

Exhibit A

San Luis Obispo Local Agency Formation Commission

LAFCO No. 3-R-20

Annexation #90 to the City of Paso Robles – Gateway

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

Prepared by San Luis Obispo LAFCO

1. Consideration of the Environmental Impact Report

The Commission, as a Responsible Agency, has reviewed and considered the information in the Final Environmental Impact Report ((EIR); State Clearinghouse Number 2013101050), 2020 General Plan amendment, and among other documents and has concluded that the EIR is adequate for the purposes of the Commissions' compliance with CEQA (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for the proposed action. The Commission has reached its own conclusion whether and how to approve the proposed Paso Robles Gateway Project.

As a Responsible Agency, the Commission must rely upon the EIR prepared for the project and concur with its conclusions relative to the action before the Commission. The action of the Commission would allow the City to amend the sphere and annex the area known as the Paso Robles Gateway Project area into its boundaries. As such, the EIR was reviewed in this context to ensure the annexation and sphere of influence would adequately address any potential environmental impacts. The Commission concluded that no substantial changes are proposed in the project which will require major revision of the previously certified EIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified EIR, and no new information of substantial importance has been identified which was not known at the time that the previous EIR was certified.

The Paso Robles Gateway Project would result in significant and unavoidable impacts related to the following issue areas:

- Clean Air Plan consistency
- Operational air quality emissions
- Cumulative air quality impacts
- Temporary and long-term Increases in GHG emissions
- GHG emissions reduction plan consistency
- Cumulative GHG emissions impacts
- Existing + Project traffic impacts at U.S. 101/Main Street interchange
- General Plan Buildout + Project traffic impacts to U.S. 101 mainline

In addition, the project would result in significant but mitigable impacts related to the following issue areas:

- Scenic vistas and scenic resources
- Visual character
- Light and glare
- Cumulative impacts to scenic vistas and scenic resources
- Cumulative impacts to visual character
- Cumulative impacts to visual resources
- Cumulative impacts to light and glare
- Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses
- Conversion of farmland to non-agricultural use

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- Conflict with existing zoning for forest land or timberland
 - Loss of forest land or conversion of forest land to non-forest use
 - Cumulative impacts due to conversion of farmland to non-agricultural use
 - Cumulative impacts to agricultural resources
 - Construction air quality emissions
 - Exposure of sensitive receptors to *Coccidioides* fungus
 - Impacts to riparian areas
 - Special status wildlife species
 - Special status plant species
 - Wetlands
 - Protected trees
 - Cumulative impacts to biological resources
 - Historical Resources
 - Archaeological Resources
 - Tribal cultural resources
 - Cumulative impacts to Cultural Resources
 - Climate Action Plan consistency for energy efficiency
 - Cumulative energy impacts
 - Seismic and geologic hazards
 - Located on a geologic unit or soil that is unstable
 - Soil erosion and loss of topsoil
 - Expansive soils
 - Paleontological resources
 - Cumulative impacts to Geology and Soils
 - Routine transport, use, or disposal of hazardous materials
 - Accidental release of hazardous materials
 - Located on a site included on a list of hazardous materials sites
 - Residual pesticides and agricultural chemicals hazards
 - Construction impacts to water quality
 - Operational impacts to water quality
 - Operational noise
 - Long-term traffic noise
 - Construction noise
 - Groundborne vibration
 - Cumulative noise impacts
 - Wastewater treatment facilities and capacity

Overriding findings are proposed for impacts that were determined to be significant and unavoidable. These findings and determinations constitute the independent findings and determinations by the Commission in all respects and are fully and completely supported by substantial evidence, both oral and written, in the entire record relating to the proposal before the Commission.

2. Record of Proceedings

Supporting documentation and other materials (including documents maintained in electronic format) that constitute the record of proceedings upon which this determination is based can be found online and in the custody of the Commission's Executive Officer at office address:

San Luis Obispo Local Agency Formation Commission
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

The record of proceedings for Commission decisions on the proposal includes, but is not limited to, the following documents:

- a) Preparation of Municipal Service Review Determinations and Sphere of Influence update statements of its determinations:
 - LAFCO prepared a Municipal Service Review pursuant to Government Code section 56430 in 2013.
 - Written determination has been prepared pursuant to Government Code section 56430 (a) and section 56425 (e).
- b) Public notices issued by the Commission associated with the proposal.
 - LAFCO prepared and distributed a notice to the affected agencies and landowners on October 28, 2021, consistent with Government Code section 56427, and provided notice in a newspaper of general circulation per Government Code section 56153.
- c) List all resolutions and ordinances provided by the City of Paso Robles associated with the proposal's land use development approvals, service delivery, and environmental effects.
 - On June 16, 2020, the Paso Robles City Council adopted:
 - **Resolution A** Certifying the Environmental Impact Report (SCH # 2013101050), Adoption of Environmental Findings, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations Pursuant to the California Environmental Quality Act
- a. Exhibit A – CEQA Findings and Statement of Overriding Considerations
 - Exhibit A1 – Paso Robles Gateway Economic and Fiscal Impact Analysis
 - b. Exhibit B1 – Mitigation Monitoring Reporting Program (MMRP)
 - Exhibit B2 – Response to Comments
 - c. Exhibit C1 – Final Environmental Impact Report
 - Exhibit C2 – EIR Technical Appendices
 - d. Exhibit D – Templeton Area Advisory Group Comment Letter and Response
- **Resolution B** Initiating Proceedings to Annex Property
 - a. Exhibit A – Legal Description Text
 - b. Exhibit B – Legal Description Diagram
 - c. Exhibit C – Plan for Services

Exhibit C1 – Water Supply Assessment

- **Resolution C** Approving Lot Line Adjustment PR/COAL 18-0098
 - a. Exhibit A – Map PR/COAL 18-0098
 - b. Exhibit B – Settlement Agreement
 - c. Exhibit C – South Vine Street Realignment Preliminary Plan and Profile

- **Resolution D** Approving General Plan Amendment 17-03
 - a. Exhibit A – Land Use Element Text Amendment
 - b. Exhibit B – Land Use Element Diagram Amendments (B1, B2, B3, B4, B5)
 - c. Exhibit C – Open Space Element Text Amendment
 - d. Exhibit D – Open Space Element Diagram Amendment
 - e. Exhibit E – Conservation Element Diagram Amendment
 - f. Exhibit F – Safety Element Diagram Amendment (F1 – F9)
 - g. Exhibit G – Parks and Recreation Element Diagram Amendment

- **Ordinance A** Adopting Pre-Zoning/Zoning Code Amendment 17-003
 - a. Exhibit A – Zoning Code Text Amendment
 - b. Exhibit B – Zoning Code Diagram Amendment

- **Resolution E** Approving Conceptual Master Development Plan 17-009
 - a. Exhibit A – Conditions of Approval
 - b. Exhibit B – Site Plan – Project Statistics
 - c. Exhibit C – Conceptual Landscape Plan
 - d. Exhibit D – Conceptual Architectural Plans
 - e. Exhibit E – Preliminary Parking Plan
 - f. Exhibit F – Character Renderings
 - g. Exhibit G – Conceptual Highway Oriented/Free Standing Sign Program
 - h. Exhibit H - Phasing Plan

- **Resolution F** Approving Oak Tree Removal Permit OTR 20-043
 - a. Exhibit A – Arborist Report
 - b. Exhibit B – Oak Tree Protection and Removal Map
 - c. Exhibit C – FEIR Oak Tree Mitigation Measures

- **Resolution G** Approving VVTM TR 3120
 - a. Exhibit A – Conditions of Approval
 - b. Exhibit B – Map TR 3120
 - c. Exhibit C – Preliminary Grading and Drainage
 - d. Exhibit D – Preliminary Stormwater Quality Plan
 - e. Exhibit E – Preliminary Utility Plan

- **Ordinance B** Adopting Development Agreement between the City and Quorum Realty Fund IV
 - a. Exhibit A – Draft Pre-Annexation Development Agreement

Although the findings below identify specific pages within the record in support of various conclusions, the Commission incorporates by reference and adopts as its own, the reasoning set forth in the EIR and related documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions herein.

3. Significant Impacts Identified in the EIR (Section 15091)

The City of Paso Robles certified the EIR for the Paso Robles Gateway Project in May 2020, which evaluated environmental impacts associated with future development on the annexation site. The EIR identified certain significant environmental effects for the project. Other than approving the project analyzed in the EIR, changes and alterations to avoid or substantially lessen the significant environmental effects as identified in the EIR are within the responsibility and jurisdiction of the City of Paso Robles and not the Commission.

The Commission's jurisdiction to impose conditions on the project is limited under Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) and CEQA Guidelines sections 15050 (Lead Agency Concept) and 15096 (Process for a Responsible Agency). As a responsible agency, the Commission has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project that it decides to carry out, finance, or approve (CEQA Guidelines, section 15096(g)(1)).

The Commission hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code section 21081, and section 15091 of the CEQA Guidelines. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary of each potentially significant impact, describes the applicable mitigation measures, if any, identified in the Draft EIR or Final EIR as adopted by the City of Paso Robles, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts.

In order for LAFCO to consider the proposed annexation and SOI, a Statement of Findings is provided for the following impacts identified in the EIR as significant and unavoidable. LAFCO, as a Responsible Agency, has prepared the following Findings as required per CEQA Guidelines section 15096 (h).

The EIR identified several less than significant impacts (Class III), which the Commission has reviewed and considered and concurs with the conclusions of those respective impact analyses. The findings below, as required by CEQA Guidelines Section 15091, are associated with significant impacts, which includes significant impacts that are mitigable and significant impacts that are not mitigable.

CLASS I - SIGNIFICANT AND UNAVOIDABLE IMPACTS

Air Quality

Impact AQ - 1: **The project would not be consistent with the VMT assumptions and does not incorporate all applicable land use strategies and transportation control measures contained in the SLOAPCD 2001 CAP resulting in project inconsistency with the 2001 CAP. This impact would be Class I, significant and unavoidable.**

- a. Mitigation Measures: Prior to issuance of grading permits, the applicant shall include applicable VMT-reducing measures from the SLOAPCD CEQA Air Quality Handbook on project plans. Consistent with SLOAPCD guidance, VMT-reducing measures shall include, but would not be limited to:
- a. Expand San Luis Obispo County Regional Transit Authority Paso Express Routes with new stops on the project site or along South Vine Street to ensure the project site is within ¼ mile of a transit stop.
 - b. Provide public transit amenities (e.g., covered transit turnouts, direct pedestrian access, bicycle racks, covered bench, smart signage, route information displays, lighting, etc.) on the project site or along South Vine Street to facilitate expansion of Paso Express Routes prior to building permit issuance.
 - c. Develop an educational program with San Luis Obispo Regional Rideshare to provide occupants with alternative transportation and smart commute information (e.g., transportation board, electronic kiosk, new hire packets, web portal, newsletters, social media, etc.).
 - d. Implement programs to reduce employee vehicle miles traveled at non-residential uses (e.g., incentives; SLO Regional Rideshare trip reduction program; bicycle share programs; shuttles/vanpools; on-site employee lockers, showers, housing; alternative employee schedules 9e.g., 9–80s or 4–10s work schedules, telecommuting, satellite worksites, etc.).
 - e. Implement circulation design elements in parking lots for non-residential uses to reduce vehicle queuing and improve the pedestrian environment.
 - f. Exceed CalGreen standards for providing on-site bicycle parking at non-residential uses by 25 percent.

Plan Requirements and Timing. The project applicant shall incorporate Alternative Transportation and Transportation Demand Management Measures into Project plans. Developers of projects on the Project site shall incorporate applicable transportation demand measures into project plans and submit documentation to the city that employers in non-residential components of the Project have either implemented trip reduction measures or provided proof that applicable measures are infeasible.

Monitoring. The city shall verify that Alternative Transportation and Transportation Demand Management Measures have been incorporated into Project plans and that applicable improvements are included in developments on the Project site prior to issuance of occupancy permits. The city shall verify that public transit amenities have been installed prior to the issuance of the first occupancy permit. The city shall verify that onsite circulation design elements in parking lots and required on-site bicycle parking have been installed prior to the issuance of occupancy permits for non-residential uses.

- b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. Therefore, impacts related to consistency with the assumptions for VMT in the 2001 CAP would be significant and unavoidable (Refer to pages 4.3-11 through 4.3-16 of the Final EIR).

Impact AQ - 3: Operation of the project would generate long-term operational air pollutant emissions that would exceed SLOAPCD daily emissions thresholds for ROG + NOX and Fugitive PM10. Implementation of SLOAPCD's standard mitigation measures would reduce emissions to the extent feasible. However, impacts would remain Class I, significant and unavoidable.

