Appendix J

Comment Letters Received on August 2004 Draft EIR

CHANDLER RANCH AREA SPECIFIC PLAN
DRAFT EIR AND SPECIFIC PLAN
COMMENTS RECEIVED
AS OF November 29, 2004

Memo dated September 8, 2004 from Pete Dakin on behalf of Chandler Sand & Gravel

Letter dated September 19, 2004 from David McCabe

Letter dated September 27, 2004 from CalTrans

Letter dated October 4, 2004 from Department of Fish and Game

Comments received October 6, 2004 from Jim Wilcox.

Email received from Police Chief Dennis Cassidy, dated September 15, 2004

Letter received September 24, 2004from Wayne A. Condict, Trustee

Letter received from LAFCO, dated October 15, 2004, faxed October 14, 2004.

Major Review Issues, dated October 26, 2004

Letter received from Manzanita Property Mgmt, dated October 28, 2004

Letter dated November 1, 2004 and received November 4, 2004 from State Clearinghouse

Letter dated November 15, 2004 from Steve Meixner

Letter dated November 18, 2004 from Branch, et al Partnership

Memo dated November 18, 2004 and received November 23, 2004 from SLO Co Dept. of Agriculture/Measurement Standards

Letter dated November 21, 2004 and received November 23, 2004 from Kathy Barnett.

Letter dated November 24, 2004 from Paso Watch.

Letter dated November 24, 2004 from CalTrans (10 pages with attachment).

Letter dated November 9, 2004 and received November 24, 2004 from Steve Meixner

Letter dated November 24, 2004 from Editha Spencer

Letter dated November 24, 2004 from Adamski, Moroski, Madden & Green (5 pages)

Letter dated November 23, 2004 and received November 24, 2004 from Environment in the Public Interest.

Fax dated and received November 24, 2004 from SLOCOG

Letter dated November 24, 2004 and received November 29, 2004 from Allen Matkins, atty.

RE/MAX
Parkside Real Estate

711 Twelfth Street • Paso Robles, CA 93446

"The Real Estate Leaders"

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SEP - 8 2004
Community Development

September 8, 2004

Memo To: Bob Lata
From: Pete Dakin/Chandler Sand & Gravel

Dear Bob,

There are two planned wells and a planned detention basin on our property. Will these costs be prorated and paid for by the entire plan owners? We have a planned school site on our property. It has been represented to us throughout this process that the school district may or may not purchase this site. Subject school site will also be planned with a residential overlay.

It has been represented to us that the sale price to the school district is a free market fair market value. The value on subject property is going to be based on the number of homes we can build on the school site and the development costs. While we do not know our costs or densities today we would point out that the school site most likely will be offered for sale to the district in the multiple millions of dollars. That would be fair market value.

Whatever deal is made with the school district it is understood by us that it is a fair market deal. Is there anything regarding this aforementioned school situation that has been misrepresented throughout the process?

Sincerely,

Pete Dakin
RE/MAX Parkside Real Estate

David J. McCabe
2912 Gilead Lane
Paso Robles, CA 93446

September 19, 2004

RECEIVED
SEP 2 9 2004
Community Develop

City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: Chandler Ranch Area Specific Plan

Dear Sir or Madam:

Over the years I have been following the developments of the process of the Chandler Ranch plan. I have attended many of the meetings and have voiced some of my concerns. Because of the size of this project and the impact it will have, the city has a very heavy responsibility and I want you to know I appreciate the time and effort being put in by the city staff. You are under much pressure from those, like myself, who would like to see slower and more controlled growth, and that by the developers who what to get in on the wave of high profits that central California is experiencing.

In reading the Friday, September 17, 2004, Tribune front page article concerning the school district comments on the impact it will have for them, I could not help feeling apprehension for what might be happing. At past meetings, I have voiced my concerns for the impact on the city's infrastructure. This article has moved me to once again voice my concerns.

The issue of the schools is well expressed by the school district and does not need further comments from me. The issue of traffic is a real concern. At present, with out question, the city is overwhelmed by the amount of traffic it has to handle each day. The widening of the 13th Street bridge will be of help but will do little to solve the problem. As the housing developments that are already approved are built out, the problem will become even greater. The Chandler Ranch development will have a crushing effect, without question, on the problem. Added to this are the other issues that will be belong to the city, such as water, sewer and fire protection, just to name a few.

The question to me seems to be, not what will only make a good development for the property and at the same time profitable to the developers, but what will be best for the people living here in the city of Paso Robles? Can the city really stand to have the projected population that is being scheduled by all the developments underway? Could there be some type of metering of the growth? Some way of allowing such a huge development such as the Chandler Ranch project to be controlled, to only allow a small percentage of the project to be developed each year? This would allow for time and money to prepare for the increased population with the needed infrastructure.

Thank you for your consideration of my feelings on this project.

Sincerely,

Dave

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
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September 27, 2004

RECEIVED
CITY MANAGER

SEP 29 2004

CITY OF PASO ROBLES

James L. App, City Manager
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Dear Mr. App:

DEVELOPING A SUSTAINABLE STRATEGY FOR THE SLO-46 EAST CORRIDOR

The purpose of this letter is to highlight major issues on a five-mile segment of Highway 46 east of Highway 101 and to propose an approach to coordinate transportation solutions and land use decisions. Highway 46 is a critical interregional highway that also serves local and regional traffic. The Department of Transportation (Department) is committed to keeping Highway 46 safe and efficient. The five-mile section between Jardine Road and Highway 101 is particularly challenging for the Department, the City of Paso Robles (City), the County of San Luis Obispo (County), and the San Luis Obispo Council of Governments (SLOCOG).

The 1964 Freeway Agreement remains a valid and vital document that outlines elements of cooperative planning for a future facility by restricting access points and identifying needs for grade-separated interchanges at strategic points. This segment of Highway 46 and all of Highway 101 are part of the California Freeway and Expressway (F and E) system. The F and E system has been constructed by investing funds to preserve the corridor through the acquisition of access control. The Department intends to diligently protect this access control. No changes will be considered without a clear commitment to preserving the long-term integrity of the system.

The Department's Project Development Procedures Manual delineates the process for any access changes to freeways and expressways. New connections must be documented by an approved Project Study Report (PSR) for a new connection. The new connection must be covered by a Project Report and must have an environmental document prepared under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), as appropriate. California Transportation Commission (CTC) consent is required before a local public road can be connected to a freeway or expressway. The local agency must submit to the Department a request by formal resolution with a firm funding commitment for the new connection.

The Department recognizes the high cost associated with major highway and interchange improvements including planning, development, construction, and maintenance. Although funding for major improvements on this section of Highway 46 has not yet been identified, public and private development in the area and adjacent to the highway continues to proliferate. Significant levels of traffic generated by this development also depend on Highways 46 and 101. Adding this demand to that created by interregional trips has resulted in an annual growth rate that is nearly double the statewide average. The annual average growth rate of traffic on all state highways is 2.3 percent as measured over the last 15 years. On this five-mile segment of Highway 46, traffic counts taken over the last 10 years have shown increases of approximately 4.0 percent annually. The traffic mix here consists of over 20 percent trucks and is an important indicator of this highway's significance for interregional goods movement.

The Department is aware of the housing mandate imposed upon local jurisdictions by the State and appreciates the compliance efforts by the City and SLOCOG. An essential component of accommodating this growth is ensuring that planning for transportation infrastructure keeps pace for adequate support. The Department is very concerned with the deteriorating level of service (LOS) that is occurring and the lack of agreement and funding for necessary improvements. During peak travel periods the segment currently reaches LOS F, which is unacceptable for local, regional, and interregional traffic.

Without substantial investment, conditions are expected to further decline and result in significant traffic delays. In the short-term, the City has thus far promoted the incremental addition of traffic signals as the answer to accommodating growth adjacent to the highway. The Department views this as only a short-term solution and would like to work collaboratively with the City, the County and SLOCOG to develop a comprehensive long-term and sustainable strategy. Part of this strategy involves securing appropriate mitigation for local and regional development for their fairshare of project-specific and cumulative traffic impacts to the state highway system. However, it is unlikely that mitigation dollars alone would support the needed improvements. An overall funding strategy that includes mitigation funds from development must be determined.

To that end, the Department is proposing an approach that will require discipline and commitment from all partners and focus on the following objectives.

- Achieve a common understanding about the relationship of local land use decisions and the transportation system.
- Develop short-term transportation projects that will support long-term solutions.
- Develop longer-term transportation solutions that will promote local circulation and livable communities while not compromising interregional movement of goods and people.

- Tie transportation and local growth decisions more closely together with the intent of maximizing funding for a logical sequence of projects that address the greatest needs first.
- Develop a reliable funding plan to mitigate for traffic impacts on the state highway system.

The Department commits to undertaking the following actions to meet these objectives.

1) Prepare a Comprehensive Corridor Study (CCS) concurrent with the PSR being prepared by the City for the Airport Road/Highway 46 intersection. The focus of the CCS would be on access control and spacing, as well as development of a logical project sequence for the entire five-mile segment between Highway 101 and Jardine Road.

2) Support and facilitate approval of the City's PSR for the realigned Airport Road/Highway 46 intersection. The Department's focus will be on exploring a full range of alternatives that address the project's purpose and need, takes into account the impacts of development on the State's highway facility, and is founded on a strong and accurate traffic study. The Department will also focus on solutions that do not preclude longer-term improvements that support the freeway concept.

3) Finalize the State Route 46 Transportation Concept Report with stakeholder support.

4) Facilitate collaboration among SLOCOG, the City, the County, and the Department as key partners and ensure effective participation in decision-making by all stakeholders.

The Department recognizes that its actions alone cannot address the transportation needs in the Highway 46 corridor. Improvements to the transportation network can only be realized through sincere collaboration with each partner living up to their respective responsibilities.

The Department has consistently commented to the city through its General Plan Update process about impacts to the State's highway system. Please be aware that we do not concur with key elements of the City's findings of effects on Transportation and Circulation (City Resolution No. 03-232 Adopting the 2003 Comprehensive Update to the General Plan). We recognize that actions by other entities such as the Local Agency Formation Commission (LAFCO) in considering updates to the City's Sphere of Influence and approving annexations, relies in part on the City's findings.

Additionally, the Department has focussed attention on Chandler Ranch and is in the process of responding to the Specific Plan and Environmental Impact Report for this proposed development. Recent correspondence among our staff indicates that serious issues related to the traffic analysis remain unresolved. I urge you to provide the

leadership needed to ensure that these issues are fairly and adequately addressed as part of these documents. Please note that if the Department continues to be dissatisfied with the City's response, the Department may proceed with a request for a formal scoping meeting (CEQA Guidelines Section 21083.9) and request that the State's Office of Planning and Research (OPR) preside over the process. OPR would then make a determination as to whether or not the City as lead agency is in full compliance with CEQA for the proposed project. We will continue to work closely with you to address issues prior to initiating formal scoping.

Planning and implementation of appropriate transportation solutions for local circulation and for the State's highway system is a shared responsibility of the City, the County, SLOCOG, and the Department. This may also be an appropriate time to consider the role of LAFCO in this discussion.

The Department would like to be very clear regarding its role and responsibilities for the State's highway system. I believe it is in all of our best interests to do so.

I look forward to continuing a productive dialogue to further refine the comprehensive strategy that will assure a lasting and vital transportation system. If you would like to further discuss this issue, please contact me at (805) 549-3127, or you may contact Rich Krumholz, Deputy District Director for Planning and Local Programs, at (805) 549-3161.

Sincerely,

R. GREGG ALBRIGHT
District Director

c: Ron DeCarli, Executive Director
San Luis Obispo Council of Governments
1150 Osos Street, Suite 202
San Luis Obispo, CA 93401

Victor Holanda, Planning Director
County of San Luis Obispo
1050 Monterey Street, Room 370
San Luis Obispo, CA 93406

Noel King, Public Works Director
San Luis Obispo County
1050 Monterey Street, Room 370
San Luis Obispo, CA 93406

Paul Hood, Executive Officer
SLO Local Agency Formation Commission
County Courthouse Administrative Office
1042 Pacific Street, Suite A
San Luis Obispo, CA 93408

State of California – The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

RECEIVED
OCT 08 2004
Community Development

October 4, 2004

Mr. Bob Lata
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Dear Mr. Lata:

Chandler Ranch Area Specific Plan
Paso Robles, San Luis Obispo County

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the Chandler Ranch Area Specific Plan in Paso Robles. The proposed project is to develop 556.9 acres of the 837.2-acre planning area. Specifically, proposals include: 464.6 acres of residential development, 81.1 acres of commercial development, 11.2 acres of "other" and 280 acres of open space.

As detailed in our previous letters, the entire project area is within the range of the San Joaquin kit fox, a species listed under both the State and Federal endangered species acts. In general, the project is within an area where a 3:1 mitigation ratio is needed to offset losses of kit fox habitat. This ratio was substantiated by a habitat evaluation form for the project area (September 30, 2000). Additionally, a 3:1 ratio has been established as standard mitigation for permanent habitat loss throughout the species' range. The mitigation obligation can be met by conserving the applicable acreage of kit fox habitat in perpetuity with an associated management endowment or by contributing funds to an account aimed at conserving kit fox habitat in San Luis Obispo. The project proponent may also acquire credits in a DFG approved conservation bank. At present, the conservation bank option is not available. However, we anticipate that at least one conservation bank will be available within the next year.

Approximately 59 acres of oak woodland are within areas proposed for development under the Specific Plan. While the DEIR contains mitigation measures for planting oak trees to replace

those removed by the project, success criteria for survival of these trees are not included in the DEIR. It has been DFG's experience that large scale oak tree planting has not been very successful. In some cases, over 90 percent of the plantings died within a five-year period. Therefore, a monitoring program, with success criteria and replanting as necessary, needs to be established in order to mitigate the loss of oak woodlands.

In September of 2004, Senate Bill 1334 regarding oak woodland conservation was signed by the Governor. Under this law, planted oaks need to be maintained for seven years and only half of the oak woodland mitigation obligation can be met by planting trees. The remaining mitigation obligation can be met by placing a conservation easement on established oak woodlands, contributing funds to the Oak Woodlands Conservation Fund, or a similar measure. There is enough oak woodland present on the subject property (144 acres) to meet the oak woodland mitigation requirement if desired. The DEIR should reflect this new law.

The DEIR estimates that there is 0.5-acre of wetland habitat within the specific plan area. The DEIR further states that there were not any vernal pools detected based on surveys in 2003. However, rainfall in 2003 was well below normal and many established vernal pools did not hold any water for an extended period; detection of vernal pools would be problematic under these conditions. The DEIR should refer to the previous environmental documents for this project as well as aerial photos taken during wetter years to determine the likelihood that additional wetlands are present in the project area.

If you have any questions, please contact Mr. Bob Stafford, Associate Wildlife Biologist, at (805) 528-8670; or Ms. Deborah Hillyard, Staff Environmental Scientist, at (805) 772-4318.

Sincerely,

Cindy Catalano

for Robert W. Floerke
Regional Manager
Central Coast Region

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Community Development

CRASP COMMENTS

Page 1-9 Figure 1-2 Plan Area Boundary.

