective February 25, 2000, <u>the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.</u> If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.</p>	On-going	CDD			
<p>AQ-5 Construction Permit Requirements 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>	Project	Qualified Air Quality Specialist/ CDD			Prior to issuance of a grading permit.

Mitigation Measure PD 17-006 (Pine Street Hotel)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> • Power screens, conveyors, diesel engines, and/or crushers; • Portable generators and equipment with engines that are 50 hp or greater; • Electrical generation plants or the use of standby generator; • Internal combustion engines; • Rock and pavement crushing; • Unconfined abrasive blasting operations; • Tub grinders; • Trommel screens; and, • Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc). <p><u>To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.</u></p>					
BIO-1 Prior to the issuance of a grading permit, all tree protection measures outlined in the Arborist Report shall be complied with to the satisfaction of the Project Arborist. An acknowledgement from the Arborist will be required prior to the issuance of a permit.	Project	Planning/Eng.			Prior to issuance of a Grading Permit
BIO-2 Prior to the issuance of a grading permit, the applicant shall provide evidence that a Certified Arborist from the City's approved list has been contracted for monitoring, as outlined in the project Arborist Report.	Project	Planning/Eng.			Prior to issuance of a Grading Permit
BIO-3 Upon completion of each project phase, a letter by the Project Arborist shall be provided to the City that indicates that all tree protection measures have been complied with to his or her satisfaction.	Project	Planning/Eng.			Prior to issuance of a Grading Permit

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BIO-4 Special construction techniques shall be designed for the foundation system of the buildings that are near the Large Valley Oak along 10 th Street and the Valley Oak on Pine Street, in order to reduce the need for over excavation.	Project	Planning/Eng.			Prior to issuance of a Grading Permit
BIO-5 If pavers are going to be used around the two trees at the center of the of the driveway, they shall be installed with a geo-grid or other suitable material that reduces the depth of the base material needed. It is recommended that minimal grading occur with the installation of pavers. Determination of the best method of paver installation will need to be evaluated in the filed with the Arborist, prior to issuance of a grading permit.	Project	Planning/Eng.			Prior to issuance of a Grading Permit
BIO-6 All grading within the CRZ of any oak shall be monitored by the project Arborist. It may be recommended that additional measures such as irrigation and root treatment be added during project construction to lessen long term impacts to the trees.	Project	Planning/Eng.			Prior to issuance of a Grading Permit
<p>N-1: Mitigation Measure Noise-A:</p> <p>1. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh-air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.</p> <p>2. Exterior walls along the eastern façade and adjacent to the Union Pacific Railroad corridor shall be designed to achieve a minimum composite exterior sound transmission class (STC) rating of 40 dB for wall components, excluding windows and doors. A minimum 40 dB STC rating can be achieved by construction incorporating 5/8" sheathing, 7/8" stucco, and 5/8" gypsum board installed on the interior surface of exterior walls. If the exterior is stucco, the interior gypsum board should be fastened resiliently to the studs.</p> <p>3. The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20 percent of the floor area.</p>	Project	Bldg/Planning			Prior to issuance of a Building Permit

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<p>4. Windows located along the eastern façade and adjacent to the Union Pacific Railroad corridor shall have a minimum laboratory sound transmission class (STC) rating of 32.</p> <p>5. Vents and openings shall be minimized on the eastern facade of the building. If vents are required, they should be designed with acoustical baffles.</p> <p>6. Operational vented fireplaces that vent to the eastern façade shall not be installed.</p> <p>7. An acoustical analysis shall be prepared for the proposed emergency generator prior to installation. The acoustical analysis shall identify noise-reduction measures to be incorporated sufficient to achieve an exterior average-hourly noise-level of 45 dBA Leq, or less, at the property line of the nearest land use. This average-hourly noise level performance standard would equate to an average-daily noise level of approximately 51 dBA CNEL, which would ensure compliance with the City's exterior and interior noise level standards for the onsite hotel (i.e., 65 and 45 dBA CNEL, respectively). Noise-reduction measures to be incorporated may include, but are not limited to, the selection of alternative or quieter equipment, use of sound enclosures, use of exhaust silencers, and shielding building intake and exhaust vents from direct line of sight of nearby land uses. The acoustical analysis shall be submitted to the City of Paso Robles Planning Department for review and approval prior to installation of the generator.</p>					
<p>N-2:</p> <p>1. Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities should be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or City holidays.</p> <p>2. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers'</p>	<p align="center">Project</p>	<p align="center">Planning/Eng</p>			<p>Prior to issuance of a Grading Permit</p>

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<p>recommendations. Equipment engine shrouds should be closed during equipment operation.</p>					
<p>GHG-1: The proposed project shall implement, at a minimum, the following GHG-reduction measures:</p> <ul style="list-style-type: none"> a. Utilize high-efficiency lighting in parking lots and other public areas (i.e., sodium, light-emitting diode [LED]). b. Utilize built-in energy efficient appliances (i.e., Energy Star rated). c. Install energy-saving systems in guest rooms that reduce energy usage when rooms are not occupied. d. 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). e. Provide a pedestrian access network that internally links all uses and connects all existing or planned external streets, pedestrian facilities, and public transit stops contiguous with the project site f. The project site shall be designed to minimize barriers to pedestrian access and interconnectivity. 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.) h. Comply with CALGreen Tier 1 or Tier 2 standards for water efficiency and conservation. i. Divert, at a minimum, 65 percent of non-hazardous construction or demolition debris. j. Include the planting of native and drought tolerant trees beyond those required as mitigation for tree removal. 	<p style="text-align: center;">Project</p>	<p style="text-align: center;">Planning/Bldg.</p>			<p>Prior to issuance of a Building Permit</p>

(add additional measures as necessary)

Explanation of Headings:

Exhibit B

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