- a. Mitigation Measures: Prior to issuance of grading permits, the applicant shall include standard emission reduction measures from the SLOAPCD CEQA Air Quality Handbook to reduce ROG, NOX, DPM, and PM10 emissions below SLOAPCD threshold levels on project plans. Consistent with SLOAPCD guidance, land use emission reduction measures shall include, but would not be limited to:
- a. Install electric fireplace in place of U.S. EPA certified Tier 2 residential wood-burning appliances.
 - b. Provide shade over 50 percent of parking spaces in parking areas to reduce evaporative emissions from parked vehicles. Shade may be provided by trees, overhangs, shading structures, or other means, as appropriate.
 - c. Reduce fugitive dust from roads and parking areas with the use of paving or other materials.
 - d. Implement driveway design standards (e.g., speed bumps, curved driveway) for self-enforcement of reduced speed limits on unpaved driveways.
 - e. Use a SLOAPCD-approved suppressant on unpaved roads, driveways, and parking areas applied at a rate and frequency that ensures compliance with SLOAPCD Rule 401 (Visible Emissions) and ensures off-site nuisance impacts do not occur.
 - f. Encourage non-residential land uses to provide a childcare facility on-site.
 - g. Meet or exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings.
 - h. Meet or exceed applicable building standards at the time of development for utilizing recycled content materials.
 - i. Meet or exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions.
 - j. Meet or exceed applicable building at the time of development standards for the use of greywater, rainwater, or recycled water.
 - k. Meet or exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the "heat island" effect.

- l. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation.
- m. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass, and/or biogas) sufficient to meet or exceed applicable building standards at the time of development with a goal of achieving ZNE buildings.
- n. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.

Plan Requirements and Timing. The Project applicant shall submit proof that the Land Use Emission Reduction Measures have been incorporated on Project plans, or proof that implementation of one or more measures is infeasible.

Monitoring. City shall verify that the Land Use Emission Reduction Measures are included on site and building plans prior to issuance of building permits. A qualified Air Quality Analyst shall confirm that land use emissions reductions can be satisfied with land use emissions reduction measures.

- b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. Therefore, the project would result in a long-term increase in criteria pollutants for which the SCCAB is in nonattainment, and long-term operational impacts would be significant and unavoidable (Refer to pages 4.3-20 through 4.3-23 of the Final EIR).

Greenhouse Gas Emissions

Impact GHG - 1: Construction and operation of the project would generate temporary and long-term increases in GHG emissions. These emissions would result in a significant contribution to global climate change. This impact would be Class I, significant and unavoidable.

- a. Mitigation Measures: Prior to permit issuance, the developer shall prepare a GHG Emissions Reduction Program that reduces annual GHG emissions from the development by a minimum of approximately 3,146 MT of CO₂e per year (5.5 MT of CO₂e per person per year) over the operational life of the proposed development. A qualified GHG Analyst shall confirm that GHG emissions reductions can be satisfied with GHG Emissions Reduction Program measures. The plan shall be implemented on-site by the developer and may include, but is not limited to, components such as:
 - a. Installation of renewable energy facilities;
 - b. Construction of buildings that achieve energy and water efficiencies beyond CCR, Title 24 requirements;
 - c. Implementation of green building practices and/or cool roofs;
 - d. Installation of energy-efficient equipment and appliances exceeding California Green Building Code standards;

- e. Installation of outdoor water conservation and recycling features, such as smart irrigation controllers and reclaimed water usage;
- f. Installation of low-flow bathroom and kitchen fixtures and fittings;
- g. Installation of light emitting diode (LED) lights;
- h. Implementation of waste reduction programs that may include waste minimization, waste diversion, composting, and material reuse/recycling;
- i. Provision of incentives and outreach that promote alternative transportation and transit use to future employees and patrons;
- j. Construction of bicycle and pedestrian-oriented facilities (e.g., bicycle parking spaces);
- k. Promotion of alternative fuel vehicles, including through the installation of electric vehicle charging infrastructure; or
- l. Implementation of carbon sequestration measures, such as tree planting; or
- m. Purchase carbon offsets to reduce GHG emissions below threshold levels.

Plan Requirements and Timing. The GHG Emissions Reduction Program shall be submitted by the developer and reviewed and approved by City staff. Applicable elements of the approved GHG Emissions Reduction Program shall be reflected on site plans and building permits prior to permit approval. Purchase of carbon offsets shall be approved by City staff prior to permit approval. The purchase of carbon offsets would not subject the Project to California's cap-and-trade program.

Monitoring. City staff shall verify compliance with this measure prior to the issuance of grading permits and building permits. The qualified GHG Analyst shall confirm GHG emissions reductions achieved with implementation of GHG Emissions Reduction Program measures.

- b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. No other feasible mitigation measures are available that would further reduce this impact to a less than significant level. Therefore, impacts related to GHG emissions would remain significant and unavoidable (Refer to pages 4.7-18 through 4.7-20 of the Final EIR).

Impact GHG - 2: **The project would be inconsistent with the City's Climate Action Plan, 2019 RTP, and the 2017 Scoping Plan. This impact would be Class I, significant and unavoidable.**

- a. Mitigation Measures: The developer shall incorporate GHG emission reduction measures into the project plans that are consistent with the "mandatory" measures identified in the Paso Robles Climate Action Plan (CAP). To the extent possible, "voluntary" measures identified in the city's CAP should also be incorporated. Consistent with the city's CAP, GHG reduction measures shall include, but would not be limited to:

- a. All public improvement plans and on-site improvement plans shall utilize LED high-efficiency lights for parking lots, streets, trails, and other public areas. (CAP Measure E-5)
- b. Building permit plans for all commercial buildings shall include only LED high-efficiency lights in parking areas and other exterior spaces. (CAP Measure E-5)
- c. Building permit plans for all commercial, mixed-use resort residential, and hotel development shall include on-site bicycle parking beyond that required by the California Green Building Standards Code (e.g., lockers or a locked room with standard racks and access limited to bicyclists only). (CAP Measure TL-1)
- d. The project site's internal circulation network shall minimize barriers to pedestrian access and interconnectivity and shall incorporate traffic calming improvements as appropriate (e.g., marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, median islands, minicircles, tight corner radii, etc.). (CAP Measure TL-2)
- e. The project site's internal circulation network shall be designed accommodate a future public transit bus stop, or the project shall coordinate with the City to provide a future transit stop along South Vine Street. (CAP Measure TL-3)
- f. Project development shall comply with CALGreen Tier 1 or Tier 2 standards for water efficiency and conservation. (CAP Measure W-1)
- g. Project plans shall include infrastructure to accommodate recycled water when it becomes available. (CAP Measure W-1).
- h. The project shall utilize recycled water to the maximum extent feasible when recycled water becomes available. (CAP Measure W-1)
- i. Construction activity on the project site shall divert a minimum of 65 percent of non-hazardous construction or demolition debris. (CAP Measure S-1)
- j. Electrically powered appliances (e.g., water heaters, clothes dryers, cooking appliances, pool heating systems) shall be used in new development to the extent practicable. Where gas appliances are installed, electrical services shall be provided to accommodate future retrofit to electrical appliances.

Plan Requirements and Timing. The Project applicant shall incorporate Greenhouse Gas Emission Reduction Measures into Project plans and submit documentation to the city that measures have been implemented or provide proof to the city that equivalent reductions have been achieved through other city-approved emissions reduction practices.

Monitoring. The Project applicant shall retain a third-party greenhouse gas consultant to provide a statement to the city that verifies that Greenhouse Gas Reduction Measures have been incorporated into the Project prior to issuance of building permits and again prior to issuance of occupancy permits.

- b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. No other feasible mitigation measures are available that would further reduce this

impact to a less than significant level. Therefore, the project would be inconsistent with these GHG reduction plans, and this impact would be significant and unavoidable (Refer to pages 4.7-21 through 4.7-23 of the Final EIR).

Transportation/Traffic

Impact T - 1: **The project would add traffic to the U.S. 101/Main Street interchange, where the Level of Service currently exceeds the county LOS D target. Project impacts on county transportation facilities would be Class I, significant and unavoidable.**

- a. **Mitigation Measures:** The project Applicant shall contribute an equitable share to the Templeton Road Improvements fee program, in the amount specified for Area C of the Areas of Benefit of the Templeton Traffic Circulation Study, for the six (6) project-added PM peak hour trips at the U.S. 101/Main Street northbound off-ramp, and the three (3) project-added PM peak hour trips at the U.S. 101/Main Street southbound off-ramp.

Plan Requirements and Timing. Proof of payment to the County of San Luis Obispo of the fair share contribution for required improvements shall be submitted prior to final of the first building permit for the Project.

Monitoring. The city shall ensure compliance prior to final of the first building permit.

- b. **Finding:** The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. No other feasible mitigation measures are available that would further reduce this impact to a less than significant level (Refer to pages 4.13-20 through 4.13-29 of the Final EIR). Therefore, project impacts to these intersections would be significant and unavoidable.

Impact T - 5: **Under General Plan Buildout + Project conditions, U.S. 101 mainline segments and intersection operations would exceed the Caltrans LOS C target. Therefore, the project's contribution to impacts to deficient General Plan Buildout transportation system conditions would be Class I, significant and unavoidable.**

- a. **Mitigation Measures:** The project applicant shall fund improvements to transportation facilities in the project vicinity prior to issuance of building permits. As described in the Development Agreement for the project, the project will secure the right-of-way necessary to facilitate the construction of the South Vine Street realignment and will also contribute to a portion of the cost of the South Vine Street realignment. The Development Agreement further provides that, to the extent the Developer dedicates land, funds, or constructs public facilities that exceed the size or capacity required to serve the Property for the benefit of other properties, the Developer may be reimbursed for oversizing as credits against impact fees that the Developer or the project would otherwise be required to pay for the type of infrastructure that is required to be oversized. Here, the right-of-way contributions identified in the Development Agreement are intended to offset General Plan buildout transportation improvement funding requirements for the project and will

be credited toward such requirements. Any funding paid by the project applicant, as required by this measure, would not fund U.S. 101 improvements or alternative transportation measures where impacts are identified on U.S. 101 Northbound North of SR 46 West because funding programs are not available for improvements within the Caltrans right-of-way.

Plan Requirements and Timing. Any funds required of the applicant beyond those credited for securing the South Vine Street right-of-way and contribution to improvements shall be submitted, as agreed upon in the Development Agreement, prior to final of the first building permit.

Monitoring. The city shall ensure compliance with this measure prior to final of the first building permit.

- b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make the mitigation measures or project alternatives identified in the Final EIR infeasible. No other feasible mitigation measures are available that would further reduce this impact to a less than significant level. Because of the lack of feasible mitigation to address this impact and because of uncertainty associated with timing and implementation, identified impacts to the impacted Caltrans intersection and freeway segments would be significant and unavoidable (Refer to pages 4.13-35 through 4.13-39 of the Final EIR).

CLASS II - SIGNIFICANT BUT MITIGABLE

Aesthetics and Visual Resources

Impact AES-1: **The Project would change views of scenic resources on the Project site, including oak covered hillsides and riparian corridors, to include urban development, as experienced from an identified Visual Corridor and Gateway to the City along SR 46 West, and eligible state scenic highways. This impact would be Class II, potentially significant but mitigable.**

- a. Mitigation Measure: A Master Landscape Plan shall be prepared for coordinated design and implementation of landscaping throughout the Project site. The Master Landscape Plan shall indicate specific best practices for landscaping on the Project site, including as landscape buffers between residential/hotel and non-residential development and open space/agricultural areas, plantings that screen outdoor parking areas and residential and non-residential structures, and shielded lighting. The Master Landscape Plan shall be developed in coordination with the requirements in Mitigation Measures BIO-4(a) and BIO-4(b) for the replacement and protection of oak trees on the Project site.
 - a. Retaining/barrier walls and other vertical boundaries shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Walls shall be landscaped to provide screening from adjacent open space areas, visual corridors, and gateways (SR 46 West), using drought-tolerant, low-maintenance, and native species where appropriate. Perimeter landscaping of retention/drainage basins shall consist of low maintenance trees and shrubs.
 - b. Retaining/barrier walls shall be limited to 5 feet in height, measured from the top of grade in front of the wall to the top of the wall cap. Where retaining conditions require walls to

- be higher than 5 feet, the wall shall be separated into two or more walls with a minimum of 3 feet between each wall for screen planting.
- c. Landscaping using native oak trees, shrubs, and groundcover shall be preferred to perimeter fencing to the maximum extent feasible. Where required, perimeter fencing shall be decorative and designed to minimize interference with wildlife movement.
 - d. All medians and strips designated for landscaping shall utilize drought-tolerant species to the maximum extent feasible, consisting of low maintenance trees, shrubs, and groundcover that do not obstruct views for motorists, bicyclists, and pedestrians.
 - e. Decorative natural turf is prohibited.
 - f. The extent, height, and quantity of cut and fill shall be minimized to the extent feasible to preserve natural components of the existing landscape, including existing oak trees.

Plan Requirements and Timing. These requirements shall be reflected on the Master Landscape Plan and on subsequent grading and building plans for review by the City prior to issuance of permits or approval or improvement plans that are submitted in conjunction with improvement plans for each development area, public improvement plans, on-site improvement plans, and commercial, hotel and residential plot plans.

Monitoring. City staff shall verify the submittal of landscape plans with any permits listed above and review all landscape plans for consistency with Project development plans as applicable. Prior to all building permit finals or improvement plans, City staff shall inspect all landscape installations.

- b. Finding: The Commission finds that Mitigation Measures BIO-4(a), BIO-4(b), and AES-1 are feasible, are adopted, and will further reduce impacts to scenic resources, including oak covered hillsides and riparian corridors. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to scenic resources (Refer to pages 4.1-13 through 4.1-15 of the Final EIR.)