Even though area 16 is not in the City it will benefit immediateley with extension of Sherwood Rd. Part of area 17 was a part of the annexation in 1982., therefore units from both areas should be used in the cost allocation of Airpot Rd.

Page 3-4 Lu-3 HOME OWNERS ASSOC.

A single HOA for an area this size (837 ac.) is not feasible or workable. The amount of open space and trails layout put too much responsibility on the home owners. Trails open to the public will create the possibility of fires, trash problems, and trespassing on owner property. If the City wants open space they should be responsible for trail maintenance and fire prevention.

Page 3-5 Figure 2-1 Arterial Roads.

Arterial Roads for the lower portion of the CRASP are needed to serve.
1. Lower half of Subarea 8
2. Western portion of Subarea 9.
3. Upper portion of Subarea 12.

Page 3-30 Table 3-4 Roadway Standards.

A landscape median is not necessary for the existing Sherwood Rd.. I would require more maintenance, use more water, and reduce parking space, bikelanes, and sidewalk area.

Page 3-3 Bikeways and Pedestrain Circulation.

Policy C-8,9,and 10 out.
It should not be the responsibility of the HOA.

Page 3-37 Policy 1-4 Well sites.

A 100'x100' well site is not acceptable, each well site size to be determined by its location.

Page 3-38 Policy 1-12 Figure 3-18 Drainage.

Basin 8B would drain into Quail Run, that water should be directed along the westside of area 11,and into basin 14A, which should be located at the northside of Sherwood Rd.-Fontana Rd. intersection.
Figure 3-18 shows that basin 14A on a hillside and it should be located as indicated above.
Drainage from area 8B and 8C would be directed into 14A

Page 4-6 Table 4-2 Airport Rd. Assessment/DU.
Option #1. Unecessary for a bridge between areas 7 and 9
Option #3 Sodded areas on both sides of an adequate culvert would handle runoff from vineyard.

Page 4-11 Traffic Volume Threshold for Roadway Improvements.

SR46 east of Airport Rd.to Dry Creek-Jardine Rd. is part of CalTrans widening of SR46 and this allocation should not be against CRASP. Charolais Rd.-Southriver Rd. to US101, this goes beyound the general plan into yr.2025. Again this cost allocation should not be placed on CRASP.

Page 4-12 Table 4-5 CRASP Roadway Improvement Cost Allocation.

Southeast Quadrant of site mitigation and Charolais Rd-Bridge extension are anticipated 20-25 yrs. and it is impossible to assign costs at this time.

Dennis Cassidy

From: Dennis Cassidy
Sent: Wednesday, September 15, 2004 10:09 AM
To: Bob Lata
Subject: Chandler Ranch Specific Plan EIR Draft

In review of section 4.10 Public Services and Infrastructure I find the following areas to be changed.

4.10.3 Law Enforcement

First paragraph:

a. Main Station location is 900 Park Street (not 840 10th Street)
Patrol personnel includes a total of 19 patrol officers (not six patrol officers)

Second paragraph:

The current City General Plan uses ratios based on 1000 residents (not 2000) so these documents should be consistent.

Goal of 1.4 to 1.6 sworn officers and .5 non-sworn employees per 1000 re4sidents (not 2.8 to 3.2 and one per 2000 residents)

The current Police Department staffing is one sworn officer and 2.5 non-sworn employees below the minimum staffing ration of 1.4 and .5 respectively.

The current ratio is therefore 1.33 sworn officers per 1000 residents.

Third paragraph:

Information on current population to officer (not Deputy) ratios etc.

4.10.3 Law Enforcement

a. Setting. Law enforcement services to the City of Paso Robles are provided by the City of Paso Robles Police Department from their Main Station located at ~~840 10th~~ 900 PARK Street in Paso Robles. The Main Station is currently staffed with 37 full-time sworn officers including one chief; two lieutenants, six sergeants, school resources officer, and three detectives (Cassidy, April, 2004). The Police Department also has 11 non-sworn personnel. Available patrol personnel include a total of ~~six patrol~~ 19 officers and four patrol sergeants. There are various other specialty assignments including traffic enforcement, narcotics, DARE, K-9, and others. A typical shift can range from three to six patrol officers on duty at one time. The precise number of officers on patrol varies depending upon the time of day, estimated demand, etc. The Police Departments response time goal is 3-5 minutes. The estimated response time to the Chandler Ranch site is dependent upon the location of the involved patrol car at the time of the call and the nature of existing traffic conditions, but in general would be approximately 3-5 minutes for patrol cars and about 5 minutes from the station (Cassidy, April 2004).

Chief Cassidy and the Safety Element of the City General Plan identify the goal of ~~2.8 to 3.2~~ 1.4 - 1.6 sworn officers and ~~one~~ .5 non-sworn employee per ~~2,000~~ 1000 residents. Based upon an existing population of approximately 27,000 persons, the Police Department should have approximately 38 to 43 sworn officers and 15 non-sworn personnel. The current Police Department is one sworn officer and 2.5 non-sworn employees below the minimum staffing requirement ratio. The current ratio is therefore ~~2.66~~ 1.33 sworn officers per ~~2,000~~ 1000 residents.

The City of Paso Robles Police Department receives approximately 20,000 calls per year. The department responds to a variety of calls including thefts, larceny, robbery, burglary, as well as narcotic trafficking (Cassidy, April 2004). The City of Paso Robles Police Department has both county wide and regional (including Ventura, Santa Barbara and San Luis Obispo counties) mutual aid agreements. The California Highway Patrol responds to traffic-related calls on U.S. Highway 101 and State Route 46 (outside of the City limits) ~~out of~~ from their North County offices in Templeton.

b. Impact Analysis

1. Methodology and Significance Thresholds. Information on current population to ~~deputy~~ officer ratios and service demands was collected through the City of Paso Robles Police Department. The Specific Plan would result in potentially significant impacts if the Specific Plan would result in substantial adverse physical impacts associated with provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

2. Project Impacts and Mitigation Measures.

Impact PS-4 **The Specific Plan would increase the number of residents which will impact the City of Paso Robles Police Department's ability to maintain identified officer to resident goals. However, upon payment of public facility fees and participation in a Community Facilities District (CFD)**

Wayne A. Condict, Trustee
Condict Family Trust
1 Chattanooga Street
Irvine, CA 92620

RECEIVED
SEP 2 4 2004
Community Development

Mr. Robert Lata, AICP
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: Our Town Density Allocations – Chandler Area Specific Plan

Dear Mr. Lata:

I would like to take this opportunity to inform you that the present density allocations of R-9 (9 dwelling units / acre) as set forth in the Chandler Area Specific Plan for the Our Town area (sub-areas 15, 16 and 17), are supported by all of the owners of land in the Our Town area.

The proximity of our project to arterial streets and shopping plus its flat terrain make the site ideal for high-density workforce housing units. It is our intent to fully utilize the density as allocated in the future development of the area. We would therefore be in opposition to any reduction in density.

Conversely, we feel that our property would easily support much higher density. It would seem prudent to shift density from the rolling, steeper areas of the Chandler Plan Area to this flat location. Would gladly accept any increase in density over and above the present 9 units per acre.

Please do not hesitate to call should you have any questions regarding our position. Thank you for the opportunity to provide input to this process.

Sincerely,

Wayne A. Condict, Trustee
Condict Family Trust

1042 Pacific Street, Suite A
San Luis Obispo, CA 93401
Tel: 805/781-5795
Fax: 805/788-2072
www.slolafco.com

LOCAL AGENCY FORMATION COMMISSION LAFCO

RECEIVED
OCT 14 2004
Community Development

FAX

To: Bob Lata, City of Paso Robles, Community Development Director.

From: David Church, LAFCO Analyst

Re: Draft Environmental Impact Report-Chandler Ranch Area Specific Plan

Date: October 14, 2004

Pages: 4

Fax Number: 237-3904 **Tel:** 237-3970

Message: Hello, here is something for your review.

Please call (805) 781-5795 if you do not receive all the pages or if the transmittal is illegible.

LAFCO • The Local Agency Formation Commission
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Commission Clerk

October 15, 2004

RECEIVED
OCT 14 2004
Community Development

Mr. Bob Lata, Director
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: Draft Environmental Impact Report (EIR) – Chandler Ranch Area Specific Plan (CRASP)

Dear Mr. Lata:

Thank you for the opportunity to comment on the draft Specific Plan for the Chandler Ranch Area Specific Plan (CRASP) and draft EIR. The Local Agency Formation Commission (LAFCO) is a Responsible Agency that may use these documents to approve future annexations to the City. Please consider the following comments:

1. The draft Specific Plan and EIR contains relevant information for LAFCO to consider when evaluating the annexation of Areas 15, 16, and 17 into the City. These areas would be required to annexed consistent with the Memorandum of Agreement (attached) between the City and the County and prior to the implementation of the Specific Plan on these sites. The annexation would also be subject to LAFCO policies and procedures. By addressing the following comments, LAFCO would likely be able to use the EIR as the CEQA document to annex the above mentioned areas.

2. **Page 2-1 Project Description.** This Chapter should be revised to clarify that areas 15, 16 and 17 are within the City's Sphere of Influence, but outside the City's Service Boundary (City Limits). Also a brief description that addresses Prezoning, the Negotiated Tax Agreement process, and the annexation process would make the project description more complete and accurate. This document is intended to be used by LAFCO as the environmental determination in the eventual annexation of areas 15, 16, and 17. Therefore, the annexation process for these areas should be included in the Project

Description. As currently drafted the annexation process for areas 15, 16, and 17 is not clearly depicted.

3. **Page 2-18 Water Supply.** Add the following language to the fourth paragraph after Table 2-5:

   As designed, this water system is intended to serve areas within the City's Service Boundary and areas in the City's Sphere of Influence.

4. **Page 2-36 Second Bullet.** Annexation generally requires the following major steps;

   a. Application through a petition of property owners or a City Resolution of Application

   b. Submittal of Application

   c. Preparation of Maps and submittal of all related information, approvals and documentation

   d. Approval of Negotiated Tax Agreement between the City and County

   e. Prezoning approved by the City; City is Lead Agency

   f. Preparation of a Plan for Services by the City

   g. Consideration by LAFCO, if approved;

   h. Post annexation steps-Board of Equalization Filing and other notifications

Attached for your consideration is Chapter Three of San Luis Obispo's LAFCO's Polices and Procedures. This describes in more detail the proposal approval process.

5. **Page 4.1-9 Agricultural Buffer.** The Agricultural Buffer zone is only 30 feet for area 16. The County Agriculture Commissioners Office should be consulted with regard to the size of the buffer.

6. **Page 4.1-15 Impact LU-15.** Please clarify that proposed expansion areas are in sub-areas 15, 16, and 17 a total of 26

acres. Mitigation Measures that assist LAFCO in achieving its legislative goals such as reducing the impacts to agriculture and open space should be referenced. Other key mitigation measures regarding roads and circulation, air quality, and public services should be noted. While LAFCO has discretion over the annexation proposal, mitigation measures that reduce impacts to resources assist LAFCO in the decision making process and should be referenced in this section.

7. It would appear that a Water Assessment pursuant to SB 610 should be prepared for this proposal/project. This analysis ensures that a project would have an adequate water supply to serve the anticipated demand. According to State Law, any project over 500 units is required to complete a Water Assessment Study. The City prepared such a study for its General Plan Update and LAFCO staff found that document very useful in evaluating the water resource issue.

We appreciate being contacted with regard to this project. If you have any questions regarding our comments please contact me at 781-5795.

Sincerely,

David Church
LAFCO Analyst

CHANDLER RANCH SPECIFIC PLAN
Major Review Issues

Planning Areas 17 & 19
October 26, 2004

I. On Site Infrastructure Requirements

A. The Specific Plan

The Tables entitled "Subarea XX Onsite Infrastructure Requirements" include improvements not onsite of the individual area, but that are somewhere within the Specific Plan Area. As drafted the development of a subarea requires that "The following circulation and utility infrastructure shown in Table 3-24 & 26 must be in place prior to development within this subarea." The required improvements are mostly within the Chandler Ranch Specific Plan land area but are off site to the individual planning area;

B. The Problems

These Tables require that improvements not required to service the property being developed, be built on land not owned by the developer, be constructed prior to development. The imposition of major capital costs on a development project, even with reimbursement agreements, will add significant financing costs to the finished lots/homes, causing the development to be economically infeasible.

C. Examples

Planning Area 17

- 1,850 LF of relocated Sherwood Road from Airport Road to connection to Linne Road, across lands of Chandler Sand and Gravel,
- 800 LF 16" Water Main from corner of usable property eastward to Linne Road,
- 1,850 LF of 10" Sewer Main in relocated Sherwood Road, from Airport Road to Linne Road, across lands of Chandler Sand and Gravel,
- 700 LF of 10" Sewer Main from relocated Sherwood Road North on Fontana Road to existing structures.

Planning Area 19

- 1,500 LF of 8" Sewer Main from east edge of Barney Schwartz Park to proposed Union Road lift station,
- Construct Lift Station on Union Road
- 2,000 LF of 4" force main from Union Road lift station to existing 8" Union Road sewer main.

D. Requested Modifications

Planning Area 17

- The on-site road and utility improvements will be constructed to satisfy the plan's requirements, with the ability for infrastructure on adjacent properties to connect when those properties are developed. Temporary connections from the new on-site improvements to the existing systems will be approved by the City Engineer.

Planning Area 19

- Airport Road Huer Huero Bridge is a regional improvement, to be built when funded. Land south of the Huer Huero can be developed with access from Union Road. Land north of the Huer Huero can be developed when access exists from;
  - Airport Road Huer Huero bridge,
  - Airport Road Highway 46 interchange,
  - Other legal access to the property.
- Sanitary Sewer improvements will be funded and constructed by the sewer fee contemplated by this plan. Prior to the construction of that infrastructure, this property can be developed using on lot septic systems, according to the following conditions;
  - The on-site septic system complies with ordinances and codes to the satisfaction of the City Engineer,
  - The properties agree to connect to the sanitary sewer system when those facilities become available to the properties.

II. Allocation of Costs Associated with Arterial Streets

A. The Specific Plan

The General Plan identifies Airport Road as a "Regional Improvement". The Specific Plan identifies Airport Road, Sherwood Way and Union Road as Arterial Streets. The 1982 Annexation Agreement requires certain land owners both in and out of the Specific Plan area to build Airport Road from Union Road to Linne Road, with a smaller section than described in the plan.

B. The Problem

While the Specific Plan is structured to be revenue neutral to the City, it does not equitably allocate the costs for these improvements to all of the beneficiaries in and outside of the Specific Plan area.

C. Example

Planning Area 17 is required to dedicate 5 Acres of land and build 2,200 LF of Arterial Road to develop 7.4 net acres of land; while Planning Area 8 makes no dedications and is responsible for the construction of 850 (10% of 8,500) LF of Arterial Road, to develop 49.9 acres of land.