Impact AES-3: The Project would introduce new sources of light and glare that would increase light levels in the vicinity of the Project site with the possibility of adversely affecting daytime and nighttime views. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: The Project applicant shall provide an overall lighting plan that demonstrates that the Project complies with the General Plan Policy LU-2D, which requires that:
 1. New lighting shall be shielded and directed downward, and that light and glare not adversely affect adjacent properties.
 2. For all development located near adjacent properties, exterior lighting shall be designed and constructed in such a manner to direct light overflow away from those properties.
 3. All lighting shall be International Dark Sky Association compliant to reduce impacts to nighttime views in the area.
 4. All lighting fixtures shall be fully shielded and fully cut-off.
 5. Lighting shall be of low intensity, the minimum wattage required and of minimum height.

6. Project building surfaces shall incorporate low-reflectivity window glass and architectural materials.

Plan Requirements and Timing. The owner/applicant shall develop a lighting plan incorporating the above requirements for City staff review. The lighting plan shall show the locations and height of all exterior lighting fixtures and the direction of light being cast by each fixture. This requirement and glare reduction requirements shall be reflected on building plans and improvement plans, subject to review and approval by City staff. City staff shall review the lighting plan for compliance with this condition prior to approval of building permits and development plans. Lighting shall be installed in compliance with this condition prior to final building inspection clearance.

Monitoring. City staff shall site inspect upon installation to ensure that exterior lighting fixtures have been installed consistent with their depiction and specifications on the final lighting plan and that building surfaces are low-reflectivity consistent with building plans.

- b. Finding: The Commission finds that Mitigation Measure AES-3 is feasible, is adopted, and will further reduce impacts of lighting and glare on the project site. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts associated with lighting and glare (Refer to pages 4.1-20 through 4.1-22 of the Final EIR).

Agriculture and Forestry Resources

Impact AG-1: **Implementation of the Project would require conversion of approximately 28.9 acres of land with a soil type classified as farmland of statewide importance to non-agricultural uses. This impact would be Class II, potentially significant but mitigable.**

- a. Mitigation Measure: Of the 82 acres on the Project site designated within the Agricultural land use category, as shown on the Land Use Plan in Figure 2-3 in Section 2, Project Description, at least 28.9 acres of vineyard shall be recorded in a permanent agricultural/conservation easement and the remaining acreage shall be used as additional vineyard or other agricultural use. The land to be recorded in permanent agricultural/conservation easement is not currently designated as prime farmland. In order to constitute prime agricultural land for a 1:1 offset to meet LAFCO annexation requirements; the area recorded in a permanent agricultural/conservation easement shall be planted with a fruit bearing crop (i.e., vineyards) that will have a commercial value of at least \$400.00 per acre.

Plan Requirements and Timing. The Project applicant shall demonstrate on Project plans the areas of the Project site that will be designated for agricultural use before final plan approval. The Project applicant shall also submit proof of permanent agricultural/conservation easement prior to final plan approval. Agricultural planting within the agricultural easement areas shall be installed and verified prior to the final inspection of the first building permit for the Project.

Monitoring. The recordation of the agricultural conservation easement shall occur prior to, or concurrently with, the filing of the Certificate of Completion by LAFCO. The City shall verify that

the agricultural areas are designated on plans prior to final plan approval. City shall verify that the crops have been planted uses prior to the final inspection of first building permit.

- b. Finding: The Commission finds that Mitigation Measures AG-1 is feasible, is adopted, and will further reduce impacts regarding conversion of prime farmland to non-agricultural uses. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to the conversion of prime farmland. (Refer to pages 4.2-13 through 4.2-15 of the Final EIR).

Impact AG-2: **The Project would result in development of new resort residential, hotel, and commercial uses adjacent to existing vineyards, which may result in conflicts that would adversely affect the long-term viability of agricultural uses on adjacent properties. This impact would be class II, potentially significant but mitigable.**

- a. Mitigation Measure: **(a) Agricultural Buffers:** Agricultural buffer easements, berms, and/vegetative screening shall be implemented on newly recorded lots of the Project site adjacent to active agricultural uses outside of the Project site. Agricultural buffer easements, berms, and/vegetative screening shall provide a minimum of 50 feet between active agricultural land uses outside of the Project site along the northwestern and southwestern boundaries between proposed development areas 3 and 5 and adjacent properties. These buffers between the proposed uses and surrounding properties would reduce and/ or avoid noise, dust, light impacts, odors, chemical use, and pesticide drift to new resort residential and hotel uses on the Project site. The requirement will be a condition of approval of discretionary development applications, consistent with the requirements of Action Item 10 under Policy OS-1A and Action Item 4 under Policy LU-2E in the City's General Plan and will include City-approved measures to reduce availability of public access to agricultural cultivation areas adjacent to the Project site (e.g., fencing, signs). Future residents and hotel/commercial lessees shall be notified of agricultural buffers as part of purchase or lease agreements.

Plan Requirements and Timing. The applicant shall clearly identify buffers and access restrictions on the development plans and Vesting Tentative Tract Map (TTM 3120).

Monitoring. The city shall review and approve the agricultural buffers prior to approval of TTM 3120 for the Project and shall ensure that buffers are implemented in compliance with General Plan Policy OS-1A and Policy LU-2E. The city shall review the development plans and TTM 3120 to ensure that design includes buffers and access restrictions as required under Mitigation Measure AG-2(a). Field inspections at appropriate phases of project construction shall confirm compliance with Mitigation Measure AG-2(a).

(b) Right to Farm Notification: Development within the Project site would also be required to comply with the city's right to farm ordinance, to reduce conflicts with nearby agricultural operations by notifying prospective purchasers of land in close proximity to agricultural operations of the inherent problems, including agriculture-related sounds, dust, odor, fertilizers, pesticides, smoke, and vibrations, associated with such purchases. In accordance with the city's

right to farm ordinance (Municipal Code Section 21.16J.220), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective property owners and lessees on the Project site aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, comprehensive supplemental notification information regarding vineyard operations shall be provided to prospective property owners prior to property transfer, based on consultation with the San Luis Obispo County Department of Agriculture/Weights and Measures. Should vineyard maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective Project residents.

Plan Requirements and Timing. The applicant shall prepare and distribute right to farm notifications to prospective property owners and lessees upon all property transfers.

Monitoring. The city shall verify inclusion of right to farm notifications upon review and approval of all property transfers.

- b. Finding: The Commission finds that Mitigation Measures AG-2(a), AG-2(b) and AQ-2(g) are feasible, are adopted, and will further reduce impacts regarding agricultural conflicts. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to the conversion of agricultural conflicts (Refer to pages 4.2-15 through 4.2-18 of the Final EIR).

Impact AG-4: The Project may result in the conversion of forest land to non-forest uses. This impact would be Class II, less than significant with implementation of mitigation.

- a. Mitigation Measure: Mitigation Measures BIO-4(a) and BIO-4(b) would provide for preservation and compensatory mitigation for the loss of oak trees on the Project site.
- b. Finding: The Commission finds that Mitigation Measures BIO-4(a) and BIO-4(b) are feasible, are adopted, and will further reduce impacts regarding conversion of forest land to non-forest uses. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to the conversion of forest land (Refer to pages 4.2-19 through 4.2-20 of the Final EIR).

Air Quality

Impact AQ-2: Construction of the Project would generate temporary increases in criteria air pollutant emissions. Construction emissions of ROG and NOX would not exceed SLOAPCD construction thresholds. However, SLOAPCD requires any project with grading areas greater than 4.0 acres or that are within 1,000 feet of any

sensitive receptor to implement standard fugitive dust mitigation measures. Impacts would be Class II, potentially significant but mitigable.

- a. **Mitigation Measure: Construction Activity Management Plan and Fugitive Dust Control Measures.** The following SLOAPCD-recommended dust control measures shall be implemented to reduce construction generated fugitive dust. A Construction Activity Management Plan (CAMP) shall be prepared for the Project and shall include these measures. These measures shall also be shown on Project grading and building plans.
 - a. Reduce the amount of the disturbed area where possible.
 - b. Use water trucks, SLOAPCD-approved dust suppressants, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph and during summer months (i.e., June through September). Reclaimed (non-potable) water should be 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 a SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.
 - c. All dirt stockpile areas shall be sprayed with water, or a SLOAPCD-approved dust suppressant daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, native erosion control seed mix and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the City of Paso Robles.
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
 - j. Wheel washers shall be installed at the construction site entrance/exist, tires or tracks of all trucks and equipment leaving the site shall be washed, or other SLOAPCD-approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways shall be implemented.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
 - l. The burning of vegetative material shall be prohibited.
 - 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 percent opacity, and to prevent transport of dust off-site. 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 and City of Paso Robles prior to the start of any grading, earthwork, or demolition.

- n. When applicable, portable equipment, 50 horsepower or greater, used during construction activities shall be registered with the statewide Portable Equipment Registration Program (issued by CARB) or be permitted by SLOAPCD. 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).

Plan Requirements and Timing. The CAMP shall be submitted by the developer and reviewed and approved by City staff. Fugitive dust control measures in the CAMP shall be included on grading plans, as applicable. The Project applicant shall submit proof of implementation of SLOAPCD-approved measures before final inspection of grading. For measures that include a feasibility component, the Project applicant shall submit proof of implementation, or proof that implementation was determined to the satisfaction of the City or City-approved third-party air quality consultant to be infeasible.

Monitoring. City staff shall verify compliance with this measure prior to the issuance of grading permits and building permits. City staff verify compliance with fugitive dust control measures periodically during construction activities.

- b. Finding: The Commission finds that Mitigation Measure AQ-2 is feasible, is adopted, and will further reduce impacts to air quality. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to air quality (Refer to pages 4.3-16 through 4.3-20 of the Final EIR).

Impact AQ-5: Grading and other earthmoving activities during Project construction would have the potential to expose sensitive receptors to Coccidioides fungus, which can cause Valley Fever. This impact would be less Class II, potentially significant but mitigable.

- a. Mitigation Measure: **Valley Fever Suppression Measures:** The Project applicant and contractor(s) shall implement the following measures during construction activities to reduce impacts related to valley fever.
 - a. If peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 mph or lower and outdoor air temperatures are below a peak daily temperature of 90 degrees for at least two consecutive days. The additional dust suppression measures shall be incorporated into the Construction Activity Management Plan (CAMP) (see Mitigation Measure AQ-2).

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- b. Heavy construction equipment traveling on un-stabilized roads within the Project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads. This measure shall be incorporated into the CAMP (see Mitigation Measure AQ-2).
 - c. The Project developer(s) shall notify the San Luis Obispo County Public Health Department and the City of Paso Robles Community Development Department not more than 60 nor less than 30 days before construction activities commence to allow the San Luis Obispo County Public Health Department opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.
 - d. Prior to any Project grading activity, the Project construction contractor(s) shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for Project workers and shall identify safety measures to be implemented by construction contractors during construction. Prior to initiating any grading, the Project applicant shall provide the City of Paso Robles and the San Luis Obispo County Public Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to City staff that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).
 - e. The applicant shall work with a medical professional, in consultation with the San Luis Obispo County Public Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the Project site that includes the following information on Valley Fever:
 - Potential sources/causes
 - Common symptoms
 - Options or remedies available should someone be experiencing these symptoms
 - The location of available testing for infection

Prior to construction permit issuance, this handout shall have been created by the applicant and reviewed by City staff. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the Project site.

Plan Requirements and Timing. The Project applicant shall submit the CAMP, including the Valley Fever Suppression Measures, to the City of Paso Robles and SLOAPCD for review prior to the issuance of grading permits for the first Project phase. The applicant shall submit proof that San Luis Obispo County Public Health Department has been notified prior to commencement of construction activities; a worker training program has

been conducted; and the educational handout has been mailed to existing residences and businesses within three miles of the Project site.

Monitoring. City staff shall verify compliance with the CAMP, including the Valley Fever Suppression Measures, through review of the third-party consultant evaluation reports. City staff shall also verify notification of the San Luis Obispo County Public Health Department, implementation of the worker training program, and mailing of the educational handout via applicant-submitted materials.

- b. Finding: The Commission finds that Mitigation Measures AQ-2, AQ-3, and AQ-5 are feasible, are adopted, and will further reduce impacts related to exposure of sensitive receptors to *Coccidioides* fungus, which can cause Valley Fever. Mitigation measures will further reduce impacts related to exposure of sensitive receptors to *Coccidioides* fungus, which can cause Valley Fever (Refer to pages 4.3-24 through 4.3-26 of the Final EIR).

Biological Resources

Impact BIO-1: The project would result in impacts to special status species including shining navarretia, northern California legless lizard, lesser slender salamander, Cooper's hawk, white-tailed kite, golden eagle, loggerhead shrike, Monterey dusky-footed woodrat, Salinas pocket Mouse, and American badger, if present. Ground disturbing activities could result in injury or mortality to individuals of these species and remove suitable habitat. This impact would be Class II, significant but mitigable.

- a. Mitigation Measure: **BIO-1(a) Special Status Plant Pre-construction Surveys:** Prior to construction (including staging and mobilization) and when plants with potential to occur are in a phenological stage conducive to positive identification (i.e., usually during the blooming period for the species), a qualified botanist (retained by the applicant and approved by the City) shall conduct surveys for special status plant species within suitable habitat across the Project site. Within the portion of the Project site previously surveyed by Althouse and Meade on June 21, 2019 (Appendix D), these surveys shall target the early blooming (spring) time period and be combined with the late season botanical survey previously conducted. For all portions of the Project site not previously surveyed for special-status plants, a complete botanical survey (i.e. two surveys spread out during the time period within which any special-status plants with potential to occur are in a phenological stage conducive to positive identification) shall be conducted. Reference sites shall be visited to document that target species are detectable prior to site surveys and/or confirm that phenology of species known to bloom and co-occur with target species is suitable for detection if a publicly accessible reference site is not available for a given species. Valid botanical surveys will be considered current for up to five years; if construction has not commenced within five years of the most recent survey, botanical surveys shall be repeated.