D. Requested Modifications

The costs for the dedication and construction of the arterial improvements in the Specific Plan area should be according to a formula that includes the following:

i. Establish the costs for land acquisition and construction of Airport Road from Sherwood to Union Roads, according to the 100 foot section,
ii. Establish the costs for land acquisition and construction of Airport Road according to the Annexation Agreement and allocate those costs to the properties subject to that agreement,
iii. Subtract item i from Item ii
iv. Establish the costs for land acquisition and construction for the remainder of Airport Road, Sherwood Road and Union Road.
v. Add items iii and iv to establish the total unfunded cost for these improvements.
vi. Establish benefits of these improvements which go to others; i.e. Olsen Ranch, Beechwood Annexation, Regional beneficiaries, allocate appropriate costs to those beneficiaries, and establish mechanisms to obtain funds.
vii. Subtract item vi from item v.
viii. Add Item vii to cost basis for off-site traffic improvement fees for the Chandler Ranch Specific Plan properties.
ix. Allocate item viii to the individual planning areas based on new trip generation ratios.
x. Establish a mechanism for land dedication and road construction to be accepted in lieu of paying fees.
xi. Establish a reimbursement mechanism for contributions that exceed the required fees for any specific property.

III. Development Fees

A. The Specific Plan

The Specific Plan identifies potential for Development Fees, over and above the City's existing fee schedule. None of the new fees have been quantified.

B. The Problems

The Property Owner's are being asked to accept new development fees, without knowing the magnitude of the fees, in effect writing a blank check without having anyway of assessing if the new fees will make development economically infeasible.

1. Water Storage Facility Fee undetermined
2. Sewer Treatment Capacity Fee undetermined
3. Traffic Impact Fee subject to modification
4. Community Facilities District Fee may be imposed.

Further there assumptions that establish potential costs that must be funded by these fees appear to have flaws.

C. Example
- Table 4-1 uses a Unit Cost of $350 per LF for Airport Road, and reduces that Unit Cost to $250 per LF for the 90 foot segment in Area 7 that includes a Culvert/Fill.
- Table 4-1 estimates $6,120,000 to build a 90 foot bridge for Airport Road inn Area 7; Table 4-4 estimates $3,000,000 to build a 300 foot bridge for Airport Road and to construct an additional 1,400 LF of Airport Road.

D. Requested Modifications
Accurate assumptions and estimates for the fees must be established. Proposed fees must be established and quantified. If it is not possible to establish the final fee at this tie then a not to exceed cap for the fee must be established. The cumulative effect of these fees must be calculated.

IV. Access onto Arterial Roads

A. The Specific Plan
Figure 3-13 Airport Road in Chandler Ranch includes Note 8 "Minimum intersection Spacing shall not be less than 1200 feet" and Note 9 "No driveway or minor (right turn only) intersection access shall be allowed between major intersections"

B. The Problem
Application of those notes will deny both Planning areas 17 and 19 from having any access from Airport Road. If that Section also applies to Sherwood Road then Area 17 would be denied access from Sherwood Road.

C. Requested Modifications
Eliminate the notes.

V. Traffic Circle or Roundabout at Airport/Sherwood Intersection

A. The Specific Plan
Table 3-3 calls for a Traffic Circle or Roundabout at this intersection.

B. The Problem
The geometry of the roundabout has not been established. It is probable that it's design will significantly erode into the usable land area for planning areas 12, 13, 15 & 17, all planned for higher density development. The result will

be fewer lots with higher costs, causing higher house prices in the area that can produce the most affordable housing.

C. Requested Modification
Delete the requirement for a traffic circle or roundabout at this location.

VI. Maximum Commercial Square Footage - Area 19

A. The Specific Plan
The Plan stipulates a "Maximum Commercial Square Footage: 114,000" SF.

B. The Problem
The gross acreage for the property is 17.57 acres. Subtracting area for Airport Road, the Huer Huero creek and other reductions, 10 acres will be developable. The following coverage ratios indicate the development potential of the net acreage:

- .25 Retail 110,000 SF
- .35 Office 152,460 SF
- .45 Distribution 196,020 SF

C. Requested Modification
The maximum commercial square footage should reflect the numbers indicated above.

VII. Agricultural Buffer

A. The Specific Plan
Development Standard 19-B requires a 200 foot wide agricultural buffer in Planning Area 19 within the Specific Plan boundary.

B. The Problem
This is a new requirement that has not been enforced throughout the City, and is not uniformly imposed by this Specific Plan.

C. Requested modification
Reduce the Agricultural Buffer requirement to 100', or, require that 100' of the Agricultural Buffer be required on the unplanted land that lies east of the Specific Plan Boundary.

VIII. Wetland and Jurisdictional Waters

A. The Specific Plan

Figure 3-2 identifies a wetland that extends from the north side of Union Road to the south side of the Huer Huero Creek. Figure 3-4 indicates "Areas Requiring Delineation of Jurisdictional Waters"

B. The Problems

In area 17 Jurisdictional Waters are indicated, but there are no Blue Line Streams indicated on the USGS Quadrangle map. In area 19 the gully from the end of the culvert under Union Road extends part of the way to the Creek. Photographs of the property taken before the development of Barney Schwartz Park show no indication of a wetland. Runoff from the irrigation of the park has accumulated in the gully, and allowed the plants that indicate a wetland to establish themselves over the past several years.

D. Requested Modification

In area 17 remove the indication of Jurisdictional Waters. In area 19 recognize the source of the water and that this area is not a natural wetland, and will not require protection or mitigation.

IX. Design Standards

A. The Specific Plan

There are a myriad of very restrictive design standards. Collectively they constitute a major problem. They will be individually defined in detail in the intermediate issues response.

B. The Problems

All of the new design standards add cost to the finished projects, some by reducing developable density, some by requiring more expensive components. Several of the design standards deny the ability to develop the property for the uses intended by the zoning designations.

C. Examples

1. 50 foot setback from all wetlands, blue-line drainages, riparian woodland and riparian habitat, reduces developable land and density
2. Street trees 6" caliper, adds additional cost.
3. Solar orientation on high density small lots will not conform to te geometry of the land, resulting in larger lots, lower density, and more expensive housing.

D. Requested Modifications

Review all design standards for financial impact, value received to the community and conformance with the development objectives of the individual properties.

1. Figure 3-9 should not apply to areas with housing density in excess of 4 units per acre.Policy LU-9 should not apply to areas 17 & 19.
2. Figure 3-11 should be eliminatedSetback from Arterial Streets in Area 17 should be 15'.
3. Area 17 should have the right to propose alternate local street cross sections for the City Council's approval.
4. Side Setback for Area 17, 2 story should be 5'.

X. Divide Planning Area 19 into Two Planning Areas

A. The Specific Plan

Area 19 has been treated as a single planning area, even though the southern portion has access to City infrastructure as is, and the northern portions do not.

B. The Problem

The Property between Union Road is being denied development rights until the Huer Huero bridge and Highway 46 interchange are constructed even though those properties have access to City infrastructure via Union Road.

E. Requested Modification

Development of the property between Union Road and the Huer Huero Creek should not be dependent on the Huer Huero bridge and/or the Highway 46 interchange.

XI. Detention Basin

A. The Specific Plan

Figure 3-18 indicates a Detention Basin at the southwest corner of Area 17.

B. The Problem

Area 17 has 7.8 acres of usable land, yet is required to accommodate a detention basin that is sized to handle the runoff of 32 acres of developed land and an equal area of agricultural land.

C. Requested Modification

The Detention Basin on Area 17 should be sized to accommodate the runoff from area 17, other runoff should be detained on contributing properties that lie upland of this area.

MANZANITA PROPERTY MGMT. , INC.

945 Spring St. Suite 7
P.O. Box 1150
Paso Robles, Ca. 93447-1150
Phone: 805 237-9730
Fax: 805 237-8125

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OCT 2 8 2004
Community Development

10/28/04

To Whom It May Concern:

I am writing regarding the Paso Robles Plans for expansion. I own a small property management business. We, as a business, are already feeling the over supply of homes. We, as a community, can not possibly absorb the amount of homes that maybe built in Chandler Ranch. I live off dresser ranch road and, already, many of my neighbors have had to dig deeper wells. How can we, as a community, ask residents not to water their lawn because of the water shortage: Then,continue to build homes at such a rapid rate.

As Mayor Frank Mecham said, "...Just because you have a bare piece of land doesn't mean you have to put something on it."

Thank you for your time.

Sincerely,

Dawn B. Pentoney, CPM
President, Manzanita Property Management.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Jan Boel
Acting Director

November 1, 2004

RECEIVED
NOV 04 2004
Community Development

Robert Lata
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: Chandler Ranch Area Specific Plan
SCH#: 2004021038

Dear Robert Lata:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 29, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2004021038
Project Title Chandler Ranch Area Specific Plan
Lead Agency El Paso de Robles, City of

Type EIR Draft EIR

Description The proposed project, known as the Chandler Ranch Area Specific Plan, involves the modification of the current General Plan land use designations. The existing General Plan includes the following underlying land use designations within the planning area:
-BP, Business Park (81.0 acres)
-CS, Commercial Service (34.1 acres)
-NC, Neighborhood Commercial (19.2 acres)
-RS, Residential Suburban [0.4 Dwelling Units/acre] (575.3 acres)
-RSF-2, Residential Single-Family [2 Dwelling Units/acre] (89.6 acres)
-RSF-4, Residential Single-Family [4 Dwelling Units/acre] (38.0 acres)

Lead Agency Contact

Name Robert Lata
Agency City of Paso Robles
Phone 805 237 3970 **Fax**
email
Address 1000 Spring Street
City Paso Robles **State** CA **Zip** 93446

Project Location

County San Luis Obispo
City Paso Robles
Region
Cross Streets Hwy 46E, Line Road, Golden Hill Road
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 46E/101
Airports Paso Robles Municipal Airport
Railways Union Pacific
Waterways Huerhuero Creek
Schools Paso Robles Joint Unified
Land Use Land Use: Agricultural/Grazing; single-family residence; vacant.
Zoning: RA (Residential/Ag); R-1 (Single-family residential); C3-PD (Commercial/Light Industrial); PM (Planned Industrial).
General Plan Designation: RS (Residential Suburban); NC (Neighborhood Commercial); AG (Agricultural); CS (Commercial Service); BP (Business Park).

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, Division of Aeronautics; Caltrans, District 5; Department of Health Services; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 09/01/2004 *Start of Review* 09/01/2004 *End of Review* 10/29/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.

STEVEN C. MEIXNER
1111 Riverside Avenue, Suite 503
Paso Robles, CA 93446

805-239-3777

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NOV 17 2004
Community Development

November 15, 2004

Mr. Bob Lata
Director, Community Development
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

RE: Chandler Ranch Specific Plan

Dear Bob;

Please find attached a diagram for the proposed street section in Subarea 17 of the Specific Plan. We request that this section be incorporated into the plan and approved for the interior streets within the planning subarea.

Please let me know if you need any supporting information for this request.

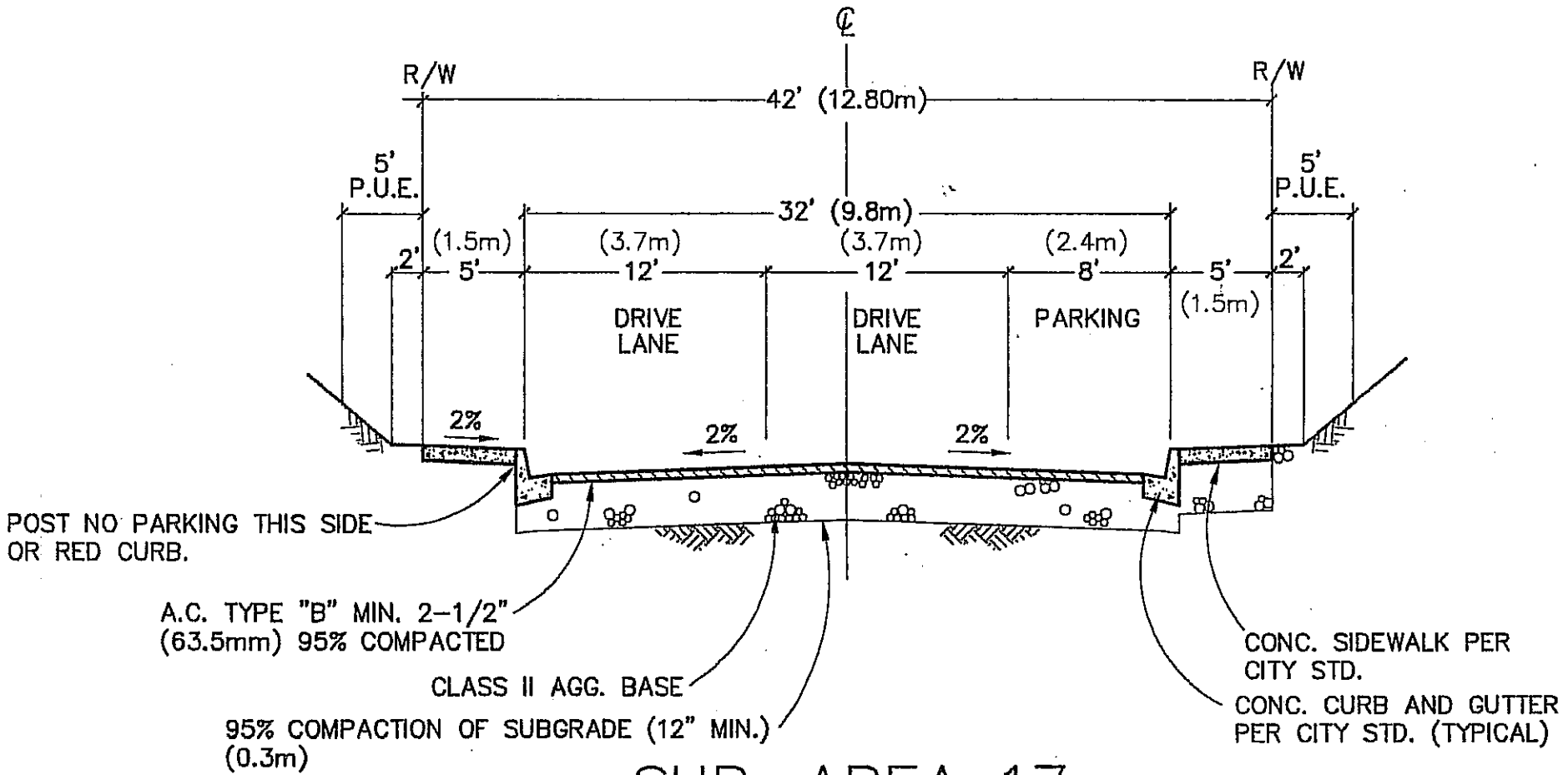
Sincerely yours,

Steve

Steven C. Meixner

Encl:

Cc; Travis Fuentez, Centex Homes
Larry Werner, North Coast Engineering



SUB-AREA 17
TYPICAL STREET SECTION

TRAFFIC INDEX: 4.0
DESIGN SPEED: 25.0 MPH
(40.3km per hour)

RECEIVED
NOV 1 9 2004
Community Development

Nov. 18, 2004

To: City of Paso Robles
Mayor, City Council
Planning Commission
Attn: Bob Lata

From: Branch etal Partnership

Subject: Chandler Ranch Specific Plan Draft
Sub-Area 19

The above property owners of one-half of Area 19 in the Chandler Ranch Specific Plan would like to express the following suggestions regarding the Specific Plan dated August 2004.

1) Land use: Commercial – Recreational (CR)
Usuage: Indoor and outdoor recreational activities.

   A) Comment – The current zoning is very restrictive and limits future development possibilities to recreation. Zoning is inconsistent with other properties in the specific plan which are being allowed a broader range of possibilities.

   B) Options – Consider C/CR zoning to allow commercial and commercial recreational activities. Consider the southern portion of the property (adjacent from Barney Schwartz) to commercial residential mix or high density, affordable housing.

2) Sub Area 19 (a single planning area)

   A) Comment – The Huero Huero bisects the width of Area 19 and creates two separates parcels. Parcel #1 is fronted and accessed by Union Road. Parcel #2 is fronted by Hwy 46 and the future Airport Road.

   B) Option – Allow Sub-Area 19 to be two planning areas. Consider allowing the southern portion of Area 19 to be developed prior to the construction of the Huero Huero Bridge or Airport Road.

3) Area 19: Open space of ten acres

   A) Comment – The draft requests ten acres of open space from Area 19. The Huero Huero is acknowledged as the open space.

   B) Option – Question is, is the open space the boundaries of the Huero Huero? The owners request more specifics on the size and location of this open space dedication.

4) Development Fees

   A) Comment – The Specific Plan asks for development fees with some unknowns to commercial properties.

   B) Option – We request all development fees be specific and affirmed so we may decide on development feasibility.

Thank you for your
time and considerations.

Branch, Hermrick, Will Partnership

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

RECEIVED
NOV 23 2004
Community Development

DATE: **November 18, 2004**

TO: **Bob Lata, Community Development Director City of El Paso de Robles**

FROM: **Lynda L. Auchinachie, Agriculture Department** LA

SUBJECT: **Draft City of El Paso de Robles Chandler Ranch Area Specific Plan Environmental Impact Report (0971)**

Thank you for the opportunity to comment on the proposed Chandler Ranch Area Specific Plan Draft Environmental Impact Report Draft Environmental Impact Report (DEIR). The following comments are based on current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

The DEIR accurately identifies impacts to agricultural resources. Please consider the following modified or additional mitigation measures to protect agricultural operation and resources.

1. The subarea-specific Agricultural Buffer policy/mitigation measure establishes a 200-foot setback from land currently used, or zoned for, agricultural activities. Wine grape vineyards and agriculturally zoned property capable of supporting vineyards are located directly east of proposed development. The Agriculture Department typically recommends a buffer for vineyards ranging from 300 to 600 feet to adequately mitigate land use conflicts. The rational for a 200-foot buffer is not detailed. A buffer of this size could be justified for subareas 5, 6, 7, 9, and 19 because of the location of Airport Road and if all noise attenuation and landscaping mitigation measures outlined for subareas adjacent to a new arterials are implemented. Please note, a linear separation of at least 300 feet combined with the noise attenuation and landscape mitigation measures would provide greater protection for agricultural operations.

2. Airport Road does not separate subarea 14 from the vineyard property. For this reason, a minimum buffer of 300 feet combined with noise attenuation and landscape screening (as outlined above) is recommended as well as installation of air conditioning or mechanical ventilation that would serve to reduce noise and odor impacts.

3. The DEIR accurately identifies subarea 16 impacts as Class I. If development is to occur at this location, noise attenuation and landscape screening should be incorporated to reduce land use incompatibilities.

4. Dust can significantly impact vineyards. Airport Road will result in extensive ground disturbing activities in close proximity to vineyards. Air quality mitigation measures have been identified to prevent airborne dust from leaving the site. The Agriculture Department is concerned that these measures alone will not adequately protect adjacent vineyards that are located downwind from the ground disturbing activities. The Agriculture Department recommends timing such activities to be post-harvest and when vineyards are dormant. Additionally, the Dust Control Monitor should consult with the vineyard manager to ensure water spray does not adversely impact vineyards.

5. The proposed development will provide the general public with new access along the western boundary of the vineyard. To reduce trespassing impacts, it is recommended a no climb fence be installed between Airport Road and the vineyard.

If you have any questions, please do not hesitate to call me at 781-5914.

November 21, 2004

Bob Lata, Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

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NOV 2 3 2004
Community Development

Dear Mr. Lata,

It was in April 2002 that I had the opportunity to view the Chandler Ranch. I considered it a privilege to see this "crown jewel" as well as participate in the public workshops regarding the development of this property. Hopefully the development of this parcel of land leaves Paso Roblans feeling that taking extra time to plan pays big dividends. I am happy that the oak woodlands will be preserved and that Airport Road will act as a buffer along the east side.

My comments regarding the Chandler Ranch Specific Plan are as follows:

Page 3-46 Residential Uses. "It should be noted that in no case may the total number of dwellings in a given sub area exceed the amount shown in the standards that pertain to the sub area in question." On page 3-3, Table 3-1 shows each area, designated land use, such as RSF-1, RSF-2, etc., maximum dwellings for each area, etc. I thought that RSF-1 means one dwelling unit per acre. If that is true than area one (1) should have 60.6 dwelling units, not 68. The same type of error appears for areas 3, 8, 16, and 17, for a total of 50.1 more dwelling units than allowed.

Page 3-2 & 3 Overlay Designations. This is in reference to Sub Area 13, giving the School District the option of purchasing the land for a school. Is there a time frame involved? Would the School District be given adequate time to buy the property inasmuch as they have just purchased property for another school site elsewhere in the community? What happens to the property if the School District does not/cannot buy the property? Will it revert to an area for more housing? What would be the density?

Page 3-31 Policy C-8. Trail Construction and Maintenance. "Maintenance of trails shall be the responsibility of the Chandler Ranch Homeowner's Association as described in Policy LU-3." I did not find a reference to Policy LU-3 and could not find it in the Specific Plan, EIR, or General Plan. I would like to be able to read Policy LU-3. I would like to know what prohibits the Homeowner's Association from setting fees for entry to trails, barring the general public, or time of use? I did not find this spelled out in any document.

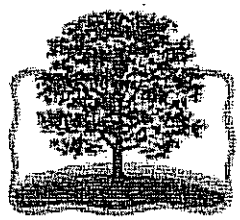
Page 3-7 Grading Requirements. Throughout the planning process the City requested computer-generated pictures of what the hillsides would look like after grading. Where are the pictures? The hillside ordinance was updated as a result of grading on the west side of Golden Hills Road and now it appears that it is being bypassed. Why is the City letting developers or a consultant tell them what kind of grading to do in regards to this project? There should be visual proof as requested... in the form of pictures. Several of the pictures offered as being acceptable in the EIR are no better than housing that now exists on the west side of Golden Hills. Will houses be kept off the tops of hillsides?

In regards to housing, the Chandler Ranch Specific Plan is in opposition to one of the Paso Robles General Plan goals...to build a balanced community where the great majority of the population can live, work and shop. To develop over 800 acres with 1439 houses that will be sold to those with only moderate and above moderate incomes (mostly for individuals not currently living in Paso Robles) can and will be interpreted as a lack of political will on the part of City Council Members. The crisis of "affordable housing" has appeared in the news on a weekly basis for the past few years. Density bonuses should be part of land use mitigation (as per discussion in workshops), whereby some of the houses on the Ranch would be sold to those with low incomes. At the very least, before the start of development, city staff should follow the General Plan and write policy regarding inclusionary zoning, whereby developers would build some portion of homes to be sold at "below market rate" or contribute in- lieu fees to the city's housing program. This seems insignificant when it comes to the overall impact that this project will have on current residents.

Respectfully,

Katherine Barnett

Katherine Barnett
383 Quarterhorse Lane
Paso Robles, CA 93446



PasoWatch

Limiting Oak Tree Removal

RECEIVED
NOV 2 9 2004
Community Development

Mr. Bob Lata
Community Development Director
City of Paso Robles
FAX NUMBER: 237-3904

RE: Chandler Ranch Specific Plan DEIR

November 24, 2004

Dear Bob,

Regarding the proposed 280 acres of oak forest habitat to be preserved at the Chandler Ranch, PasoWatch requests that the City endeavor to increase the size of the contiguous oak habitat as much as possible. We request that those parcels abutting the oak forest be developed with a goal of minimum square foot parcels that exclude as much of the oak habitat as possible. Fundamentally, the value of a developed lot in the City is set within a certain range determined by market forces more than lot size. The developer of Chandler Ranch will not be sacrificing excessive economic gain if the lots are sized modestly. The public and the City will benefit greatly by the increased habitat preservation. Also, we encourage the City to act on its previous commitment to accept the deed to the open space.

We support and encourage the City's plan to pre-determine building envelopes on sensitive oak habitat. We ask that these envelopes be carefully designed to prevent requests for variances from individual property owners or developers in the future. It can take a lot of political will to deny variances to subsequent owners. Our concerns are that if envelopes are not adhered to in the future, a significant numbers of oaks will be removed, and previously determined mitigations for losses of oaks will not adequately have addressed the additional losses. Without careful consideration and balance, the impacts of the losses will never be redressed. On an individual, case-by-case basis, "justification" for oak tree removal seldom adheres to solely objective standards rendering future mitigation and preservation at risk. This potential for unmitigated loss of oaks is a clear failure of the specific plan and the EIR.

In addition to an oak tree replacement ratio, PasoWatch requests the City adopt a plan for significant fees to be collected from developers and future landowners as additional mitigation for oak tree loss. These funds should be earmarked for the future purchase of oak habitats and parklands.

As we have stated before, we object to the exclusion of any zoning densities greater than 9 units per acres in this development.

Thank you,

Susan A. Harvey
President
239-0542

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
TELEPHONE (805) 549-3111
TDD (805) 549-3259
http://www.dot.ca.gov/dist05

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Flex your power!
Be energy efficient!

November 24, 2004

SLO-46 PM 32.15
Chandler Ranch Area
Specific Plan Draft
Environmental Impact
Report (NOC)

SCH # 2004021038

Mr. Bob Lata
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA. 93446

Dear Mr. Lata:

The California Department of Transportation (Department) has reviewed the Draft Environmental Impact Report (DEIR) prepared by the City of Paso Robles (City) for the Chandler Ranch Area Specific Plan (CRASP) and submits the following comments:

The Department, as a responsible agency under CEQA, focuses its comments on the Traffic Impact Study (TIS) and how the impacts to State Route 46 East (SR 46 East) and U.S. 101 are addressed. Attached to this letter are more specific comments and a detailed appraisal of the traffic analysis.

The TIS does not use meaningful traffic data to support the existing, existing plus project, or the 2025 build-out (cumulative) traffic analysis scenarios. The DEIR is incomplete and does not fully disclose the project impacts to the state highway system without the following:

- Accurate count data on existing traffic conditions at intersections, interchanges and highway segments
- Defensible projections of future conditions to the year 2025

At this time, three inter-related planning/engineering studies are underway to: 1) document current and future traffic demand and, 2) develop sustainable long-term strategies to accommodate that demand along the SR 46 East corridor. The three efforts include the CRASP, a Project Study Report (PSR) for Airport Road, and a Comprehensive Corridor Study for SR 46 East (from U.S. 101 to Jardine Road). Each of these efforts consider the inseparable operational relationships to U.S. 101 in the scope for traffic analysis.

The traffic data and assumptions used in the TIS for Chandler Ranch will, in part, provide a foundation for the analysis in the Airport Road PSR and the Comprehensive Corridor Study. Given the significance of each of these efforts, agreement among the City, the San Luis Obispo Council of Governments (SLOCOG) and the Department on the traffic analysis for Chandler Ranch is essential. Each of our organizations' responsibility for making informed decisions about transportation solutions will rely on the accuracy and consistency of the data and assumptions made throughout the various studies. Since each of our decision-making bodies holds a piece of the puzzle for funding a solution, we must reach agreement on the problem and how best to solve it.

Regional and interregional traffic continues to increase on State Route 46 as it does throughout the state. However, while statewide traffic trends show annual average growth rates of approximately 2%, the Department has documented, over a 10 year period, an annual average growth rate of approximately 4% along the SR 46 East corridor. Additionally, the traffic mix of nearly 20% trucks is an indicator of route's importance for interregional goods movement. Because SR 46 is under increasing demand to serve local, regional and interregional traffic, finding solutions to meet these variable needs is complex.

The Department's primary responsibility is to interregional traffic. As land use patterns intensify the transportation demand on existing facilities, the need arises for separating local and regional traffic from interregional traffic. Given that land use decisions are made locally, the responsibility for analyzing traffic impacts and ensuring adequate mitigation associated with development is part of the local agency's responsibility. In addition, current law (SB 45) delegates 75% of the responsibility for transportation financing in urban areas to regional agencies such as SLOCOG. Therefore, as a means to providing the necessary separation of traffic, funding interchange projects generally becomes the responsibility of local and regional government, rather than the state.

Key to the success of Chandler Ranch is a circulation plan that facilitates the movement of traffic in and out of the development. A future new connection at SR 46 and Airport Road is a central feature in that plan. For development phasing, the TIS proposes a traffic signal at this location as an interim traffic mitigation measure. Both of these actions require the Department's approval. The Airport Road PSR is the document that will identify a range of alternatives that can be considered further to fully address the transportation purpose and need generated by the Chandler Ranch development.

Therefore, the data collected and the assumptions used in the analysis for the Chandler Ranch TIS will be used to establish the purpose and need to improve the Airport Road connection. The PSR will identify the scope, cost and schedule for future improvements. Since it is likely that federal funds would be sought for that project, the Federal Highway Administration will also have decision authority and will need to concur on the purpose and need.

The Department does not agree that the TIS adequately characterizes the existing conditions and potential impacts of the proposed development on the state highway system. Our responsibility for interregional traffic and the risks presented by this proposal make "agreeing to disagree" an unacceptable conclusion. The Department feels strongly that the City must revise the TIS in

order to fulfill its obligations under CEQA. The Department is fully committed to working with city staff to resolve these fundamental technical issues.

In the event that we fail to reach agreement, the Department has the option to an administrative remedy through the State's Office of Planning & Research (OPR) (Section 21083.9 of the Public Resources Code) to call for a formal scoping meeting. This remedy would invite OPR to make a determination about whether the city has complied with CEQA for the proposed development. The Department would only consider this option as a last resort, since it is preferable that we reach agreement among ourselves on mutually beneficial transportation solutions. It remains in all of our best interests to resolve these issues responsibly.

Thank you for the opportunity to comment on the Draft EIR for the Chandler Ranch Area Specific Plan. If you have any questions please call me at 549-3168.

Sincerely;

David M. Murray
Branch Chief
Development Review

cc: R. Decarli – Executive Director of SLOCOG

bcc: D. Murray,
R. Barnes
T. Houston
S. Chesebro
A. Loe
K. DiGrazia
T. Farris

The California Department of Transportation's Comments on the Draft Environmental Impact Report for the Chandler Ranch Area Specific Plan
November 24,2004

CRASP DEIR - August 2004, Volume II Technical Appendices, Appendix A, Final Traffic Analysis (FTA)

1. (Ref. FTA, Page 4, *Existing Traffic Volumes,* 2nd paragraph) This paragraph states that the traffic study utilized traffic counts taken in May of 2003 and in February of 2004 for existing traffic conditions at the intersections and roadway segments. The Department requested, in comments for the Notice of Preparation (NOP) for the CRASP, that the traffic counts establishing existing conditions be done during the summer months of 2004 as this is the seasonal peak traffic condition on Route 46. Without summer peak hour counts, the traffic study does not adequately establish baseline traffic conditions on State Route 46 and U.S. Route 101. Furthermore, the traffic study does not identify which of the two count dates are assigned to the various intersection or road segment locations.