Plan Requirements and Timing. This measure shall be implemented prior to issuance of grading permits and/or initiation of site disturbance/construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(b) Special Status Plant Species Avoidance: If state listed, federally listed, or non-listed CRPR 1B.1 species are discovered within the survey area, an impact analysis to evaluate how the Project would impact the special status plants shall be completed. If feasible, development would be re-designed in coordination with a qualified biologist to avoid impacting these plant species. Special status plants that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits will be flagged and fenced off by a qualified biologist before construction activities start, to avoid impacts to special status plant species. If avoidance of state listed or federally listed plants species is not feasible, impacts must be fully offset through implementation of a restoration plan that results in no net loss (see measure BIO-1(c)). Note that prior to implementing activities that result in impacts to listed plants, consultation with CDFW and/or USFWS and acquisition of any required permits and/or authorizations must also be completed.

Plan Requirements and Timing. If required, the components of this measure shall be implemented prior to issuance of grading permits and/or initiation of site disturbance/construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(c) Restoration Plan for Special Status Plant Species: If avoidance of state listed, federally listed, and/or non-listed CRPR 1B.1 species is not feasible, all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. The restoration plan shall include, at a minimum, the following components:

- a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- b. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- c. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- d. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- f. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year, along with performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, and annual monitoring reports for a minimum of five years at which time the project

- proponent shall demonstrate that performance standards/success criteria have been met;
- g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80% survival of container plants and 70% absolute cover by vegetation type. Absolute cover will be determined in comparison to a reference plot for native species.
 - h. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
 - i. Notification of completion of compensatory mitigation; and
 - j. Contingency measures (e.g. initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements and Timing. If required, the components of this measure shall be implemented prior to issuance of grading permits and/or initiation of site disturbance/construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(d) Northern California Legless Lizard and Lesser Slender Salamander Impact Avoidance and Minimization. Pre-construction surveys for northern California legless lizard and lesser slender salamander shall be conducted, as applicable, prior to primary grubbing and other construction activities that affect previously undisturbed habitat. The surveys shall be conducted at appropriate times of day or night to locate each species, and shall be conducted within 3 weeks of the start of work. If no special status species are found, construction activities may begin immediately. If non-listed special status species are found, a qualified biologist shall move them to the nearest safe location. The Project biologist shall have the authority to stop work if special status species are found in the Project areas during construction.

Plan Requirements and Timing. This measure shall be implemented prior to issuance of grading permits and/or initiation of site disturbance/construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(e) Special Status Birds, Nesting birds, and Raptors Impact Avoidance and Minimization. If initial ground disturbing activities and vegetation removal occurs during the typical avian nesting period, between March 15 and August 15, nesting bird surveys shall be conducted by a qualified biologist within one week prior to initial ground disturbance activities or removal of vegetation. Surveys shall continue to be conducted within the timeframes specified above until all vegetation removal activities are completed. 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 of passerine species and 300 feet of nests of raptor species until chicks are fledged. A pre-construction survey report shall be submitted to the City 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 area and nest locations shall be included with the report. The biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and tolerance of the species in question to Project activities where normal attendance of the nest is not affected.

Plan Requirements and Timing. The survey is required if initial ground disturbing activities or vegetation removal occurs between March 15 and August 15. If a survey is required, results of the survey shall be submitted to the City within one week of conducting the survey. The Owner/Applicant shall establish avoidance buffers prior to commencement of construction activities, as required.

Monitoring. The City shall review and approve the survey results and provide confirmation of compliance with the conditions outlined in the measure. The City shall ensure the avoidance buffers are established and maintained as needed.

BIO-1(f) Monterey Dusky-footed Woodrat Impact Avoidance and Minimization. Where practicable a 25-foot setback from known woodrat nests shall be established for all Project activities. Planned construction would avoid known woodrat nests. However, if during construction it is found that a woodrat nest cannot be avoided, it shall be dismantled prior to land clearing activities, to allow animals to escape harm and to reestablish territories for the next breeding season. Dismantling of woodrat nests shall be conducted under the supervision of a qualified biologist. Woodrat nests shall be dismantled outside the breeding season, between September 1 and December 31. Dismantling shall be done by hand or mechanized equipment, but techniques shall be employed that allow any animals to escape toward available habitat. If a litter of young is found or suspected, woodrat nest material should be replaced, and the nest left undisturbed for 2-3 weeks before a re-check to verify that young are capable of independent survival before proceeding with woodrat nest dismantling.

Plan Requirements and Timing. The Owner/Applicant shall establish avoidance buffers prior to commencement of construction activities, as required. Woodrat nest dismantling, if required, shall occur between September 1 and December 31.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(g) American Badger Impact Avoidance and Minimization. A pre-construction survey for American badger dens shall be conducted by a qualified biologist within 15 days prior to the start of construction for any specific phase of the Project. If potential badger dens are identified, they shall be inspected by the qualified biologist to determine whether they are occupied. The survey shall cover all Project areas included in the respective construction phase, 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 may be used to examine the den to the end, or other means of determining occupancy such as motion-activated wildlife cameras may also be utilized, under the direction of the qualified biologist. If the camera method is used, cameras must be used for four consecutive

nights to make a determination on den activity and occupancy status. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens between February and July, nursing young may be present. To avoid disturbance and the possibility of direct loss 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 1 and July 1. Between July 1 and February 1 all potential badger dens shall be inspected by a qualified biologist to determine if badgers are present. If present, they may be encouraged to vacate the den by a qualified biologist, and after the biologist has confirmed the animal has vacated the den, excavated by hand with a shovel to prevent re-use of the den during construction.

Plan Requirements and Timing. The Owner/Applicant shall establish avoidance buffers prior to commencement of construction activities, as required. Potential badger den destruction, if required, shall occur between July 1 and February 1.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-1(h) Worker Environmental Awareness Program Training. Prior to the initiation of construction activities (including staging and mobilization), the Owner/Applicant shall ensure all personnel associated with project construction attend a Worker Environmental Awareness Program (WEAP) training. The initial training shall be conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. Additional trainings for new personnel may be given through an electronic presentation prepared by the qualified biologist. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them.

Plan Requirements and Timing. The training shall occur prior to construction activities. The Owner/Applicant shall provide the signed form of all attendees within one week of the training to the City to document compliance.

Monitoring. The City shall verify that the worker awareness program conforms to the required conditions.

BIO-1(i) Open Space Management Plan. The Owner/Applicant shall develop an Open Space Management Plan (OSMP) that describes the maintenance and management of open spaces and riparian habitats on the property post-construction. The OSMP shall be focused on the open space area that is a subset of the 98 acres of Area 7 (see Table 2-1) that are not designated to either remain in agricultural production or be converted to agricultural production. The OSMP will

address weed control as well as protection of nesting birds and special status species during routine maintenance and other allowed uses within the open space (e.g., vegetation management activities that may be required as part of a fuels management program, etc.). In addition, the OSMP will address protection of riparian corridors adjacent to agricultural use areas, and protection of any native oak trees that are to remain within the open space. The OSMP will be a tool to guide approved future uses within the open space area, such as allowed recreational uses ensuring that required on-site mitigation measures are implemented as they relate to the above mentioned resources.

The OSMP shall be prepared by a qualified biologist and shall include the following:

- Introduction, including a summary of applicable conditions of approval that make the plan necessary; the stated purpose and goal of the OSMP, and a discussion of financial mechanisms and any necessary agreements required to support the open space management area;
- Survey and Mapping Methods, including habitat type references such as A Manual of California Vegetation, Second Edition (Sawyer et al. 2009);
- Description of environmental setting (topography, soils, vegetation, wildlife, functions and values of habitats, etc.);
- Management goals and objectives; (examples include: [1] to ensure long-term protection of native plant communities and wildlife habitat in the open space areas on site; [2] to establish baseline conditions upon which adaptive management will be determined and success will be measured; and [3] to provide an overview of the operation, maintenance, administrative and personnel requirements to implement management goals);
- Provisions for Adaptive Management, including remedial actions if necessary;
- Incorporation of applicable mitigation measures as they relate to sensitive biological resources that are present or may be present in open space areas in the context of the allowable uses;
- Incorporation of any compensatory mitigation requirements (if required) that would occur within the open space for on-site mitigation pursuant to a habitat restoration plan (Mitigation Measures BIO-2[b])

Plan Requirements and Timing. The OSMP shall be reviewed by the City prior to issuance of grading permits and/or initiation of site disturbance/construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

- b. Finding: The Commission finds that Mitigation Measures BIO-1(a) through BIO-1(i) are feasible, are adopted, and will further reduce impacts to sensitive species. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to sensitive species (Refer to pages 4.4-16 through 4.4-24 of the Final EIR).

Impact BIO-2: **The project may result in impacts to riparian areas. This impact would be Class II, significant but mitigable.**

- a. **Mitigation Measure: BIO-2(a) Jurisdictional Delineation and Agency Permits:** A jurisdictional delineation shall be conducted on the Project site according to state and federal standards to determine the extent of CWA Section 404 wetlands and waters under jurisdiction of the USACE, CWA Section 401 waters and wetlands under jurisdiction of the State Water Resources Control Board and Regional Water Quality Control Board, and CFGC Section 1600 et seq. for any streams and/or riparian vegetation under CDFW jurisdiction. Based on the results of the jurisdictional delineation, if impacts are determined to any jurisdictional feature or habitat, the proponent shall apply for and obtain required permits from the USACE, RWQCB, and/or CDFW as applicable prior to the start of construction.

Plan Requirements and Timing. The Owner/Applicant shall provide the City with results of the jurisdictional delineation prior to issuance of grading permits, and provide copies of any applicable agency permits acquired before the start of construction.

Monitoring. The City shall review and approve documentation of compliance with the conditions outlined in the measure.

BIO-2(b) Mitigate for Loss of any Riparian Areas: Based on the results of the jurisdictional delineation (BIO-2(a)), and determination of impacts (if any) to riparian vegetation, the Owner/Applicant shall mitigate the loss of riparian habitat as required by the permits issued by USACE, RWQCB, and/or CDFW, as applicable, but at minimum ratio of 1:1 (number of acres restored to number of acres impacted). A habitat restoration plan shall be prepared and submitted to the City for approval upon completion of the Project. The plan shall incorporate monitoring and maintenance of the restored habitat for a period of no less than 3 years.

Plan Requirements and Timing. The habitat restoration plan shall be submitted to and approved by the City prior to issuance of grading permits.

Monitoring. The Owner/Applicant shall contract with a qualified biologist to prepare and submit annual monitoring reports to the City. The City shall review the monitoring reports and determine whether the restoration has successfully mitigated for impacts to riparian habitat at the required ratio.

- b. **Finding:** The Commission finds that Mitigation Measure BIO-2(a) and BIO-2(b) are feasible, are adopted, and will further reduce impacts to riparian areas. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to riparian areas (Refer to pages 4.4-24 through 4.4-25 of the Final EIR).

Impact BIO-3: **The project may impact state and federally protected wetlands through direct removal, filling, or hydrological interruption. This impact would be Class II, significant but mitigable.**

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- a. **Mitigation Measure: BIO 3(a) Agency Coordination:** If after completion of BIO-2(a) jurisdictional delineation, it is determined that Impacts to drainages and wetlands will occur, the Project will require permits from USACE, RWQCB, and/or CDFW, as applicable. The Owner/Applicant shall comply with all state and federal permitting requirements. The Owner/Applicant shall obtain and produce for the City correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws.

Plan Requirements and Timing. The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to the City prior to issuance of grading permits.

Monitoring. The City shall ensure that grading permits conform to the conditions of any permits issued by state and federal agencies.

BIO-3(b) Wetland and Drainage Mitigation: If applicable and as determined after completion of BIO-2(a), impacts to federal wetland areas and drainages (as defined by the CWA Section 404) and state wetlands and drainages shall be mitigated at a minimum ratio of 1:1 (acres restored to acres impacted) or enhanced at a minimum ratio of 3:1 ratio (enhancement to impacted area). The mitigation program shall be developed by a qualified biologist and be incorporated into and conform with the habitat restoration plan requirements under Mitigation Measure BIO-2(b). The mitigation shall be implemented for no less than 3 years after construction or until the local jurisdiction and/or the permitting authority (e.g., USACE) has determined that compensatory mitigation has been successful.

Plan Requirements and Timing. The habitat restoration plan shall be submitted to and approved by the City prior to issuance of grading permits.

Monitoring. The Owner/Applicant shall contract with a qualified biologist to prepare and submit annual monitoring reports to the City. The City shall review the monitoring reports and determine whether the restoration has successfully mitigated for impacts to riparian habitat at the required ratio.

BIO-3(c) Jurisdictional Areas Best Management Practices During Construction: The following best management practices shall be required for grading and construction within jurisdictional areas or wetlands where impacts are authorized. In addition, the measures shall be required at locations where construction occurs within 100 feet from jurisdictional areas or wetlands.