   The traffic study in the Final EIR needs to utilize new count data to establish existing conditions. Revised peak hour counts need to be included in the FEIR for the traditional A.M. & P.M. midweek scenario and more importantly, the Friday P.M. peak hour. The traffic counts taken in September, 2004 for the Route 46/Airport Road by Omni Means, would suffice to establish existing traffic conditions on Route 46.

   Revisions in the FEIR TIS also need to include traffic counts at the State Route 46E/Jardin Rd. Intersection. The traffic impact analysis needs to extend at least as far as the nearest major intersection to the east given that 12% of Chandler Ranch generated traffic is anticipated to travel in that direction from Airport Road.

2. (Ref. FTA, Page 5, Figure 2, *Existing Intersection Traffic Volumes*) Revised existing traffic volumes mentioned above, including through movements and all turning movements, need to be incorporated into Figure 2. The State Route 46E/Jardin Rd Intersection needs to be included.

3. (Ref. FTA, Page 11, *Table 3, Existing Traffic Operations: Intersection LOS*) Revised existing traffic volumes mentioned above need to be factored into new Level of Service (LOS) calculations and included in Table 3. The U.S. 101 SB Ramp/24th Street/46 intersection LOS calculation needs to consider the latent demand (vehicles queued back from the 101/46E Interchange almost to 101/Buena Vista Rd.) into the existing condition LOS calculation for this turning movement. The current LOS discussion in the DEIR does not account for the latent demand (Friday PM peak hour) for that turning movement and the revised existing conditions scenario in the FEIR will need to account for it.

Also, current traffic count data (Sept. 2004 counts) indicates that there is approximately 20% more traffic volume on SR 46E on the Friday P.M. peak hour vs. the traditional mid-week P.M. peak hour for essentially all traffic count locations. This should be reflected in the Friday P.M. peak hour LOS calculations for the U.S. 101 SB & EB Ramps/24th Street/SR 46 break-out in Table 3. Please revise for the FEIR as well.

The Department's Traffic Operations staff have observed westbound SR 46E traffic travel through the U.S. 101/SR 46E I/C, slow, make a U-turn, then enter the southbound 101 on-ramp. For accuracy, the TIS needs to count the number of Friday, P.M. peak hour (summer months) vehicles that perform this belated turning movement. Also, the 46E/Jardin Rd Intersection LOS calculation needs to be included in Table 3.

4. (Ref. FTA, Page 11, *Existing Traffic Operations Discussion*) The existing LOS deficiencies at SR 46E/Airport Road intersection can be remedied by providing a dedicated right-turn lane to accommodate southbound Airport Road traffic turning right onto SR 46E to continue west. This would eliminate the need for a traffic signal on SR 46E at Airport Road.

   To address LOS deficiencies at Union Road, the City should close off Union Road's access at SR 46E. the traffic would then be routed to Golden Hill Road for access to SR 46E. A roundabout has been proposed at that intersection to accommodate the added traffic. This is consistent with the currently updated City of Paso Robles General Plan Circulation/Land Use Element. Please be advised that it would be highly problematic to suggest that the Department would allow a traffic signal at this location.

5. (Ref. FTA, Page 12, *Table 4 – Existing Traffic Operations: Roadway LOS*) Table 4 defines roadway (e.g. SR 46 east of U.S.) LOS as a function of Average Annual Daily Traffic (AADT) is an inaccurate measure of roadway LOS. Please be advised that the Department uses the "Maximum Service Flow Rate" (passenger car/per hour/per lane) formula to define LOS for roadway segments on State highway facilities. The TIS should utilize this measure of effectiveness for State highway analysis.

6. (Ref. FTA, Page 17, *Project Access and Circulation*) This section states that the "extension of Airport Road as major four-lane arterial" is the "backbone for regional circulation". This section goes on to state that "Airport Road" will complete north-south arterial circulation for the eastern side of the City.

   This project access/circulation discussion is couching the need for "Airport Road" as some nebulous strategy to "provide local access and connectivity between the CRASP site and other major public streets." Not one sentence in this section was found the phrase, "SR 46E/Airport Road Interchange" included as a component of the CRASP circulation needs. The word

"Interchange" or even "Intersection" is completely omitted. How is Airport Road going to "facilitate north-south arterial circulation for the eastern side of the City" without a connection to SR 46E and Airport Road North?

It is the Department's contention that the Chandler Ranch Project is the sole impetus for studying and ultimately constructing the 46E/Airport Road I/C or intersection. The City of Paso Robles General Plan identifies the Airport Road connection to SR 46E as the City's key eastside circulation component. Simply stated, Chandler Ranch is the City's east side. Modifications to existing local circulation infrastructure could accommodate existing regional traffic needs without the new connection.

7. (Ref. FTA, Page 17, *Funding of Project Access and Circulation*) References to "certain obligations" that were "agreed upon in the Annexation Contract for the Wurth property and other property owners" for their fair share allocation of costs for the "Airport Road Arterial" are discussed in this section. There needs to be a more thorough funding discussion. Do the "obligations" identify who will fund particular shares of the construction of the 46E/Airport Rd. I/C as well? And if not, why doesn't it? From the Department's perspective, the need for the SR 46E/Airport Rd. Interchange/Intersection is being driven by Chandler Ranch generated traffic. This subsequent section of the FEIR needs to have full discussion of how the Chandler Ranch Development is going to fund the construction of the SR 46E/Airport Road I/C/Intersection.

   This section goes on to discuss the need for Right of Way (R/W) dedications to accommodate the construction of the "four lane arterial" up to the SR 46E Intersection/future interchange. It is not clear if the dedication of R/W includes the footprint of the interchange. This section in the FEIR should explicitly state that R/W needs to be dedicated for the interchange as soon as the 46E/Airport Road I/C PSR process will allow. Preliminary engineering schematics in the PSR should include an alignment alternative that will reasonably identify a I/C building footprint that will allow for the preservation of R/W.

8. (Ref. FTA, Page 18, Figure 6a. *Chandler Ranch – Directional Trip Distribution Without Charolois Road Extension*) The trip distribution only assigns 17% of residential trip traffic to travel on SR 46E from Airport Road to U.S. 101. This figure is unrealistically low.

9. (Ref. FTA Page 20, Figure 7a, *Project Only – Intersection Traffic Volumes without Charolois Road Overcrossing*) The project-only trip assignments in Figure 7a. appear to be low. In particular, the turning movements at the U.S. 101 SB Ramps/24th Street/SR 46 are low (250 A.M peak hour trips and 318 P.M peak hour trips making that westbound to southbound turning movement). A justification for this the low trip assignments needs to be made.

10. (Ref. FTA, Page 22, *Table 6, Existing Plus Project Traffic Operations With Existing Lane Geometrics and Control: Intersection LOS*) The Intersection of SR 46E/Buena Vista Drive is under signal control, not a two-way-stop-control (TWSC) as depicted in Table 6.

11. (Ref. FTA, Page 22, *Table 6, Existing Plus Project Traffic Operations With Existing Lane Geometrics and Control: Intersection LOS*) This section needs to provide a traffic scenario that analyzes existing + project conditions with a traffic signal (intersection) and one scenario with an interchange at SR 46E/Airport Road. An analysis of this type should be included in the FEIR. Without it the TIS cannot specifically say to what extent the SR 46E/Airport Road intersection or interchange will alleviate (mitigate) project specific traffic impacts on State highway facilities at; SR 46/Golden Hill Road, U.S. 101, U.S. 101/SR 46W (With Charolois Road Overcrossing), U.S. 101/Spring Street, and U.S. 101/13th Street.

    Table 6 does provide intersection LOS calculations that allow us to deduce that without the SR 46E/Airport Road I/C or intersection, that a significant degradation of LOS occurs at the above mentioned intersections. This is because U.S 101 bound traffic is being diverted elsewhere because access to SR 46E does not exist. For example, the LOS drops two levels (LOS "D" to LOS "F") at both SR 46E/Golden Hill Road and at Spring Street/1st Street/Niblick Road, with existing traffic count data.

    The significant degradation of LOS at U.S. 101 created by the Chandler Ranch Development, is the nexus that allows the Department to request a more in-depth traffic analysis of U.S. 101, between 24th Street and SR 46W in the FEIR. An analysis of ramp operations and a weave analysis at each of the above referenced interchanges needs to be performed. It is possible that without the SR 46E/Airport Road connection, diverted project traffic to these other access locations on U.S. 101 may precipitate the need for ramp improvements or possibly the construction of an auxiliary lane from U.S. 101/Spring Street I/C to the U.S. 101/SR 46 West I/C. This traffic study should offer that level of analysis.

    If Federal funding is sought, these same questions will be asked in the environmental document following finalization of the PSR for the SR 46E/Airport Road I/C or Intersection project. The no-build scenario will be required by FHWA at that time. The Purpose and Need for the Interchange/Intersection project will have to be explicitly restated in the environmental document if it isn't done so in the PSR. To reiterate, Table 6 indicates that the need for the SR 46E/Airport Road I/C or Intersection is a project specific impact generated by the Chandler Ranch Development.

It should be noted here that the installation of a traffic signal at SR 46E/Airport Road as project specific mitigation would possibly necessitate the widening of SR 46E to accommodate four lanes adjacent to and just east of the I/C for up to 1/2 mile. This would be needed to provide adequate queue storage on State Route 46 waiting at the signal.

12. Ref. FTA, Page 22, *Table 6, Existing Plus Project Traffic Operations With Existing Lane Geometrics and Control: Intersection LOS*) An existing + project analysis needs to include the SR 46E/Jardin Road Intersection.

13. (Ref. FTA, Page 24, *Year 2025 Base Conditions*) According to this section, the CRASP utilizes the City of Paso Robles General Plan Update (GP Update), *Table 4.2-14 Year 2025 Mitigated Base Peak Hour Specific Plan ADT and Level of Service,* as the bases for its build out traffic volumes on SR 46E and U.S. 101. These are flawed assumptions and should not be used as forecasted traffic volumes on the State highway system, nor should they be used as a basis for determining cumulative impacts as part of this Traffic Impact Study.

    To illustrate how far off the 2025 volumes are in the GP Update, and by default, the Traffic Study for the CRASP, the forecasted volumes in the CRASP for SR 46E, west of Airport Road are cited. According to the GP Update/CRASP traffic study, projected 2025 traffic volumes on SR 46E, west of SR 46E/Airport intersection will be 25,577 Average Daily Traffic (ADT). Year 2004 traffic counts reveal that the ADT for Friday for that year are already at 25,837. Furthermore, the Department's Traffic Operations staff has calculated, based on count station data over the last 10 years, that traffic volumes on SR 46E have been growing at over 4% a year. The annual growth rate remains quite consistent each year and should therefore be applied to the revised base years ADTs for 2025 projected traffic volumes.

14. (Ref. FTA, Page 25 & 26, *Figures 9a & 9b, Year 2025 Intersection Traffic Volumes "Base" Conditions with and without the Charolois Road Overcrossing* respectively) These figures need to reflect the revised 2025 base conditions mentioned above. All 2025 projected traffic volumes need to be revised for a further meaningful cumulative impact discussion to continue.

15. (Ref. FTA, Page 28, *Year 2025 Base Intersection Operations under Mitigated Lane Geometrics and Control*) This section presupposes that between $117 million and $180 million of identified Interchange/Intersection and roadway improvements will be in place to accommodate this project's traffic. This is an assumption. The reality may be that many of those identified transportation improvements may not be funded and built by 2025. For example, projected 2025 traffic volumes already exist on State highway facilities. And none of the transportation improvement projects have an identified funding source to date.

16. (Ref. FTA Page 51, *Table 13, CRASP Cost Allocations*) Table 13 indicates that the Chandler Ranch project should pay a fair share contribution towards the construction of the SR 46E/Airport Road I/C/Intersection. The methodology stated in the CRASP for calculating the pro rata share is extremely simplistic. Essentially, the Traffic Study suggests that Chandler Ranch should pay 1/3 of the costs associated with constructing either the signalized intersection or the Interchange since 1/3 of their project traffic is assigned to travel there. Again, it is the Departments contention that the need for the SR 46E/Airport Road I/C is driven by the Chandler Ranch development. In fact the TIS shows that the need for the I/C is driven by the project specific traffic impacts created by Chandler Ranch. Therefore, Chandler Ranch should fund 100% of the costs for the SR 46E/Airport Road I/C and or Intersection.

For other improvements on the State Highway system, the Department requests that the pro rata share and the fair share cost formulas found in the Department's "Guidelines for the Preparation of Traffic Impact Studies" be utilized by the City. The following includes these formulas:

Equitable Share Responsibility:

$$P = \frac{T}{T_B - T_E}$$

Where:

- P = The equitable share for the proposed project's traffic impact.
- T = The vehicle trips generated by the project during the peak hour of Adjacent State highway facility in vehicles per hour, (vph).
- T_B = The forecasted traffic volume on an impacted State highway facility.
- T_E = The traffic volume existing on the impacted State highway facility plus other approved projects that will generate traffic that has yet to be constructed/opened. *(PSR's Roundabout Fact Sheet)*

Equitable Cost:

$$C = P\ (C_T)$$

Where:

- C = The equitable cost of traffic mitigation for the proposed project, ($) (Rounded to the nearest thousand dollars).

P = The equitable share for the project being considered.

C_T = The total cost estimate for the improvement necessary to mitigate the forecasted traffic demand on the impacted State highway facility in question.

Notes

1. Once the equitable share responsibility and equitable cost has been established on a per trip basis, these values can be utilized for all projects on that State highway facility until the forecasted general plan build-out model is revised.
2. Truck Traffic should be converted to passenger car equivalents before utilizing these equations. (see the Highway Design Manual for converting to passenger car equivalents.)
3. If the per trip cost is not used for all subsequent projects, then below will be necessary to determine the costs for individual project impacts and will require additional accounting.

Equation C-2.A

$$C = P\,(C_T - C_C)$$

Where:

C = Same as equation C-2

P = Same as equation C-2

C_T = Same as equation C-2

C_C = The combined dollar contributions paid and committed prior to current project's contribution. This is necessary to provide the appropriate cost proportionality. Example: for the first projectto impact the State highway facility in question since the total cost (T_T) estimate for improvements necessary to mitigate the forecasted traffic demand, C_c would be equal to zero. For the second project however, C would equal $P_2\,(C_T - C_1)$. And for the third project to come along C would equal $P_3[C_T -)C_1 - C_2)]$ and so on until build-out or the general plan build-out was recalculated.

STEVEN C. MEIXNER
Chandler Ranch Specific Plan- EIR

Comments
November 9, 2004

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NOV 2 4 2004
Community Development

Section 4.1 Land Use and Agriculture Agricultural Setback

Page 4.1-7 "The extension of Airport Road would separate most of the Specific Plan development from agricultural uses, but would not necessarily provide sufficient buffering to sufficiently reduce potential land use conflicts."

What are the facts supporting this opinion?

The required agricultural setback should be 100' fully satisfied by the width of Airport Road.