- a. Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.
- b. To control erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- b. Project activities within the jurisdictional areas should occur during the dry season (typically between May 1

- c. and September 30) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
- d. During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- e. All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- f. Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
- g. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

Plan Requirements and Timing. These measures shall be implemented during grading and construction and shall be included on all land use, grading, and building plans. The Owner/Applicant shall retain a qualified biologist to assist with the preparation of plans, monitor compliance with the above measures and provide to monthly monitoring reports to the City to document compliance.

Monitoring. The City shall ensure the above measures are implemented and included on all land use grading, and building plans. The City shall review documentation and confirm compliance with the above measures. If the qualified biologist and/or the City determines construction activities are out of compliance, work shall stop until measures are fully implemented.

- b. Finding: The Commission finds that Mitigation Measures BIO-2(a), BIO-2(b), and BIO-3(a) through BIO-3(c) are feasible, are adopted, and will further reduce impacts to wetlands. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to wetlands. (Refer to pages 4.4-25 through 4.4-27 of the Final EIR).

Impact BIO-4: The project would result in impacts to protected trees. This impact would be Class II, significant but mitigable.

- a. Mitigation Measure: **BIO-4(a) Oak Tree Compensatory Mitigation:** The Owner/Applicant shall ensure the following actions are implemented to compensate for impacts to protected oak trees:
 - a. Impacted (but not removed) oaks shall be mitigated for by planting one 24-inch boxed tree with at least a 1.5-inch diameter for impacts less than 50 percent of the critical root zone (CRZ; area of root space that is within a circle circumscribed around the trunk of a

tree using a radius of one foot per inch diameter at breast height [DBH]) as defined by the City Oak Tree Protection Ordinance. Two 24-inch boxed trees shall be planted for trees with impacts of 50 percent or greater of the tree. The mitigation trees shall be planted on the Project site and incorporated into the landscape plan. If boxed trees are not available, or are not sourced from California's central coast region, smaller caliper trees may be planted at a ratio of 5:1 for each tree removed. Additional trees may be planted from acorns collected on site, protected from below and above-ground browse damage, and counted as mitigation trees if they reach a height of three feet by Year 7 and exhibit high vigor.

- b. Oak trees removed by the project shall be replaced in accordance with the Paso Robles Oak Tree Protection Ordinance. Replacement oaks for removed trees must be equivalent to 25 percent of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches DBH (30 total diameter inches), would be 7.5 inches (30 inches removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5-inch trees, or three 2.5-inch trees, or any other combination totaling 7.5 inches. A minimum of two 24-inch box, 1.5-inch trees shall be required for each oak tree removed.

Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years by a City-approved arborist. The arborist shall prepare an annual report detailing the condition of each replacement tree and any maintenance activities conducted. Any trees that are dead or in decline during the 7-year monitoring will be replaced and monitored for an additional 7 years after the replacement is planted.

Plan Requirements and Timing. Replacement trees shall be installed with site landscaping during the Phase of construction in which they are impacted or removed. The Owner/Applicant shall submit the annual reports to the City by December 31 of each year of monitoring.

Monitoring. The City shall review and approve the Tree Protection Plan and ensure the replacement trees are consistent with the requirements in the above measure.

BIO-4(b) Oak Tree Protection: The Owner/Applicant shall ensure the following actions are implemented to avoid and minimize potential impacts to protected oak trees:

- a. Tree canopies and trunks within 50 feet of proposed disturbance zones shall be mapped and numbered by a City-approved arborist or biologist and a licensed land surveyor. Data for each tree shall include date, species, number of stems, DBH of each stem, CRZ diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
- b. An oak tree protection plan shall be prepared and approved by the City that outlines the specific tree protection measures that will apply to each protected oak tree on the Project site.
- c. Impacts to the oak canopy or CRZ shall be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.

- d. Protective fencing shall be installed at the edge of the critical root zone or line of encroachment for each tree or group of trees that will not be removed. The fence shall be installed before any construction or earth moving begins. The proposed fencing shall be shown on the grading plan. It must be a minimum of 4-foot high chain link, snow or safety fence staked (with t-posts 8 feet on center). The Owner/Applicant shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. Weatherproof signs shall be permanently posted on the fences every 50 feet, with the following information: Tree Protection Zone: No personnel, equipment, materials, or vehicles allowed.
- e. Oil, gasoline, chemicals and other construction materials or equipment which might be harmful to oak trees shall not be stored within the CRZ of the tree.
- f. Slopes and drains shall be installed according to the city specifications so as to avoid harm to the oak trees due to excess watering. All impacts within the CRZ (e.g., grading, trenching, pruning, utility placement) shall be supervised by a certified arborist approved by the city or the arborist's designated biologist.
- g. Damage to any tree during construction shall be immediately treated, as appropriate, by an arborist approved by the city to prevent disease or pest infestation. Damage will be reported to the city during each month of construction. The property owner shall be responsible for correcting any damage to oak trees on the property in a manner specified by an arborist approved by the city at the Owner/Applicant's expense.
- h. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or waste water shall be dumped on the ground or into any grate between the outer edge of the CRZ and the base of the oak trees, or uphill from any oak tree where such substance might reach the roots through a leaching process.
- i. Wires, signs and other similar items shall not be attached to the oak trees.
- j. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric.
- k. Oak tree impacts, record of treatment, and protection methods shall be included in a monthly report to the city during active construction periods.

Plan Requirements and Timing. These measures shall be implemented prior to and/or during grading and construction and shall be included on all land use, grading, and building plans. The Owner/Applicant shall retain a City-approved arborist or biologist to monitor compliance with the above measures.

Monitoring. The City shall ensure the above measures are implemented and included on all land use grading, and building plans. The City shall review documentation and confirm compliance with the above measures.

- b. Finding: The Commission finds that Mitigation Measures BIO-4(a) and BIO-4(b) are feasible, are adopted, and will further reduce impacts to protected trees. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to protected trees. (Refer to pages 4.4-27 through 4.4-30 of the Final EIR.)

Cultural and Tribal Cultural Resources

Impact CUL-1: Project grading and other grounddisturbing activities could result in impacts to previously unidentified archaeological resources that may be considered historical resources. Therefore, this impact would be Class II, potentially significant but mitigable.

- a. **Mitigation Measure: CR-1(a) Cultural Resources Monitoring Plan and Qualified Principal Investigator/Native American Monitor.** A qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's A qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology (hereafter qualified archaeologist), and a Native American monitor shall be retained to carry out all mitigation measures related to archaeological resources.

A cultural resource monitoring plan (CRMP) will be developed by the principal investigator in consultation with the Native American Tribes that identifies the locations and activities that require monitoring. The principal investigator shall inspect initial subsurface construction disturbance at locations that may harbor subsurface resources that were not identified on the site surface. The monitor(s) shall be on-site during initial earthmoving activities, including grading, trenching, vegetation removal, or other excavation activities as specified by the CRMP.

Plan Requirements and Timing. The CRMP shall be submitted to the city for review and approval prior to issuance of a grading permit. The Owner/Applicant shall retain a qualified archaeologist and Native American to implement the above measures.

Monitoring. The city will review the CRMP prior to issuance of grading permits. The city will monitor compliance during construction.

CR-1(b) Unanticipated Discovery of Archeological Resources. The CRMP will describe that in the event that archaeological resources are exposed during construction activity, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the resource. In the event that any artifact or an unusual amount of bone or shell is encountered during construction, work shall be immediately stopped within 100 feet of the exposed resource until a qualified archaeologist can evaluate the find. Examples of such resources might include: ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they must be avoided or mitigated pursuant to the qualified archaeologist's direction and in consultation with appropriate Native American tribal representatives. Mitigation may involve preservation in place or documentation and excavation of the resource. A report by the archaeologist evaluating the find and identifying mitigation actions taken shall be submitted to the city.

Plan Requirements and Timing. These requirements shall be described in the CRMP and reflected on grading and building plans and implemented during construction.

Monitoring. The city will review the CRMP prior to issuance of grading permits. The city will monitor compliance during construction.

- b. Finding: The Commission finds that Mitigation Measures CR-1(a) and CR-1(b) are feasible, are adopted, and will further reduce impacts to archeological resources. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources. (Refer to pages 4.5-11 through 4.5-13 of the Final EIR.)

Impact CUL-3: Grading and other ground-disturbing activities could result in impacts to previously unidentified tribal cultural resources. Impacts would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: **CR-3 Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction activity all work shall be halted in the vicinity of the discovery until the significance of the resource can be assessed. The city shall begin or continue Native American consultation procedures, in coordination with a qualified archaeologist, if appropriate. If the city, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The mitigation plan may include but would not be limited to capping and avoidance, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measure.

Plan Requirements and Timing. These requirements shall be described in the CRMP and reflected on grading and building plans.

Monitoring. These measures shall be implemented during grading and construction. The Owner/Applicant shall retain a qualified archaeologist and Native American monitor to monitor compliance with the above measures.

- b. Finding: The Commission finds that Mitigation Measure CR-3 is feasible, is adopted, and will further reduce impacts to tribal cultural resources. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to tribal cultural resources (Refer to pages 4.5-14 through 4.5-15 of the Final EIR).

Geology and Soils

Impact GEO-1: Development on the project site would be exposed to risks associated with geological hazards including settlement; slope instability; and liquefaction that could cause damage to structures, property, utilities, road access, and people. Impacts would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: GEO-1(a) Geotechnical Investigation and Reporting. The recommendations of the Geotechnical Report, including those pertaining to site-specific geotechnical engineering investigations for each of the major components/improvements included in the Project and intended to reduce impacts from soil instability and settlement, shall be incorporated into the project plans and specifications.

Plan Requirements and Timing. To be confirmed by the city prior to issuance of grading permits.

Monitoring. The Geotechnical Engineer is to perform testing and field observation as necessary to confirm that design, construction, and cost specifications to withstand potential geologic hazards conform to the findings and recommendations of the site-specific geotechnical engineering investigations, to the satisfaction of the Building Official and the City Engineer.

GEO-1(b) Earthwork Program. The recommendations of the Geotechnical Report and update thereto, including those pertaining to preparation of an earthwork program shall be incorporated into the project plans and specifications.

Plan Requirements and Timing. To be confirmed by the city prior to issuance of grading permits.

Monitoring. The Geotechnical Engineer shall verify preparation of an earthwork program as necessary to ensure that design and construction conform the recommendations of the Geotechnical Report and update thereto to the satisfaction of the City Engineer.

- b. Finding: The Commission finds that Mitigation Measure GEO-2 is feasible, is adopted, and will further reduce impacts regarding geological hazards. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding geological hazards (Refer to pages 4.6-6 through 4.6-8 of the Final EIR).

Impact GEO-2: Portions of the project site contain soils that are moderate to highly erodible. On-site development may increase soil erosion on the project site during and after construction. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: GEO-2 Moisture Conditioning & Fill Compaction. The recommendations of the Geotechnical Report, including those pertaining to grading and soils compaction operations shall be incorporated into the project plans and specifications.

Plan Requirements and Timing. To be confirmed by the city prior to issuance of grading permits.

Monitoring. The Geotechnical Engineer shall perform observation and testing as necessary to ensure that grading operations conform the recommendations of the Geotechnical Report to the satisfaction of the City Engineer.

- b. Finding: The Commission finds that Mitigation Measure GEO-2 is feasible, is adopted, and will further reduce impacts regarding soil erosion. Therefore, impacts are considered less than

significant. Mitigation measures will further reduce impacts regarding soil erosion (Refer to pages 4.6-8 through 4.6-11 of the Final EIR).

Impact GEO-3: Expansive soils are present on the Project site. Development on expansive soils could damage slabs and foundations. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: GEO-3 Geotechnical Report Measures. The recommendations of the Geotechnical Report, including those intended to reduce impacts from expansive soils, shall be incorporated into the project plans and specifications.

Plan Requirements and Timing. To be confirmed by the city prior to issuance of grading permits.

Monitoring. The Geotechnical Engineer is to perform field observation and testing as necessary to confirm that grading and construction the recommendations of the Geotechnical Report to the satisfaction of the Building Official and the City Engineer.

- b. Finding: The Commission finds that Mitigation Measures GEO-1(a), GEO-1(b), GEO-2 and GEO-3 are feasible, are adopted, and will further reduce impacts regarding expansive soil. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding expansive soil. (Refer to pages 4.6-11 through 4.6-12 of the Final EIR.)

Impact GEO-4: Paleontological resources may be present in fossilbearing soils that underlay the Project site. Grounddisturbing activities could damage resources that may be present below the surface. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: GEO-4(a) Worker Paleontological Resource Awareness Session. A qualified City-approved consultant selected by the Owner/Applicant shall develop a worker awareness program to educate all workers regarding the protection of any paleontological resources that may be discovered during project development, as well as appropriate procedures to enact should paleontological resources be discovered. The qualified consultant shall develop appropriate training materials including a summary of geologic units present at the development site, potential paleontological resources that may be encountered during development, and worker attendance sheets to record workers' completions of the awareness session. The worker awareness session for paleontological resources shall occur prior to project development, and as new employees are added to the project site workforce. The qualified consultant shall provide awareness session sign-in sheets documenting employee attendance to the City for review as requested.

Plan Requirements and Timing. The worker awareness program shall be reviewed and approved by city staff prior to grading/building permit issuance. The Owner/Applicant shall provide city staff with the name and contact information for the qualified consultant prior to grading/building permit issuance and pre-construction meeting.

Monitoring. The Owner/Applicant shall demonstrate that the worker awareness program conforms to the required conditions.

GEO-4(b) Paleontological Monitoring and Handling of Resources Inadvertently Discovered During Grading. If unrecorded paleontological resources are uncovered during ground disturbance or construction activities, the Owner/Applicant, under the direction of the qualified consultant identified in Mitigation Measure GEO-4(a) shall:

- Temporarily halt construction or excavation activities within 50 feet of the find and redirect activity to other work areas;
- Immediately notify the City of Paso Robles Community Development and City Engineer Departments regarding the resource and redirected grading activity; and
- Obtain the services of a professional paleontologist who shall assess the significance of the find and provide recommendations as necessary for its proper disposition for review and approval by the City of Paso Robles. All significance assessment and mitigation of impacts to the paleontological resource and verification shall be reviewed by the City of Paso Robles prior to resuming grading in the area of the find. Mitigation may involve preservation in place or documentation and excavation of the resource.

Upon discovery of potentially significant paleontological resources and completion of the above measures, the Owner/Applicant shall submit to city staff a report prepared by the qualified paleontologist documenting all actions taken.

Plan Requirements and Timing. This condition shall be printed on all building and grading plans.

Monitoring. City staff shall confirm monitoring by the qualified consultant.

- b. Finding: The Commission finds that Mitigation Measures GEO-4(a) and GEO-4(b) are feasible, are adopted, and will further reduce impacts to paleontological resources. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to paleontological resources (Refer to pages 4.6-12 through 4.6-13 of the Final EIR).

Hazards and Hazardous Materials

Impact HAZ-1: Hazardous materials associated with former residential structures and agricultural operations may be present in soils on the Project site. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: **HAZ-1 Soil Sampling and Remediation.** Prior to issuance of any grading permits or site disturbance/tract improvements, a Phase I environmental site assessment shall be completed in portions of land to be graded for each development area on the Project site. Soil samples shall be collected under the supervision of a professional geologist or environmental professional to determine the presence or absence of contaminated soil in these areas. The sampling density shall be in accordance with guidance from the County of San Luis Obispo Environmental Health Services Division, so as to define the volume of soil that may require remediation. Laboratory analysis of soil samples shall be analyzed for the presence of

organochlorine pesticides, in accordance with EPA Test Method SW8081A, and heavy metals in accordance with EPA Test Methods 6010B and 7471A. If soil sampling indicates the presence of pesticides or heavy metals exceeding applicable environmental screening levels, the soil assessment shall identify the volume of contaminated soil to be excavated.

If concentrations of contaminants exceed EPA action levels and therefore warrant remediation, the applicant shall prepare a Contaminated Soils Assessment and Remediation Plan. The plan shall identify the contaminant, the volume of contaminated soil, treatment or remediation methods, and regulatory permits required to complete the remediation. Remediation activities shall require implementation of all applicable project construction requirements, including other construction-related mitigation measures identified in this EIR. All necessary reports, regulations and permits shall be followed to achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by a regulatory oversight agency, such as the County of San Luis Obispo Environmental Health Services Division, the RWQCB, or DTSC. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the Project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

Plan Requirements and Timing. Prior to issuance of any grading permits or site disturbance/tract improvements, a Phase I environmental site assessment shall be completed in the portions of land to be graded for development. The Contaminated Soils Assessment and Remediation Plan, if necessary, shall be submitted and approved by the city and applicable regulatory oversight agency prior to the issuance of Project grading permits or site disturbance/tract improvements, whichever comes first.

Monitoring. As applicable, the city shall ensure implementation of a remediation program according to the measures included therein and as approved by a regulatory oversight agency.

- b. Finding: The Commission finds that Mitigation Measure HAZ-1 is feasible, is adopted, and will further reduce impacts regarding exposure to hazardous materials. Mitigation measures will further reduce impacts regarding exposure to hazardous materials (Refer to pages 4.8-9 through 4.8-11 of the Final EIR).

Impact HAZ-2: **Access to the Project site from South Vine Street could interfere with emergency response plans or emergency evacuation plan with extended use or blockage of this roadway. This impact would be Class II, potentially significant but mitigable.**

- a. Mitigation Measure: **HAZ-2 Construction Traffic Control Plan.** The applicant shall include a traffic control plan within grading plans submitted to the City for approval. The Traffic Control Plan shall include provisions for notification to all emergency services and affected property owners, designated construction traffic routes, and identify all improvements, equipment and personnel to provide continuous safe routing of traffic during construction.

Plan Requirements and Timing. The Construction Traffic Control Plan shall be prepared and approved prior to issuance of a grading permit for any development area on the Project site.

Monitoring. The Owner/Applicant shall demonstrate that the submitted plans conform to the required conditions. City staff shall ensure compliance in the field prior to issuance of permits.

- b. Finding: The Commission finds that Mitigation Measure HAZ-2 is feasible, is adopted, and will further reduce impacts regarding emergency response. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding emergency response (Refer to page 4.8-11 of the Final EIR).

Hydrology and Water Quality

Impact HWQ-1: **During Project construction, surface soil would be subject to erosion which may cause pollution of the downstream watershed. The Project's impact on water quality during construction would be Class II, significant but mitigable.**

- a. Mitigation Measure: **HWQ-1(a) Stormwater Pollution Prevention Plan.** All grading and construction activities shall be implemented pursuant to the SWPPP(s) to be prepared for mass
- b. grading/tract improvements on the Project site. The SWPPP(s) shall be prepared by the Project applicant and submitted by the city to the Central Coast RWQCB under the NPDES Phase II program. At a minimum, the SWPPP shall include the BMPs/source control measures and maintenance requirements included in the Preliminary Stormwater Control Plan for the Project.

Plan Requirements and Timing. The Project applicant shall prepare a SWPPP that identifies construction-related staging and maintenance areas, and at a minimum, the BMPs/source control measures and maintenance requirements included in the Preliminary Stormwater Control Plan. The SWPPP and notices shall be submitted for review and approval by the city prior to the initiation of tract improvements, grading, or construction.

Monitoring. The city shall ensure compliance with the SWPPPs. A Geotechnical Engineer or an Engineering Geologist shall monitor technical aspects of the grading activities, including installation of the drainage outlets and associated headwalls and aprons. The city shall also inspect the site during grading to monitor runoff and after conclusion of grading activities.

HWQ-1(b) Berms and Basins. As specified in the SWPPP(s), the Project applicant shall be required to manage and control runoff by constructing temporary berms, sediment basins, runoff diversions, or alternative BMPs as approved by the Central Coast RWQCB as part of the SWPPP submittal(s) to avoid unnecessary siltation into local streams during construction activities where grading and construction shall occur in the vicinity of such streams.

Plan Requirements and Timing. Berms and basins shall be constructed when grading commences. The Project applicant shall sufficiently document, to the Central Coast RWQCB's satisfaction, the proper installation of such berms and basins during grading.

Monitoring. City staff shall ensure berms, sediment basins, runoff diversions, or alternative BMPs are included on Project construction plans prior to approval. City staff shall also inspect the site during grading to monitor compliance with this measure.

HWQ-1(c) Erosion and Sediment Control Plan

As specified in the SWPPP(s) and the City's Stormwater Control ordinance, the Project applicant shall be required to prepare and submit site-specific erosion and sediment control plans for mass grading as well as for development of each development area within the Project site. The plans shall be designed to minimize erosion and water quality impacts, to the extent feasible, and shall be consistent with the requirements of the Project's SWPPP(s). The plans shall include the following:

- a. Graded areas shall be revegetated with deep-rooted, native, non-invasive drought tolerant species to minimize slope failure and erosion potential. Geotextile fabrics shall be used as necessary to hold slope soils until vegetation is established;
- b. Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from drainages on the Project site;
- c. Erosion control structures shall be installed;
- d. Demonstrate peak flows and runoff for each phase of construction; and
- e. Be coordinated with habitat restoration efforts, including measures to minimize removal of riparian and wetland habitats and trees (Mitigation Measures BIO-2[a], BIO-2[b], BIO-3[a] through BIO-3[c], BIO-4[a], and BIO-4[b]).

Erosion and sediment control plans shall be submitted for review and approval by City staff. The Project applicant shall ensure installation of erosion control structures prior to beginning of construction of any structures, subject to review and approval by the City.

Plan Requirements and Timing. The Project applicant shall prepare site-specific erosion and sediment control plans consistent with the requirements of the SWPPP(s). The erosion and sediment control plans shall be submitted for review and approval by City staff prior to the initiation of grading and/or construction.

Monitoring. City staff shall ensure compliance with the erosion and sediment control plans. City staff shall also inspect the site during grading to monitor runoff and after conclusion of grading activities.

Finding: The Commission finds that Mitigation Measures HWQ-1(a) through HWQ-1(c) are feasible, are adopted, and will further reduce impacts to water quality. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to water quality. (Refer to pages 4.9-11 through 4.9-13 of the Final EIR).

Impact HWQ-3: **During operation, the proposed resort and commercial uses would increase the quantities of pollutants associated with urban uses. The Project's impact to water quality would be Class II, significant but mitigable.**

- a. Mitigation Measure: HWQ-3(a) Stormwater Quality Treatment Controls. BMP devices shall be incorporated into the stormwater quality system depicted in the erosion and sediment control plan (refer to Mitigation Measure HWQ-1[c]). BMPs shall include, at a minimum, the BMPs/source control measures and maintenance requirements included in Stormwater Control Plans. These measures include permanent and operation source control BMPs for landscaping, waste disposal, outdoor equipment storage, and parking.

Plan Requirements and Timing. The BMPs for stormwater quality shall be shown on Project SWPPP(s). The SWPPP and notices shall be submitted for review and approval by the city prior to the initiation of tract improvements, grading, or construction.

Monitoring. The city shall ensure compliance with the SWPPPs. A Geotechnical Engineer or an Engineering Geologist shall monitor technical aspects of the grading activities, including installation of the drainage outlets and associated headwalls and aprons. The city shall also periodically inspect the site during and after grading to monitor runoff.

HWQ-3(b) Stormwater Best Management Practice Maintenance Manual

The Project applicant shall prepare a development maintenance manual for the stormwater quality system/LID BMPs. The maintenance manual shall include detailed procedures for maintenance and operations of all stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's or designer's maintenance specifications. The manual shall require that devices be cleaned annually prior to the onset of the rainy season (i.e., October 15) and immediately after the end of the rainy season (i.e., May 15). The manual shall also require that all devices be checked after major storm events.

Plan Requirements and Timing. The Project applicant shall prepare development maintenance manual as specified in this measure. The development maintenance manual shall be submitted for review and approval by the city prior to approval of grading and public improvement plans.

Monitoring. The City shall ensure compliance with the requirements in the development maintenance manual as required by the state. The City may also inspect the site after occupancy to ensure implementation of the requirements in the development maintenance manual.

HWQ-3(c) Stormwater BMP Semi-Annual Maintenance Report. The property manager(s) or acceptable maintenance organization shall submit to the City of Paso Robles Public Works Department a detailed report prepared by a licensed Civil Engineer addressing the condition of all private stormwater facilities, BMPs, and any necessary maintenance activities on a semi-annual basis (October 15 and May 15 of each year). The requirement for maintenance and report submittal shall be recorded against the property.

Plan Requirements and Timing. The Project applicant shall demonstrate inclusion of BMPs within the tentative tract maps, and utilities plans, which shall be submitted for review and approval by the City prior to development plan approval and final tentative tract map recordation.

Monitoring. The City shall review and approve the required plans and maintenance report with tentative tract map approval.

- b. Finding: The Commission finds that Mitigation Measures HWQ-3(a) through HWQ-3(c) are feasible, are adopted, and will further reduce impacts regarding pollutants associated with the project's urban uses. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding pollutants from urban uses (Refer to pages 4.9-15 through 4.9-18 of the Final EIR).

Noise

Impact N-1: The Project would introduce new noise sensitive uses, including workforce housing, to an area where future exterior noise levels would exceed City standards. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: N-1 Exterior Noise Abatement: Prior to issuance of a building permit for the worker housing component of the Village Commercial Center (building 7) or for the Vine Street Vineyard Hotel, the developer shall provide a site-specific noise analysis to demonstrate that outdoor use areas would be located and designed to achieve CNEL values of 65 dBA or less, and that structural insulation measures would result in hotel room interior CNEL values of 45 dBA or less. Such noise reduction measures may include but are not limited to, the incorporation of setbacks, sound barriers, berms, hourly limitations, or equipment enclosures. The emphasis of such noise reduction measures shall be placed upon site planning and project design.

Plan Requirements and Timing. Site-specific noise analyses shall be submitted to the city for approval prior to building permit issuance for the worker housing component of the Village Commercial Center (building 7) and the Vine Street Vineyard Hotel.

Monitoring. City staff shall confirm that noise reduction measures are incorporated in plans prior to approval of building permit issuance. City staff shall ensure compliance prior to building occupancy.

- b. Finding: The Commission finds that Mitigation Measure N-1 is feasible, is adopted, and will further reduce impacts regarding noise exposure. Mitigation measures will further reduce impacts regarding exposure to noise (Refer to pages 4.11-11 through 4.11-14 of the Final EIR).

Impact N-2: The Project would result in temporary noise in the vicinity of the Project site during the construction phase. Construction noise levels could potentially exceed 80 dBA Leq. This impact would be Class II, potentially significant but mitigable.