Page 4.1-8 & 9 "The following subarea-specific policy would only apply to subareas 5, 6, 7, 9, 14 & 19: **Agricultural Buffer.** Development within this subarea shall maintain a minimum of a 200-foot setback from the currently used, or zoned for, agricultural activity."

"The following subarea-specific policy would only apply to Subarea 16: **Agricultural Buffer** Development within this subarea shall maintain a minimum of a 30 foot setback from land currently used or zoned as agricultural activities."

If the 30 foot Agricultural Buffer is acceptable in subarea 19 then the statement on page 4.1-7 should be eliminated, and the width of Airport Road used for the Agricultural Buffer

Page 4.1-9 Subarea 19 is <u>not</u> located adjacent to the agricultural cluster subdivision to the east.

Page 4.1-12 Subarea 19 does <u>not</u> abut existing or planned residential development, there are no houses within 300 feet, and the proposed Airport Area Land Use Plan denies the right for future residential development.

Section 4.2 Transportation and Circulation

Page 4.2-22 Mitigation measures refer to Specific Plan, implies that the Property Owner on the east side of subarea 19 is responsible for the Airport Road/46 intersection and the bridge over the Huer Huero. The cost of these improvements must be shared by all potential users.

Page 4.2-25 Policy C-4 requires Right of Way Dedication and Street Improvement by the "adjacent land owner". The costs of dedication and construction of Arterial Roads which will be used by all properties are not being allocated equitably. Area 17 is required to dedicate 5 of a total of 12.4 acres (40%) for arterial streets and to construct 2,200 LF of arterial roads. Costs associated with dedications should be equitably allocated to all beneficiaries. The centerlines of new arterial dedications should be congruent with existing property lines.

Section 4.3 Air Quality

Grading Operations Emissions of earth moving equipment are the responsibility of the grading contractor and subject to other regulations that requires machinery maintenance and installation of diesel oxidation catalysts.

Section 4.4 Noise

Subarea 17 should be required to furnish a 15' setback from Airport & Sherwood Roads to accommodate the housing type. Sound will be reduced with a sound wall.

Section 4.5 Grading

Table 4.5-2, Delete reference to "split level (stepped) home design". The standard maximum slope should be 2:1 not 3:1.

Section 4.7 Aesthetics and Community Design

Policy LU-17 should be modified foe Subarea 17, deleting item c. "Neighborhood Atmosphere" and item d. "Solar Access, Design and Orientation" due to the desired high density detached housing type.

Policy LU-18 Parking areas that support commercial development cannot be screened. The description of parking and walkways under b. Circulation is not feasible for either the merchant or the customer who will use these facilities.

Page 4.7-18 AES -1(a) requires homeowners to have backyard landscaping plans prepared by a landscape architect, and imposes limits. These conditions will be unacceptable to the new homeowner.

Page 4.7-23 b. Parking Lot Landscaping requires one tree for every 6 parking spaces, is this the City Standard?

Section 4.9 Biological Resources

Page 4.9-32 indicates that there is .5 acre of wetland habitat on subarea 19. The wetland is irrigation run off from Barney Schwartz park in a gulley that is 8 feet wide and 300 feet long, 2,400 SF, .05 acre.

Figure 4.9-2 indicates large areas in subareas 17 & 19 that are inappropriate to the actual ditches on those properties.

Section 4.10 Public Services and Infrastructure

Page 4.10-10 should clearly state that automatic sprinkler systems are not require in single family residences.

PS-3(b) These requirements should be satisfied by the Community Facilities District operations tax.

Page 4.10-11 the requirement for "30 feet of defensible space around all structures..." should not apply to subarea 17.

EDITHA SPENCER
426 PEACHTREE COURT
PASO ROBLES, CA 93446
(805) 239-4404

November 24, 2004

To: Bob Lata, Community Development Director

Re: Chandler Ranch Area Specific Plan

I believe the proposed plan allows for too much buildout.

The impacts on traffic, air quality, water, schools, etc. would be overwhelming.

Paso Robles must plan for really moderate income housing.

Alternative 2 (Reduced Project), or one with even fewer units, would be a better solution.

In overall planning, Paso Robles must see to the preservation of "purple belts" (green belts) on the periphery of its boundaries to prevent sprawl.

Sincerely,

Editha Spencer

Editha Spencer

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NOV 2 4 2004
Community Development

November 24, 2004

Robert Lata, Planning Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

VIA HAND DELIVERY

RE: Chandler Family Comments to the City of El Paso de Robles Chandler Ranch Area Specific Plan ("CRASP")

Dear Mr. Lata:

As you are aware, this law firm represents Chandler's Palos Verdes Sand & Gravel Co. ("Chandler's") in the review and implementation of the CRASP. The comments set forth in this letter are the comments of Chandler's, Pete Dakin, Tom Vaughan and the undersigned, all working on behalf of Chandler's.

The above parties have read the CRASP prepared by RINCON Consultants, Inc. for the City of El Paso de Robles dated August, 2004. Our specific comments to the CRASP are categorized by section and page number as they appear in the CRASP. Our comments are therefore not ranked or categorized by importance in any manner.

Our specific comments are as follows:

1. Section 1.0 addressing the introduction does not identify or even anticipate for discussion the phasing of the development of the Chandler Ranch. It may be advantageous for property owners to phase portions of their property within the CRASP. Additionally, page 1-2, paragraph 1. provides that 1,439 dwelling units will be constructed within the CRASP. The CRASP also indicates that these numbers may be reduced. These reductions should be identified in the CRASP so that all parties involved with the CRASP will have a better understanding of cost allocation on a per unit basis prior to expending several millions of dollars to complete infrastructure and offsite improvements.

2. The section entitled "Relationship to the Environmental Review" on page 1-3 and 1-4 indicates that additional Environmental Impact Reports may be required on individual projects within the CRASP Area. It is imperative that the Environmental Impact Report ("EIR") for the CRASP be as comprehensive as possible so that no additional EIR's are needed for future development within the CRASP. If a specific phase of development within an area identified in

the CRASP conforms with the land use designation and density identified in both the EIR and the CRASP, no further environmental review should be required.

3. Section 3.1 on page 3-2 addresses the improvement cost allocation which provides that all costs for public improvements to support any development within the CRASP shall be borne fully by the development. It is apparent that the City may have difficulty with a nexus argument in support of this position due to inadequate improvements related to past development of the east side of Paso Robles. As a result of prior planning, the CRASP Area will be unfairly penalized by assessing huge impacts to the CRASP Area as a cumulative impact on the City. The CRASP Area should only be required to mitigate those categories which are directly related to the increase in impact brought about by the development within the CRASP Area. Specific reference to traffic mitigation in both the EIR and the CRASP also fail to consider the benefits to be realized by the current 13th Street bridge project.

4. Section 3.2 on page 3-3 provides that there will be a school overlay designation within Area 13. The CRASP does not identify how the owners of Area 13 (Chandler's) are to be compensated for the placement of the school within Area 13. The allocation of cost for the reimbursement by others within the CRASP, the Paso Robles Joint Union School District, and/or neighboring developments must be required within the CRASP to compensate Chandler's for this designation.

5. Policy LU-3 on page 3-4 identifies a homeowner's association for the entire CRASP Area. Requiring a single homeowner's association for the entire development is neither workable nor logical. A number of associations, if associations are required, should be included within the CRASP. One landowner should not be required to participate with other landowners in the establishment of a homeowner's association within the CRASP.

6. Policy LU-5 on page 3-4 addressing the open space corridor does not adequately address maintenance or liability for the open space corridor. When we read that the open space corridor will be "primarily left in a natural state and will not be irrigated, with minimal lighting only as necessary for public safety", serious concerns are raised about fire, rodent control, and liability for those who may be injured or exposed to unnecessary danger within the open space corridor.

7. Policy LU-7 addressing San Joaquin Kit Fox habitat should not apply to Areas 12, 13, 14 and 18 as there is no proof that any of those areas support a Kit Fox population. Chandler's should not be required to provide any mitigation for a condition that does not exist on their property.

8. The habitat map on Figure 3.2 which identifies roads lying within the CRASP does not adequately address minor roads within the various areas of the CRASP. For example,

an additional road should extend from the intersection of Sherwood Road and Fontana Road in a northeasterly direction that will service portions of Area 8, 9, 11, and 12.

9. Table 3.4 on page 3-3 addressing the roadway standards for Sherwood Road indicate that it would be a four lane road with a median. It is Chandler's opinion that a median is not necessary on Sherwood Road and will only increase the burden upon the developers within the CRASP by requiring the additional use of water, additional landscaping charges and use of property within the right of way that can better be used for bike paths and wider lanes. The Chandlers are also required to fully construct Sherwood Road through their property even though it will benefit all portions of the CRASP Area and the Olsen Specific Plan Area. Chandlers would be more receptive to this concept if they also were required to construct only that portion of Airport Road lying within their areas as opposed to participating in the construction of the entire Airport Road segment from Union Road to Linne Road.

10. Policy C-8 on page 3-31 requires individual landowners to construct trail segments without requiring any reimbursement for others who will later utilize part of that trail. As is consistent with the CRASP, there is no cost allocation identified for the trail system.

11. Section 3.4, Policy I-4 on page 3-37 identifies three wells to be constructed within the CRASP. Two of those wells are within Area 13 on Chandler's property. There is also no indication of who will be responsible for constructing the wells or for cost allocation among all of the owners within the CRASP. The 100' by 100' foot print is excessive and will be an unreasonable hardship to Chandler's. Additionally, Policy I-5 addressing water storage responsibility does not allocate costs for offsite storage facilities. The following paragraph in the CRASP states that it is not possible to rule out the potential that an onsite tank will be necessary. No such area for a possible tank location is identified within the CRASP.

12. Policy I-8 on page 3-38 provides that each portion of the development will be required to run utilities through their project and stub them out at the boundaries of their project. Again, there is not cost allocation for participation. There is also no provision for addressing the possibility that areas of the CRASP more removed from services will be prevented for developing until those nearer services are first developed.

13. With regard to sewer, Policy I-10 on page 3-38 requires project specific mitigation fees without identifying the fees. The fees should be identified in the CRASP.

14. The analysis of Area 12 and all other areas owned by Chandler's require that infrastructure identified in the CRASP must be in place prior to development within the area. Again, there is no allocation of costs among the various developers whose responsibility it is to construct and pay for these improvements.

15. The specific comments to Area 13 again identify a portion of Area 13 as a potential school site. There is no allocation of cost or reimbursement to Chandler's if a portion of Area 13 is so identified.

16. Section 4.1 subsection 4 is the first reference within the CRASP for a community facilities district ("CFD"), and the fees associated therewith. This section of the CRASP should be expanded to identify specific anticipated fees for services and for infrastructure and the specific costs thereof. This Area should include topics of the meetings discussed on Wednesday, November 17, 2004 which revealed that an $862 per unit services fee would be required on a yearly basis in perpetuity. These fees would be subject to increase and would be for an indefinite future term. It is also anticipated that a CFD would be required for infrastructure improvements. The infrastructure improvement CFD should also be specifically addressed in the CRASP.

17. The development fees for onsite improvements identified on page 4-2 and continuing should identify the specific development fees that will be as assessed by the City of Paso Robles. Additionally, the developer responsibility for onsite improvements identified in subsection 2 on page 4-2 propose that individual property owners may enter into agreements with neighboring property owners for the construction of certain improvements. This could potentially be problematic if neighboring property owners are not able to come to an understanding and agreement upon the allocation of costs.

18. The projected costs for constructing Airport Road between Union Road and Linne Road appear to be excessively high. The range of construction from $5.4 million to $9.76 million needs to be narrowed down so that the individual property developers can make decisions based upon actual figures. The City should determine through the CRASP and the EIR whether in fact a bridge is necessary or whether the culvert and fill will be adequate. The water shed that drains through that low area is not a huge area and in all probability can be serviced by a culvert. It is also interesting to note that the estimate for a 90 foot long portion of Airport Road to be constructed with a culvert and fill is estimated to cost $1.8 million in table 4.1 while the construction of Airport Road between State Route 46 East and Union Road, including a new bridge over the HuerHuero Creek, is estimated to be only $3 million as indicated on table 4.5. These figures appear to be entirely inconsistent. How were these numbers determined by Rincen?

The following are Chandler's comments to the EIR for the CRASP:

1. The Chandlers are concerned that the EIR does not adequately address the traffic mitigation that will result from the construction of the new bridge across the Salinas River at 13th Street. It is the Chandlers position that the construction of the new bridge and the improvement to North River Road, South River Road and Union Road will significantly lessen the traffic burden to other intersections identified in the EIR.

2. Although addressed in the CRASP, the Chandlers again strongly believe that the areas owned by them within the CRASP do not and have not contained any evidence of San Joaquin kit fox population and should therefore not be required to mitigate for any "take." The EIR again focuses on one unsubstantiated sighting by a person performing a kit fox survey on a portion of the CRASP Area far removed from the Chandler's property. Mr. Jim Wilcox who has lived on and farmed the Chandler Ranch for over forty years has seen no evidence of any kit fox presence or activity within those portions of the CRASP owned by the Chandlers.

3. The Chandlers believe that other areas of the EIR that are deficient have been adequately addressed in the comments to the CRASP above.

The Chandlers, Pete Dakin, Tom Vaughan and the undersigned all wish to thank the City of Paso Robles for allowing us the opportunity to comment upon the CRASP and the EIR.

Sincerely,

ADAMSKI MOROSKI MADDEN & GREEN LLP

THOMAS J. MADDEN

TJM:vlr:eac

cc: Mr. Richard Lawton (via telecopy)
Mr. Peter Dakin (via telecopy)
Mr. R. Thomas Vaughan (via telecopy)

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ENVIRONMENT IN THE PUBLIC INTEREST

EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

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NOV 29 2004
Community Development

November 23, 2004

Bob Lata
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

VIA FACSIMILE: 805-237-3904 (Original follows via US Mail)

Subject: Chandler Ranch Area Specific Plan DEIR / Public Comment

Dear Mr. Lata,

The Chandler Ranch Area Specific Plan Draft Environmental Impact Report provides the City of Paso Robles with guidance regarding the development of the largest undeveloped portion of the City. The opportunity is at hand for the City to influence development that provides optimal preservation of quality watershed and associated habitat as well as open space amenities. Toward that end, Alternative 5 (No Project) is clearly the environmentally superior option. However, San Luis Obispo Coastkeeper Program believes the DEIR provides support that Alternative 2 (Reduced Project) or Alternative 3 (Higher Density) could be acceptable options if properly conditioned.

The San Luis Obispo Coastkeeper™, a program of Environment in the Public Interest, is organized for the purpose of ensuring that public officials charged with responsibilities for water quality, land use planning, and environmental protection comply fully with sound planning principles and environmental regulation. As such, SLO Coastkeeper, in collaboration with Paso Watch, wishes to submit the following comment and questions on the Draft Environmental Impact Report for the Chandler Ranch Area Specific Plan.

Land Use and Agriculture: Alternatives 1-4 will convert land currently used for agriculture/grazing to urban uses. The DEIR addresses possible conflicts that may occur under these scenarios and properly identifies associated Class I, significant and unavoidable impacts. However, the DEIR fails to consider the contribution and importance of the Chandler Ranch property functioning as part of the watershed contributing to the water supply for the City. The resulting loss of recharge area under each of the 5 Alternatives should be included in the Final EIR.