- a. Mitigation Measure: N-2 Construction Equipment Noise Best Management Practices: For all construction activities on the Project site, noise attenuation techniques shall be employed to ensure that noise levels are minimized. Such techniques shall include:

- Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities shall be limited to the hours of 7:00 AM and 7:00 PM. Noise-generating construction activities shall not occur on Sundays or federal holidays.
- Construction equipment shall be properly maintained and equipped with noise reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds shall be closed during equipment operation.
- Equipment shall be turned off when not in use for an excess of five minutes, except for equipment that requires idling to maintain performance.
- Construction vehicles and haul trucks shall utilize roadways which avoid residential neighborhoods and sensitive receptors where possible. Applicants shall submit a proposed construction vehicle and hauling route for city review and approval prior to grading/building permit issuance. The approved construction vehicle and hauling route shall be used for soil hauling trips prior to construction as well as for the duration of construction.
- A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns about construction activities, including excessive noise. The liaison shall work directly with the construction contractor to ensure implementation of the appropriate noise reduction measures to address public concerns and to ensure that construction-generated noise levels would not exceed commonly applied noise criteria at nearby noise-sensitive land uses (e.g., 80 dBA Leq). Signage shall be posted at the site perimeter identifying the public liaison's contact information.
- Temporary barriers shall be installed where noise-generating construction activities would occur within 50 feet of an occupied noise-sensitive land use. Temporary noise barriers shall be constructed of sound curtains/blankets, wood, or material of similar density and usage, to a minimum height of 6 feet above ground level.
- Staging and queuing areas shall be located a minimum of 1,000 feet from nearby noise sensitive land uses identified in the project area at the time of construction (or at the furthest distance possible where a suitable location over 1,000 feet from noise sensitive land uses cannot be identified).
- Stationary equipment (e.g., generators, compressors) shall be located a minimum of 1,000 feet from nearby noise-sensitive land use identified in the project area at the time of construction (or at the furthest distance possible where a suitable location over 1,000 feet from noise-sensitive land uses cannot be identified).

Plan Requirements and Timing. Construction plans including construction hours, truck routes, and construction BMPs shall be submitted to the city for approval prior to grading and building permit issuance for each project phase. BMPs shall be adhered to for the duration of the project. The schedule and neighboring property owner notification mailing list shall be submitted 10 days prior to initiation of any earth movement.

Monitoring. City staff shall confirm that construction noise reduction measures are incorporated in plans prior to approval of grading/building permit issuance. City staff shall ensure compliance throughout all construction phases, including periodically inspecting the site for compliance with activity schedules and responding to noise complaints.

- b. **Finding:** The Commission finds that Mitigation Measure N-2 is feasible, is adopted, and will further reduce impacts regarding temporary construction noise. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding exposure to temporary construction noise (Refer to pages 4.11-14 through 4.11-17 of the Final EIR).

Impact N-3: The project would result in groundborne vibration in the vicinity of the project site, primarily during the construction phase. Vibration levels during project construction would not cause damage to nearby structures or substantially impact residents in nearby dwellings. This impact would be Class II, potentially significant but mitigable.

- a. **Mitigation Measure: Mitigation Measure N-3 Construction Equipment Vibration Best Management Practices.** For all construction activities in the Specific Plan area, vibration attenuation techniques shall be employed to ensure that groundborne vibration levels are minimized. Vibration-minimizing techniques shall include:
- a. Unless otherwise provided for in a validly issued permit or approval, vibration-generating construction activities shall be limited to the hours of 7:00 AM and 7:00 PM. vibration-generating construction activities shall not occur on Sundays or federal holidays.
 - b. Groundborne vibration levels near sensitive receptors shall be minimized by limiting the duration of compactor operation within 250 feet of existing residential receptors to a maximum of 2 hours per day.
 - c. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns about construction activities, including excessive groundborne vibration. The liaison shall work directly with the construction contractor to ensure implementation of the appropriate vibration reduction measures to address public concerns and to ensure that groundborne vibration levels would not exceed commonly applied vibration criteria at nearby noise-sensitive land uses (e.g., 85 VdB). Signage shall be posted at the site perimeter identifying the public liaison's contact information.

Plan Requirements and Timing. Construction plans shall note construction hours and vibration BMPs and shall be submitted to the city for approval prior to grading and building permit issuance for each Project phase. BMPs shall be identified and described for submittal to the city for review prior to building or grading permit issuance. BMPs shall be adhered to for the duration of the Project. The schedule and neighboring property owner notification mailing list shall be submitted 10 days prior to initiation of any earth movement.

Monitoring. The city shall confirm that construction vibration reduction measures are incorporated in plans prior to approval of grading/building permit issuance. The city shall ensure compliance throughout all construction phases. Building inspectors and permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints.

- b. **Finding:** The Commission finds that Mitigation Measure N-3 is feasible, is adopted, and will further reduce vibration impacts. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding vibration. (Refer to pages 4.11-18 through 4.11-19 of the Final EIR.)

Utilities/Service Systems

Impact UTIL-2: While the city's WWTP has capacity to accommodate the project, the existing sewer main lines that would receive wastewater flows from the project have been identified as capacity deficient under existing and five-year peak loading conditions. Additionally, water softening systems commonly used in hotel development may result in adverse impacts to wastewater systems in the city. Therefore, project impacts related to wastewater treatment and capacity would be Class II, potentially significant but mitigable.

- a. **Mitigation Measure: Mitigation Measure UTIL-2(a) Sewer Line Improvements.** The project shall contribute its equitable share to fund the following sewer main line improvements in the vicinity of the project site, as identified in Table 11-1 – Capital Improvement projects in the City's 2019 Wastewater Collection System Renewal Strategy and Master Plan. Costs above and beyond the project's equitable share shall be addressed through such options as fee credits, reimbursement agreements, or development agreements, based on city requirements.

Prior to building permit issuance for the first phase of development on the project site, the applicant shall contribute their fair-share amount toward the upsizing of the 600 feet of 10-inch sewer main line along SR 46 West at the SR 46 West interchange with U.S. 101 and along Ramada Drive to a 12-inch sewer main line.

Alternatively, prior to building permit issuance for the first phase of development on the project site, the applicant shall be responsible for horizontal boring of a new sewer main under U.S. 101, directly from the eastern edge of the project site to the vicinity of Firestone Walker Brewery.

Plan Requirements and Timing. The fair share contribution for required improvements shall be submitted prior to building permit issuance for the first phase of development on the Project site. If the applicant is required to construct a new sewer main under U.S. 101, the new sewer main shall be completed prior to the issuance of a building permit for the first phase of Project development.

Monitoring. The City shall ensure compliance with fee payment prior to first building permits. If the applicant is required to construct new sewer main under U.S. 101, City shall ensure completion of new sewer main prior to issuance of first building permits.

Mitigation Measure UTIL-2(b) Prohibit Water Softener Use. The use of self-generating or regenerative water softeners shall be prohibited for all project-related development.

Plan Requirements and Timing. This requirement shall be reflected on building plans.

Monitoring. The Owner/Applicant shall demonstrate that the submitted plans conform to the required conditions. City staff shall ensure compliance in the field prior to issuance of occupancy permits.

- b. Finding: The Commission finds that Mitigation Measures UTIL-2(a) and UTIL-2(b) are feasible, are adopted, and will further reduce wastewater treatment and capacity impacts. Therefore, impacts are considered less than significant. Mitigation measures will further reduce wastewater treatment and capacity impacts. (Refer to pages 4.14-14 through 4.14-16 of the Final EIR.)

Energy

Impact E-2: The project would not be consistent with the City's Climate Action Plan energy efficiency measures. This impact would be Class II, less than significant with mitigation incorporated.

- a. Mitigation Measure: Mitigation Measure GHG-1 described in Section 4.7, Greenhouse Gas Emissions, of the Final EIR would require preparation of the GHG Emissions Reduction Plan for the project to reduce operational GHG emissions through implementation of GHG reduction measures. Mitigation Measure AQ-3 in Section 4.3, Air Quality, of the Final EIR would also offset the project's operational energy demand by requiring that energy efficient appliances and on-site renewable energy systems be used in the proposed development on the project site.
- b. Finding: The Commission finds that Mitigation Measures GHG-1 and AQ-3 are feasible, are adopted, and will further reduce energy efficiency impacts. Therefore, impacts are considered less than significant. Mitigation measures will further reduce energy efficiency impacts (Refer to pages 4.15-12 through 4.15-13 of the Final EIR).

4. Findings regarding Alternatives Analyzed in the EIR

CEQA requires that the discussion focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. Only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]).

An evaluation of an alternative to the Project location is appropriate for a site-specific development project. In the case of the Gateway proposal, the City of Paso Robles evaluated the entirety of the potential environment effects of the specific project proposal.

Several alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the Paso Robles General Plan but avoid or substantially lessen any of the significant effects of the project. The Paso Robles Gateway Project EIR analyzed three alternatives.

- Alternative 1: No Project – No Development
- Alternative 2: Rural Residential Development in County Jurisdiction

- Alternative 3: Reduced Development

Alternative 1: No Project – No Development

Consistent with the CEQA Guidelines (§15126.6[e]), the “no project” alternative reflects the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistency with available infrastructure and community services. Therefore, this alternative assumes that no new development or changes to land uses would be introduced to the site. Additionally, the proposed annexation, Sphere of Influence (SOI) amendment, and General Plan Amendment, would not occur under this alternative. As a result, this alternative would continue the existing low-intensity agriculture (primarily grazing) and related activities to maintain the ranching operation.

Effectiveness of Alternatives in Avoiding Significant Project Impacts:

1. **Significant and Unavoidable Air Quality Impacts:** Alternative 1 would not introduce development or land uses that would require construction or generate new vehicle trips in the project area. Therefore, Alternative 1 would not introduce short-term and long-term ROG + NOX and PM10 emissions or increase VMT such that this alternative would result in inconsistency with SLOAPCD’s 2001 Clean Air Plan. Ultimately, the impacts to air quality would be reduced in comparison to the project and would be less significant.
2. **Significant and Unavoidable Greenhouse Gas Emissions Impacts:** Alternative 1 would not introduce new development that would require construction and operation that would generate temporary and long-term increases in GHG emissions. This alternative would be consistent with the city’s Climate Action Plan, 2019 RTP, the 2017 Scoping Plan, and EO B-55. Therefore, Alternative 1 would have substantially reduced impacts related to greenhouse gas emissions than the project, and impacts would not be significant.
3. **Significant and Unavoidable Transportation Impacts:** Alternative 1 would not implement development or land uses that would introduce new traffic or changes to the local roadway network. Additionally, Alternative 1 would not include the proposed realignment to South Vine Street. Therefore, this alternative would not affect freeway operations and intersection operations. Alternative 1 would result in reduced impacts to transportation in comparison to the project, and would not result in significant and unavoidable impacts as identified for the project.

Finding for Alternative 1: This Alternative would avoid all of the Class I impacts of the project and would decrease all environmental impacts associated with development of the project site. Therefore, the City rejected this alternative on the following grounds, which provides sufficient justification for rejection of this alternative: the alternative fails to meet all basic project objectives.

Alternative 2: Rural Residential Development in County Jurisdiction

This alternative assumes that the proposed request for annexation from the County of San Luis Obispo into the City of Paso Robles, SOI amendment, Pre-Zoning application, General Plan amendment, Planned Development Permit, and Development Agreement would not occur. Therefore, this alternative would lead to development of the project site under the County jurisdiction, and consistent with the current land use categories and requirements in the County of San Luis Obispo General Plan and Land Use Ordinance. These conditions would result in fewer agricultural lots, residential lots, dwelling units, and no commercial or visitor-serving land uses on the project site, in comparison to the proposed project.

The project site is located within the County of San Luis Obispo North County Inland Area Plan (and Salinas River Sub Area), and a portion of the site is within the Paso Robles Urban Reserve Line (URL). There are two land use categories that apply to the project site: Agriculture (AG) and Residential Suburban (RS). The URL includes 69.6 acres fronting South Vine Street, and extends into the north-central portion of the site. This portion of the property has the RS (Residential Suburban) land use category, as shown in the Paso Robles Urban Reserve Line Land Use Categories map (San Luis Obispo County, March 8, 2017). The remaining areas of the property (99.77 acres) are in the AG land use category (Salinas River Subarea Rural Land Use Category Map, San Luis Obispo County, March 8, 2017).

For the RS portion of the project site, subdivision under the County jurisdiction would be based upon the allowable density or minimum required lot size as determined by applying different ‘tests,’ as specified in the County Land Use Ordinance (Section 22.22.070). These tests involve determining the average slope and the type of water and sewer service that would be used by new parcels. If the land were to remain in the unincorporated jurisdiction, then municipal water and sewer service would not be available. Given the high capacity agricultural wells on the property, it is likely that a community well system could be provided, which would allow a minimum parcel size of 2 acres (Section 22.22.070.B.). Based on records from the County’s parcel data base, if the average slope on a proposed lot were greater than 30 percent, then the lot size would need to be 3 acres. Thus, for the 69.6 acres of land with the RS category, up to 34 residential lots would be allowed.