In addition, proposals involving "mass grading" should be eliminated or conditioned to comply with existing City Ordinances.

Transportation and Circulation: The DEIR properly identifies traffic and circulation as one of the most serious impacts associated with development of the Chandler Ranch Area. Alternative 2 (Reduced Project) will lessen associated problems, but appear to remain Class I under all scenarios other than the No Project Alternative.

Additional consideration should be given to solutions in the FEIR. SLO Coastkeeper and Paso Watch are especially interested in a more complete analysis comparing impacts between the use of bridges instead of culvert crossings at Oak Canyon (Gilead Road and Airport Road).

Biological Resources: The most obvious impact of the proposed development scenarios will be the removal of native oak trees within 59 acres oak woodland habitat. While the DEIR suggests an attempt to mitigate the loss can be through replacement/replanting, it has not been demonstrated that property of like habitat quality exists – either on site or off site.

Therefore, SLO Coastkeeper and Paso Watch urge consideration of alternatives that eliminate development in oak woodland habitat, especially subarea 1. We also request clear discussion in the FEIR regarding any proposed oak related mitigation measures and possible conflicts with existing oak preservation policies of the City.

The DEIR also identifies Class I impact to known and potentially occurring special status plant species. We support the proposed subarea policies, but request the City consider increasing the minimum buffer proposed in policy B-3(b) to a minimum of 50 feet where special status plants or plant communities of special concern are found.

In regard to riparian woodland and wetland habitat, SLO Coastkkeper and Paso Watch urge consideration of more aggressive mitigation than proposed in the DEIR. Wetlands and riparian habitats are among the most valuable and complex ecosystems. The scientific literature is clear that adequate buffers are likely to provide multiple benefits to the City including flood control, ground water recharge, water quality improvement, fish and wildlife habitat, recreational and educational opportunities, and aesthetic values. As the Specific Plan Policies identify flood control, drainage, sediment, erosion, and pollution management as primary drivers for proposed mitigation we urge the consideration of minimum 100-foot buffers. In addition, as certification

of this EIR may be the final environmental review for the envisioned projects, we urge clear articulation of what Best Management Practices (BMP's) will be required and discussion of how associated mitigation measures will ensure compliance with specific water quality standards.

SLO Coastkeeper and Paso Watch are also concerned that mitigation as discussed for Impact B-5, B-6 will not reduce impact San Joaquin Kit Fox (SJKF) to less than significant. As early as 1994 the City of Paso Robles has indicated that the best way to resolve conflicts between SJKF and development is the preparation of a Habitat Conservation Plan (HCP). Little or no progress has been made toward creating or implementing an HCP for SJKF. Absent the completion of an HCP, no mitigation proposal will be adequate to lessen the impact of "take".

We look forward to review of the Final Environmental Impact Report.

Sincerely,

Gordon R. Hensley,
San Luis Obispo Coastkeeper

San Luis Obispo Council of Governments

Regional Transportation Planning Agency
Metropolitan Planning Organization
Census Data Affiliate
Service Authority for Freeways and Expressways

Ronald L. De Carli, Executive Director 1150 Osos Street, Suite 202, San Luis Obispo, CA 93401

Phone Number (805) 781-4219 Fax Number (805) 781-5703

FACSIMILE TRANSMITTAL COVER

Date: 11-24-04

Transmit To: Bob LATA

of: PASO ROBLES

Fax Number: 238-4704

From: DAVE BROWN

of: San Luis Obispo Council of Governments

FAX NUMBER: (805) 781-5703

Number of pages including cover: 4

Comments:

San Luis Obispo Council of Governments

Regional Transportation Planning Agency
Metropolitan Planning Organization
Census Data Affiliate
Service Authority for Freeways and Expressways

Ronald L. DeCarli - Executive Director

Arroyo Grande
Atascadero
Grover Beach
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San Luis Obispo
San Luis Obispo County

November 24, 2004

RECEIVED
NOV 29 2004
Community Development

Bob Lata, Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Dear Mr. Lata,

The San Luis Obispo Council of Governments (SLOCOG) has reviewed the Chandler Ranch Area Specific Plan and Environmental Impact Report and has generated the following comments.

EIR General Comments

1. The Chandler Ranch Specific Plan Area (CRASP) is of particular interest to SLOCOG due to its close proximity to State Route 46. The safety and operations of this facility are of critical concern to the region and to the City. SLOCOG will continue to work with the City in the spirit of this partnership to achieve the goal of a safe highway corridor that provides mobility needs for city residents and interregional travel and commerce.

   As the City is well aware, the SR 46 Corridor within the City limits has been the subject of a great deal of study which has indicated future problems if deliberate action to improve the roadway is not taken. The CRASP Environmental Impact Report (EIR) has added to this body of evidence. It is clear that plans for improving the highway must be a high priority if serious impacts to residents and interregional commerce are to be avoided. To achieve the goals our agencies share, we look forward to a continued partnership.

EIR Specific Comments

2. *Page 4.2-31, 32, 33, 2025 Mitigation Measures* - We are concerned that the many of the mitigation measures identified in the EIR are not consistent with the plans that we envision for the SR 46 corridor. In particular, widening the corridor to six lanes from Airport Road to the Salinas River is inconsistent with SLOCOG's 2025 vision of the corridor; maintaining four lanes while constructing grade–separated interchanges when warranted and feasible. While we fully understand that developer fees and local funding will be insufficient to improve this corridor in constructing interchanges and alternative local road networks, it is imperative that the goal of separating local trips from interregional travelers and commerce is maintained. Grade-separated interchanges with alternative routes for local residents will provide a far more efficient and safe facility.

3. *Page ES-5, Impact T-1* – SLOCOG staff agrees with the comment "development within the specific plan area will pay a fair share of off-site traffic impact fees as development occurs over time." We also concur with most of the improvements listed on page 4-11 and the specific percentage contributions that are identified in the CRASP on page 4-12, 13. We request that this "fair share" contribution table be included in the EIR and be required as mitigation for this project.

4. *Page ES-5, Impact T-1* – The EIR indicates that no feasible mitigation measures are available to reduce impacts to off-site facilities below a significant threshold. Of particular concern to SLOCOG are the impacts of the project to the Airport Road/SR 46 intersection and the US 101/SR 46 interchange. Both these intersections will fail in 2025 during peak-hours, and to a much greater extent during weekend peak-periods even following implementation of the proposed mitigation measures. The EIR does, however, identify, but does not recommend mitigation measures that would reduce these impacts to a less than significant level. Specifically, a grade –separated interchange at the highway's connection with Airport Road and a "flyover" at the US 101 interchange are viable mitigation measures and should be included. These two projects are the two highest priorities for our agency in this corridor.

   An interchange at Airport Road is identified as a planned improvement in both the City's General Plan and SLOCOG's Regional Transportation Plan. We are working closely with the city to complete a Project Study Report (PSR) for improvements at this location including a future interchange. At a minimum, the City should protect right-of-way necessary for an interchange at this location and require CRASP area development to fund a "fair share" of improvements. SLOCOG will be an active partner with the City and Caltrans in making this improvement a reality.

   The "flyover" concept at the US 101 interchange is one of a number of alternatives to improve this interchange in the future. Removing the westbound SR 46 to US 101 southbound movement from the interchange would result in dramatic improvements to the interchange's operations. All studies of this corridor clearly indicate that this interchange is, and will increasingly be the bottleneck in the highway's operations. We recommend that fair share contributions also be required of the development for this improvement.

5. *Page 4.2.24* – The EIR states that priority will be given to mitigation measures that maintain City LOS goals. SLOCOG disagrees with this strict prioritization. Table 4.2.8 illustrates the very significant impacts that this development will have on the SR 46 corridor. This corridor, while it is not considered a city facility, is one of only three crossings of the Salinas River and is and will increasingly be a critical facility for city residents and business interests. All efforts to maintain the operations of the facility should be a high priority. It should be noted that the City has greater opportunities to leverage state and federal funds on the SR 46 corridor than for improvements on City facilities. Again, we recommend that fair share contributions be required of the development for this improvement.

6. *Page 4.2.39*, *Table 4.2.15* – The benefits that the Charolais River Bridge provides appear to be very minimal and not sufficient enough to justify its cost. With the exception of modest improvement to the Niblick/Spring Street

intersection operations, the project provides virtually no other benefits to the City's network. With such a high cost estimate for the project ($35-$45 Million), as well as the additional costs of improving the 46W/101 interchange to accommodate the crossing's additional traffic loads, the benefits do not appear to be sufficient to justify its costs. We suggest that the cost savings of not constructing the facility would aid in the feasibility and timely construction of other mitigation measures that have a much more significant impact on operations and safety, including improvements on SR 46.

Please contact Darren Brown (781-5764) with any questions or comments you might have.

Respectfully,

Darren Brown
Plan Reviewer

Ronald L. DeCarli
Executive Director

Cc: Gregg Albright, Director, Caltrans District 5
Cc: Frank Mecham, Mayor, City of Paso Robles
Cc: Dave Flynn, County of San Luis Obispo
Cc: Harry Ovitt, District 1 County Supervisor

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November 24, 2004

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NOV 2 9 2004
Community Development

VIA FACSIMILE AND OVERNIGHT MAIL

Mr. Robert A. Lata
Community Development Director
City of Paso Robles
1000 Spring St.
Paso Robles, CA 93446

Re: Chandler Ranch Area SP and EIR Comments

Dear Robert:

Enclosed are our comments on the SP and EIR. Although they are extensive and all need to be addressed, there are probably only 5-6 major issues that will require more in-depth discussion and review. These issues fall into the following general categories:

1. Biological Issues. Inappropriate and overreaching biological policies and mitigation measures. These include those related to wildflower fields, san joaquin kit fox mitigation, bunchgrass, oak tree mitigation, and other nonlisted species requirements.

2. Transportation and Circulation Issues. This includes the accuracy of the traffic studies, the assumptions relied on, the allocation of costs, the cost figures, and improvements included, etc. A meeting should be set up in the near future just to address all these issues which would include Omni-Means, the city, our traffic, engineering and financial consultants, and Rincon.

3. Project Phasing Plan. A project phasing plan that takes into account the multiple ownerships, the path of development, the methods by which infrastructure will be paid for and built and all other related matters. We are working on such a plan and would like to meet with you as soon as we have developed a workable plan.

4. Impact Fee/Improvement Structure. A structure for proper allocation and collection of impact fees and completion of improvements. This will be tied into the phasing plan and will include the proposed CFD.

5. Development Agreement. A development agreement that ties many of these issues together.

We look forward to working with you to resolve these matters in a way that allows for this project to move forward in a timely manner while satisfying the City that all impacts are addressed.

Very truly yours,

William R. Devine

WRD:pmt
Enclosures

CHANDLER RANCH AREA SPECIFIC PLAN
EIR COMMENTS
FROM JONATKIM ENTERPRISES
November 24, 2004

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Community Development

1. Page ES-1 – Project Description. The site area is noted to be 837.2 acres. The document further states that 823.1 acres are within the city limits and 32 acres are under the jurisdiction of the County of San Luis Obispo. 823.1 plus 32 equals 855.1. This math needs to be corrected.

2. Page ES-3 – Areas of Concern. The first paragraph states that the NOP was prepared and circulated from February 2, 2004 and ended March 4, 2002. The March 4, 2002 should be corrected to be 2004.

3. Page ES-49 Transportation and Circulation. This paragraph refers to a Figure 4.2-11. There is no Figure 4.2-11 in this document.

4. Page 1-1 - Section 1.0. Reference is made to 280 acres of public open space for the project. The exact amount of acreage for open space needs to be clarified and be consistent within both the Specific Plan and the EIR. In one place in the Specific Plan it references 374 acres of open space.

5. Page, 1-4 - Section 1.3. The list of responsible agencies should include the California Department of Fish & Game with regard to a potential 1602 agreement. CDFG is listed as a trustee agency but needs to be included in the list of responsible agencies. When processing a 1602 agreement, CDFG is required to comply with CEQA and generally does so in the role of a responsible agency.

6. Page 2-5. The second paragraph states that model homes were from a "1950s era development project". This project was constructed in the 1960s. The paragraph goes on to describe the number of property owners. As stated previously in our comments, this table and description of the property owners is incorrect.

7. Page 2-6, 2.4.1 Specific Plan Legal Requirements. This section describes the requirements of Government Code section 65451. Of the five essential elements of the Specific Plan requirement, there are two which are not completed. The first requirement "Identifies on-site resources and constraints". This has not been completed. The last requirement "Provides a phasing plan for implementation of the Specific Plan". This requirement has not been met. This was specifically a requirement of the scope of work entered in between Rincon Consultants and the City of Paso Robles.

8. Page 2.7, Residential Density and Pattern. The first paragraph states that the density pattern is intended to avoid conflicts with operations of the Paso Robles Municipal/Regional Airport and the Barney Schwartz Park. This is no longer relevant regarding the airport as there are no conflicts with the airport now that the Airport Land-Use document has been revised to show the areas of impact.

Paragraph two of this section states "No residential development would occur north of the existing alignment of Gilead Lane for the reasons cited above". This paragraph is incorrect as there is residential development north of the existing Gilead alignment. This paragraph should be removed from the document.

9. Page 2-8 - Open Space and Trails. In the discussion of open space and trails there is again the reference to 280 acres of open space and then an acknowledgment there is additional open space in other areas of the project. See also Table 2-2 on page 2-9.

10. Page 2-9, Table 2-2. This table indicates that 100% of the open space on this project is being obtained from Jonatkim Enterprises. Other areas within the Specific Plan should be required to provide a proportionate amount of open space in their sub-areas. Additionally, the subnotes of the table state that 10 acres of the Huerhuero Creek are not located within this open space area. The 10 acres is an over-exaggeration of the area in that creek, and should be included within the open space area.

11. Page 2-9 - Specific Plan. The discussion on Specific Plan policy framework starting on page 2-9 references the limitation on the total number of dwelling units allowed for Chandler Ranch, Olson Ranch and Beechwood area specific plans in total. As mentioned in our comments regarding the Specific Plan, this creates a conflict between processing of the various Specific Plans and could limit residential development for later phases of the Chandler Ranch project.

12. Page 2-9, 2.4.4. The last paragraph on this page states that because of the population cap, that the limitation to the Chandler Ranch area, Olsen Ranch and Beechwood area would have a restriction of no more than 2,370 dwelling units. This General Plan policy is lacking any implementation policy, and therefore is extremely difficult to interpret and enforce.

13. Page 2-12. The reference to an Airport Road bridge over unnamed drainage in the east central portion of the site needs to be removed. The 1980 agreement contemplated a road that was consistent with road requirements in 1980 and did not contemplate the construction of a bridge. The cost estimates contained on page 4-4 vary by over $4 million depending on whether a bridge or a culvert is used between subareas 7 and 9. There is clearly no habitat need for

constructing a bridge given the fact that the property on one side of Airport Road is a vineyard and the property on the other side is barren of any significant vegetation.

14. Page 2-15, Table 2-4 Specific Plan Roadway Standards. The requirement that Gilead Lane should have no driveways is excessive and cannot be justified, particularly since there are existing numerous driveways on Gilead Lane on the existing portion of the road.