For the AG-zoned portion of the project site (99.77 acres), the County Land Use Ordinance has a more complex procedure for determining allowable lot sizes for subdivisions, which relates minimum lot size to the productivity of the agricultural land based on current uses or on soil type (Section 22.22.040). This provision of the Land Use Ordinance is appropriately used when subdivisions of agricultural land are proposed. In this part of the project site, there are three existing parcels, two of which are currently smaller than the minimum allowable lot size under the Land Use Ordinance. Thus, the standards for existing lots as set forth in the Land Use Ordinance would apply, rather than the standards applied to land subdivisions. As a general rule, for lots relying on septic tanks a minimum lot size of 1.0 acre is required for any residential use (Section 22.10.110.C.Footnote 1), so it is presumed that each of these smaller lots could have one primary residence.

It is possible that the larger lot in the AG category could be subdivided in the future. The allowable future lot size would depend on factors such as soil type and agricultural production as specified in the Subdivision Design requirements in the Land Use Ordinance that apply to the AG category (Section 22.22.040). If the appropriate soils and or crop tests were met, the minimum potential lot size would be 20 acres, but larger sizes (i.e. fewer lots) could be required. To estimate the maximum development, a 20-acre lot size will be assumed. Additional farm support quarters, transitional housing and other supportive housing may also be allowed, but depend on the lot size and on the actual use of the parcel. For this

reason the potential for additional housing support quarters is not quantified in this analysis in the Final EIR.

Approximately 34 of the potential residential lots would be located on the north and central portion of the project site. These gently sloping hillsides are the part of the property generally visible from U.S. 101 and South Vine Street. This scattered, low-density pattern of residential development would be somewhat similar to the subdivisions to the north, although with smaller lot sizes since the land is not as steep as the northern topography. The AG portion of the project site would develop similarly to the subdivided AG land to the west of the project site, but would be less visible from U.S. 101, South Vine Street, and SR 46, due to steep topography and dense vegetation.

Effectiveness of Alternatives in Avoiding Significant Project Impacts:

- 1. Significant and Unavoidable Air Quality Impacts:** Alternative 2 would require construction that would generate air pollutant emissions. The overall reduction in development intensity in comparison to the project would require less construction, which would reduce construction-related air quality impacts. Limiting development to only residential land uses would also substantially reduce the operational air quality emissions associated with this alternative. Also, by removing the proposed commercial, hotel, and visitor-serving land uses, and reducing the number of dwelling units, the VMT and related vehicle air contaminant emissions associated with this alternative would be substantially less than for the proposed project. Therefore, Alternative 2 would have reduced impacts air quality impacts than the project, and impacts would be less than significant.
- 2. Significant and Unavoidable Greenhouse Gas Emissions Impacts:** Alternative 2 would reduce the amount of development and amount of associated construction and operational GHG emissions, including emissions associated with vehicle trips. Since this alternative would be consistent with the existing County land use designations, it would be consistent with the 2019 RTP/SCS. Nevertheless, this alternative includes development that would generate temporary and long-term increases in GHG emissions. Implementation of a GHG emissions reduction plan would be required to reduce GHG emissions to a level that is consistent with GHG reduction targets contained in the 2017 Scoping Plan and EO B-55. Overall, Alternative 2 would reduce greenhouse gas emissions impacts to a less than significant level.
- 3. Significant and Unavoidable Transportation Impacts:** Alternative 2 would generate substantially fewer vehicle trips than the project. As a result, impacts to the transportation network in the study area as a result of traffic would be reduced under this alternative in comparison to the project. Nevertheless, any trips added to the U.S. 101/Main Street interchange as a result of this alternative would exacerbate existing deficient conditions at the interchange, which would result in a significant and unavoidable impact in accordance with County criteria, similar to the project. This alternative may also worsen the LOS on the U.S. 101 mainline under General Plan buildout conditions. Due to the lack of feasible mitigation because of uncertainty associated with timing and implementation, this impact would be significant and unavoidable, similar to the project. In addition, the lower amount of construction would reduce short-term traffic impacts. However, this alternative would not facilitate construction of the South Vine Street realignment, which provides substantial

circulation benefits with the proposed project. Therefore, potential impacts to transportation would be similar for Alternative 2 when compared to the project.

Finding for Alternative 2: Due to the existing traffic issues in the vicinity of the project site, this Alternative would not eliminate the Class I impacts of the project related to transportation/traffic and would result in similar environmental impacts and mitigation requirements to the project. This Alternative would not satisfy most of the basic project objectives, would not facilitate the realignment of South Vine Street, and would not generate Transient Occupancy Tax at the benefit of the City. Therefore, it would not achieve key project objectives to the extent that the project would. Therefore, the City rejected this alternative on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to fully satisfy project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project related to transportation/traffic.

Alternative 3: Reduced Development

This alternative would be scaled down to roughly one-third of the proposed intensity of the project by removing the Vine Street Vineyard Hotel, Village Commercial Center, Promontory Commercial Center, and Vine Street Commercial. Alternative 3 would include one hotel (Hillside Hotel), with a total of approximately 225 rooms, 32,000 square feet of commercial and office space, and 581 parking spots. The development would be located in the north-center portion of the project site, and would be similar in size to the proposed Hillside Hotel. The remaining portions of the property would develop as an agricultural-residential land use pattern with a substantial portion of the land in agriculture. The residential portion of the project may not be annexed to the city, but would generally reflect the mixed agriculture and low intensity residential use typical of the adjacent unincorporated lands. This alternative would include the South Vine Street realignment, as proposed for the project.

Effectiveness of Alternatives in Avoiding Significant Project Impacts:

- 1. Significant and Unavoidable Air Quality Impacts:** Alternative 3 would scale down to roughly one-third of the project's proposed intensity. The overall reduction in development intensity in comparison to the project would require less construction, which would reduce construction-related air quality impacts. Also, by reducing the proposed commercial, hotel, and visitor-serving land uses, and removing residential dwelling units, the VMT and related vehicle air contaminant emissions associated with this alternative would be substantially less than for the proposed project. Therefore, Alternative 2 would be reduced in comparison to the project and would be less significant.
- 2. Significant and Unavoidable Greenhouse Gas Emissions Impacts:** Alternative 3 would reduce the amount of development and amount of associated construction and operational GHG emissions, including emissions associated with vehicle trips. Nevertheless, this alternative includes development that would generate temporary and long-term increases in GHG emissions. Implementation of a GHG emissions reduction plan would be required to reduce GHG emissions to a level that is consistent with GHG reduction targets contained in the city's Climate Action Plan, measures in the 2019 RTP, the 2017 Scoping Plan, and EO B-55. Overall, Alternative 3 would reduce greenhouse gas emissions impacts when compared to the project.

3. **Significant and Unavoidable Transportation Impacts:** Alternative 3 would generate substantially fewer vehicle trips than the project. Similar to the project, this alternative would facilitate construction of the South Vine Street realignment, which provides substantial circulation benefits in the project vicinity. As a result, impacts to the transportation network in the study area as a result of traffic would be reduced under this alternative in comparison to the project. Nevertheless, any trips added to the U.S. 101/Main Street interchange as a result of this alternative would exacerbate existing deficient conditions at the interchange, which would result in a significant and unavoidable impact in accordance with County criteria, similar to the project. This alternative may also worsen the LOS on the U.S. 101 mainline under General Plan buildout conditions. Due to the lack of feasible mitigation because of uncertainty associated with timing and implementation, this impact would be significant and unavoidable, similar to the project. In addition, the reduced amount of construction would reduce short-term traffic impacts. Overall, potential impacts to transportation would be similar under Alternative 3 when compared to the project.

Finding for Alternative 3: Due to the reduced number of residential units provided by Alternative 3 in comparison to the project, this Alternative would avoid significant and unavoidable impacts to air quality and related to increases in greenhouse gas emissions. However, this Alternative would result in significant and unavoidable impacts to transportation/traffic. Therefore, the City rejected this alternative on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable transportation/traffic impacts of the project.

For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR for Paso Robles Gateway Project Section 6 and the City's Findings of Fact and Statement of Overriding Considerations Section 9.

5. Process as Responsible Agency, Findings, and Statement of Overriding Considerations, (CEQA Guidelines Section 15096 (g)(1), 15091, 15093, and 15096 (h))

As a Responsible Agency under CEQA, LAFCO has discretionary authority over the SOI and Annexation proposal. Under CEQA, Responsible Agencies are required to independently review and approve the CEQA document previously prepared by the Lead Agency to comply with environmental review requirements. As such, in light of the City's annexation & SOI request, LAFCO reviewed and considered the EIR prepared and certified by the City.

The City, acting as the Lead Agency, adopted a Statement of Overriding Considerations for the proposed project (EIR SCH# 2013101050).

The Commission has made a reasonable and good faith effort to evaluate any alternatives or mitigation measures that would eliminate or substantially mitigate the environmental impacts. The Commission has

reviewed the actions by the City to eliminate or substantially mitigate the environmental impacts, particularly the various mitigation measures in the EIR.

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the Gateway Project Plan has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the City and region. This Statement of Overriding Considerations justifies finding the unavoidable adverse environmental impacts from the proposal as acceptable.

The Commission finds that any one of the benefits set forth below is sufficient to warrant approval of the proposal and justify the unavoidable adverse environmental impacts from the City's implementation of the proposed project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the Commission hereby adopts this Statement of Overriding Considerations, for the following reasons in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093.

1. Consistent with LAFCO policies and proceedings. LAFCO establishes Spheres of Influence which identifies areas of possible future development and encourages opportunities for logical development of the City. The request is to amend the SOI and pursue annexation concurrently. The annexation is consistent with CKH and LAFCO policies.
2. LAFCO has reviewed and considered the Statement of Overriding Considerations approved by the City of Paso Robles and the evidence that supports that Statement as set forth in the Environmental Documentation and has concluded that any adverse environmental effects of the project are outweighed by the benefits of the project.
3. Annexation and development of these properties is a logical and planned expansion of the City of Paso Robles and has been anticipated, as was recognized in the 2013 Municipal Services Review.
4. A total of 98.6-acres of the 170-acre project proposal to LAFCO would remain as agriculture / open space.
 - a. Development would convert 28.9-acres of Farmland of Statewide Importance that was classified by the Natural Resources Conservation Service and LAFCO's definition of prime agricultural land prime soils are being impacted. As a result, approximately 32.3-acres will be encumbered by agricultural conservation easements in perpetuity; meeting LAFCO 1:1 policy as set forth in the proposed LAFCO conditions of approval.
 - b. Approximately 49.7-acres will remain agriculture on sight but not in conservation easements; instead it will be placed in agricultural production in furtherance of the City's Purple Belt Action Plan.
 - c. Approximately 16.6-acres will be protected as open space areas.

5. The Project will protect and preserve the rural and urban interface by clustering the commercial and residential development in distinct areas surrounded by agricultural and open space uses. The high-quality architecture and design will further protect and enhances the region's aesthetic value.
6. The Paso Robles Gateway Economic and Fiscal Impact Analysis authored by Beacon Economics estimates that the Project will result in substantial short term and long-term economic benefits to the City and its existing residents if approved as stated below:

Short Term (Construction Related) Benefits Include:

- a. Increase economic output by **\$103.9 million**, with \$81.9 million generated in the City of Paso Robles and \$21.9 million elsewhere in San Luis Obispo County.
- b. Support **684 jobs**, with 549 jobs supported in Paso Robles and 135 elsewhere in San Luis Obispo County.
- c. Increase labor income by **\$48.5 million**, with \$41.8 million generated in Paso Robles and \$6.7 million elsewhere in San Luis Obispo County.
- d. Increase local tax revenue by **\$1.4 million**, with \$584,600 generated in Paso Robles and \$789,900 elsewhere in San Luis Obispo County.

On-Going Economic Benefits Include:

- a. Increase economic output by \$183.3 million, with \$105.6 million generated in Paso Robles and \$77.6 million elsewhere in San Luis Obispo County.
 - b. Support 2,028 jobs, with 1,279 jobs in Paso Robles and 800 elsewhere in San Luis Obispo County.
 - c. Increase labor income by \$65.7 million, with \$38.6 million generated in Paso Robles and \$27.1 million elsewhere in San Luis Obispo County.
 - d. Increase local tax revenue by \$9.3 million, with \$6.5 million generated in Paso Robles and \$2.7 million elsewhere in San Luis Obispo County.
7. Per the Developer Agreement the Project developer would dedicate to the City right-of-way on the developer's property and facilitate the dedication of the right-of-way on an adjoining landowner's property (through a land exchange) for the realignment of Vine Street, to include a connection to Highway 46. The Project developer would also pay for the costs to design, engineer, grade and construct that portion of the Vine Street realignment on the Project developer's property, in accordance with the Development Agreement entered into by the Project developer and the City.
 8. Under the housing allocation adopted by SLOCOG in February 2019, the City of Paso Robles is to contribute 1,446 new dwelling units over the course of the 10-year planning cycle. The Project

includes the construction of workforce housing and will assist the City of Paso Robles in meeting its housing allocation targets under state law. If approved the Project may also result in the addition of 80 new multi-family residential units and 17 for rent workforce housing units in the City of Paso Robles. The planned affordable housing, both on and off site, will accommodate the demand for new housing created by the project.

9. Per the Pre-Annexation & Developer Agreement the payment of Affordable Housing Fees by the project developer in the amount of \$500,000 is to be used by the City for the purpose of planning, increasing, and/or improving the City's supply of affordable housing within the City.
10. The Plan and Environmental Documentation provides specific mitigation for the identified impacts and is consistent with the City's General Plan policies and procedures. Mitigation and Conditions of Approval have been adopted by the City.