15. Figure 2-4 Airport Road Cross-Section. Note number 7 requires spacing for emergency parking. There is no need for emergency parking on this arterial road as there are two traffic lanes and a bike lane which varies from four feet to eight feet. There is ample opportunity for disabled vehicles to stop.

Note 8 requires that the minimum intersection spacing shall not be less than 1200 feet. This cannot be complied with the current street layout.

Note number 12 requires that roundabout intersection design shall be considered at all major intersections and needs to be excluded for cause. This note is vague and does not define what "cause" might be.

16. 2-18 - Water Supply. The discussion of water supply is important but it needs to be accompanied by a water supply assessment in order to be in compliance with SB 610. The discussion of water supply should be a summary of what is contained in a water supply assessment that is attached as a separate document to the EIR. The last sentence above the Table 2-5 states, "At least one site within the Specific Plan would appear suitable and may be dedicated to that purpose". This sentence refers to the citing of a water tank on the Chandler property. The City currently has a number of other sites available to build water tanks. The Chandler area was not considered to be one of those sites in the current Water Master Plan. If such a site is necessary on this project, it is imperative that that site be located and the environmental impacts associated with the construction of a tank on the site be identified within the Specific Plan so that it is not pushed into the environmental requirements of the tentative maps. This is a basic fundamental component of the project which must be addressed now.

17. Figure 2-6. This figure does not correctly portray the existing water lines, particularly in the Golden Hill Road area. There is a 24" pipe and a number of high pressure lines which are not shown on this schematic diagram. This exhibit also shows a third well which is not mentioned in the text of the document located on the north side of the Huerhuero Creek in Area 19. It is unclear why this would be located in this particular location.

18. Figure 2-7 - Sewer System Plan. This schematic diagram unfortunately was done without any input from the property owners' engineers and therefore may not be the most efficient, nor desirable way to sewer this property. For example, it may be more appropriate to sewer portions of Area 7 into the Meadowlark basin, ultimately connecting to either Sherwood or Airport Road. It may be appropriate to sewer portions of Area 1 into the Bolen sewer zone through the existing 8" sewer in Tract 2281. Because the phasing plan required in the original scope of work with the consultants was not adhered to, it is difficult to determine whether this schematic plan is valid.

19. Figure 2-8 Drainage Plan. The drainage plan breaks the planning areas into subareas but does not specify the designation for these subareas. The Table 2-6 on page 227 divides these areas into various sub-basins. There's no way to connect the table to the figure 2-8.

20. Page 2-27. The discussion regarding Specific Plan phasing and implementation beginning on page 2-27 indicates that the Specific Plan will not be phased in the traditional sense. The phasing issues as well as infrastructure improvements per development area listed on Table 2-7 beginning on page 2-28 needs to be looked at more closely.

21. Page 2-35. Project objectives on page 2-35 need to be expanded to be more project specific. This is important when considering feasibility of mitigation measures and how they impact project objectives.

22. Page 2-36. The last bullet point under the required approvals described on page 2-36 refers to compliance with kit fox habitat mitigation and other requirements of the Fish & Wildlife Service or the California Department of Fish & Game. This language should be deleted and replaced with compliance requirements of the State and Federal Endangered Species Act's.

23. Page 4.1-1, 4.1 Land Use and Agriculture. The second sentence in the introduction should be revised to include the fact that portions of this property were not only dry land farmed but irrigated.

24. Page 4.1-5. The second paragraph from the end has two typographical errors. Pie manufacturing company should be PIC manufacturing company. And Winifred Piper School should be Winifred Pifer School.

25. Page 4.2-1. Transportation and Circulation. The entire section on transportation and circulation needs to be thoroughly reviewed and rewritten. There are a number of questions regarding mitigation measures for intersections that are already at level F. See tables 4.2-7 on page 4.2-20 and table 4.2-8 on page 4.2-21. Also, see all the comments below.

26. Section 4.2 Transportation and Circulation. The existing traffic counts at the 18 study area intersections were collected in February of 2004 and May of 2003. Please include the raw existing count sheets as part of the traffic study.

27. Section 4.2 Transportation and Circulation. The traffic study suggests that the City has adopted a Level of Service (LOS) standard of "C" for all study area intersections. However, City Circulation Element Section 3.0, Circulation Standards and Development Policies, identifies the acceptable LOS as "D". Please revise the intersection improvement recommendations to reflect an acceptable LOS of "D".

28. Section 4.2 Transportation and Circulation. Please discuss the effects of the high heavy vehicle mix on SR-46. According to the last count data published by Caltrans, heavy truck activity on SR-46 represents approximately 20% of vehicle mix.

29. Section 4.2 Transportation and Circulation. The existing land geometrics shown on Figure 3 are inconsistent with the observed conditions, Exhibit A (attached) presents the geometrics assumed as part of the August 2004 traffic study. Exhibit B (attached) presents the lane geometrics that were identified based on an inventory of existing conditions on 10/17/04. For consistency with existing conditions, please make the lane modifications shown on Exhibit B and revise the LOS analyses and tables accordingly. For reference, study area intersection photos have been included in Appendix "A".

30. Section 4.2 Transportation and Circulation. Please include the minimum green times as provided by the City, for the delay calculations.

31. Section 4.2 Transportation and Circulation. Please revise the delay calculations on table 3 to reflect the delay values shown on the calculation sheets. In addition, for two-way stop controlled intersections please pose the delay for the worst case movements as described in the report text.

32. Section 4.2 Transportation and Circulation. The LOS delay calculations provided for the Chandler Ranch Specific Plan vary significantly from the delay calculations shown in the City of Paso Robles General Plan Circulation Element. Please explain. See the attached Table 1 that compares the intersection LOS.

33. Section 4.2 Transportation and Circulation. It appears that additional traffic analysis zones were developed for the Chandler Ranch Specific Plan. Please include a map that illustrates the TAZ boundaries used in the analysis.

34. Section 4.2 Transportation and Circulation. The traffic study used a standard trip generation rate for retail land use. This approach is overly conservative. Please adjust the project trip generation to account for pass-by traffic, using a City-approved rate.

35. Section 4.2 Transportation and Circulation. Please provide the improvements necessary for existing plus project conditions. This should be the basis for identifying the required project improvements.

36. Page 4.2-1, 4.2 Transportation and Circulation, 4.2.1 Setting a. Existing Street System. The second paragraph incorrectly describes 13th Street as a Highway 101 interchange. This should be 16th Street. The last sentence in that paragraph states that "North of the 13th Street interchange Highway 101 carries approximately 20,300 ADT.". Could this possibly be the 24th Street interchange?

37. Page 4.2-1 Setting. It is important to include the improvements to the 13th Street Bridge and the improvement plans in process for Union Road. These are significant improvements which in the short term will improve traffic circulation.

38. Page 4.2-3, 4.2 Transportation and Circulation, Union Road, Sherwood Road and Fontana Drive. In this paragraph Gilead Road is described as a two-lane cul-de-sac. There is no cul-de-sac on Gilead Lane, it is a temporary dead-end collector street.

39. Figure 4.2-3 Existing Intersection Lane Geometrics and Control. Diagram number four is not the same diagram as shown in the General Plan Traffic Report. Diagram number nine incorrectly shows an eastbound movement that does not exist. Diagram 11 incorrectly shows the westbound movements.

40. Page 4.2-7, Table 4.2-3 Existing Intersection Levels of Service. When this table is compared to the same existing level of service table in the traffic study for the City of Paso Robles General Plan Update, it is remarkable the deterioration of the intersections in that short period of time between the previous study and the current study. Intersections 1, 2, 4, 5, 6, 8, 11, 12, 13, 14, and 16 all show significant deterioration in the level of service. It is inconceivable that the level of service at these intersections would deteriorate to this level of quality in such a short period of time. And it is unclear as to why, for example, the intersection number 5, Union Road/S.R. 46 intersection would go from an average delay of 15.3 seconds in the General Plan study to an improved average delay of 9.9 seconds and go from a Level of Service C to a Level of Service F. Additionally, there are changes in three intersections as far as whether peak hour warrants were met for Intersections 5, 6, and 9.

Previously, these intersections did not meet warrants and there is no explanation as to why this sudden change occurred.

41. Page 4.2-9, Table 4.2-5 Existing Roadway Operations Level of Service. When this table was compared with the existing roadway operations, level of service and the traffic study prepared for the City of Paso Robles General Plan Update there are significant changes in the level of service of three roadways. It is very difficult to understand how these three intersections deteriorated to a significantly lower level of service in such a short period of time.

42. General Comment on the Two Comments Above: It appears that there are significant inconsistencies with the General Plan levels of service for intersections and roads and the levels of service contained in this traffic study. If the traffic impacts and resulting mitigations are based upon flawed levels of service, then these will have profound effects on the mitigations and over-exaggerate the impacts. This requires very specific explanation.

43. Page 4.2-20, Impact T1. As stated in the comments above the basic data used in the traffic analysis may be flawed, specifically, the existing level of service designations for intersections and roadways as well as the diagrammatic designations for the intersections. Therefore, the impacts may not be considered as Class I as stated in this document.

44. Page 4.2-23, Table 4.2-9 Circulation Improvements. All these circulation improvements should be re-evaluated based on accurate traffic information.

45. Page 4.3-11 – Mitigation Measure AQ-2 (a) Energy Efficiency. The document requires that building energy efficiency rating shall be 10% above what is required by Title 4 requirements for all buildings within the Specific Plan area. There is no basis nor nexus for requiring additional energy conservation measures. The document further requires that the following energy conservation techniques SHALL be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of the Community Development Department staff. 1. Requirement to increase walls and attic insulation beyond Title 23 requirements is vague. 2. The requirement to orient buildings to maximize natural heating and cooling is also very subjective and not necessarily well determined by City staff. 3. The requirement to plant shade trees along the southern exposure of buildings to reduce summer cooling needs while may be a good idea, is vague and difficult to enforce and if this policy is approved, it should require shading on the westerly side of the building, which in Paso Robles is the direction from which the much of the significant solar impact would be received. 4. The requirement to use solar water heaters appears to be mandatory. There is no commonly accepted practice of using solar water heaters nor are there standards for these requirements.

46. Page 4.4-14, Policy LU-12. The first paragraph states of the requirement to include a 30 foot setback from Gilead Lane, Union Road, Airport Road, and Sherwood Road. This setback exceeds City standards and the arbitrary 30 feet has no justification or demonstration that this satisfies any specific requirements of the noise element of the City of Paso Robles.

47. Page 4.4-14, Noise Attenuation. This paragraph requires that a site specific noise evaluation shall be conducted prior to development. It does not state what "prior to development" means and does not indicate to what standards this noise evaluation should be conducted.

48. Page 4.4-20, N-5(b) – Constructive Notice. This paragraph requires constructive notice regarding noise and refers to Areas 4, 5, 6, 10, and 19. The only residential properties are in Area 6. Therefore, Areas 4, 6, 10, and 19 should be eliminated from this reference.

49. Page 4.5-19, Mitigation Measure G-3(b).

Paragraph j. requires that "Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively". This requirement to universally construct brow ditches exceeds the requirements of UBC. The reference to brow ditches should simply reference the UBC or City grading ordinance requirements.

Paragraph k. states that "Cut and fill benches shall be constructed at regular intervals". This is vague and inconsistent with UBC requirements. This should simply reference UBC or City grading ordinance requirements.

Paragraph l. requires retaining walls to be installed to stabilize slopes where there is a 10 foot or greater difference in elevation between buildable lots or otherwise determined by the geotechnical study. There is no basis for this requirement and it should be removed from the document.

Paragraph m. requires that future applicants shall "post a bond with the City and hire a qualified geologist or soils engineer to ensure that erosion is controlled and mitigation measures are properly implemented". This paragraph is vague and exceeds current requirements. There are no City standards for the type of bond to be in place, how much the bond should be, or how long the bond should be in place, and does not clearly define what a "future applicant" would be.

50. Page 4.5-25, MM G-4(a). Paragraph a) requires that "Prior to the issuance of building permits, the proposed building site stability shall be certified in relation to the adverse effects of rain and earthquake". There is no

certification standard for this, nor is there a definition of what the adverse effects of rain and earthquakes would be. This paragraph should be eliminated.

51. Page 4.5-26, MM G-5(a). Requires that "A soil and groundwater assessment shall be completed by a registered soils engineer or a mediation specialist to determine the presence or absence of regulated contaminants within the planning period". This paragraph appears to be missing the word "area" at the end. Additionally, there is no basis for requiring the assessment for the presence of regulated contaminants within the planning area. The paragraph goes on to state that "contamination associated with historic, exploratory, offsite oilwells, and hazards associated with the four areas located within the planning area identified as potential sources of toxic hazards". There is no place in the document which states where these four areas are, what the historic exploratory offsite wells consist of, or where they are located. If they are offsite, why are they even considered in this document? The paragraph requires "a copy of applicable remediation certification from RWQCB and/or DTSC, or written confirmation that a certification is not required shall be submitted to the Community Development Department prior to the issuance of the building permit. There is no justification for this requirement.

52. Page 4.5-27, MM G-5 (b) – Potential Discovery of Groundwater. This paragraph requires that "In the event that groundwater is encountered during construction, all construction work in the vicinity of the groundwater shall be halted. The groundwater shall be tested for TPH and PCE, and treated to a concentration below RWQCB standards ...". There is no justification for this mitigation measure. There has been no evidence of TPH (defined as total petroleum hydrocarbons) nor is there any evidence that PCE (Tetrachloroethine) exists on this site.

VOC, ?EPA Testing Method 8260?

53. Page 4.5-27, MM G-5 (c) – Screening of Imported Fill Material. The requirement to perform a hazardous materials report on all imported fill is excessive and not required by the building code.

Screen for common pollutants of GW pollutants

54. Page 4.6-8, MM CR-2 (b) Historic Resource Construction Monitoring. This mitigation measure requires that all trenching, grading, or other earth movement be supervised by a qualified historic archeologist. There is absolutely no basis for this requirement, as there is only one very minor historic or prehistoric resource identified for this property. This mitigation measure should be removed from the document.

55. Page 4.7-18, MM, AES-1 (a) Architectural and Landscape Guidelines. Both the tract landscaping and the individual development landscaping requirements specify the "inclusion of native species and fire/fuel resistant vegetation" This is vague and does not offer enough guidance in terms of what percentage of each type is appropriate and is inconsistent with the

current requirements for landscaping tracts. The paragraph regarding building colors and materials require earth tone colors for structures, roofing, as well as natural appearing building materials in colors that are compatible with the surrounding terrain stating that these shall be used on all exterior surfaces of all structures including fences. This is overly restrictive and would inhibit the creative use of colors and could make the entire project incredibly unappealing and would limit diversity in the appearance of the buildings.

56. Page 4.7-19 – Understory and Retaining Wall Treatment. This paragraph requires that native vegetation shall be planted in front of retaining walls to have a more natural appearance. There are extremely limited numbers of native vegetation which would accomplish this task. The paragraph should be rewritten that "appropriate vegetation shall be planted in front of the retaining walls ... " .

57. Page 4.7-19 – AES-1 (c) Street Light Limitations. This paragraph clearly requires street lights other than the City standards. As stated elsewhere in the Specific Plan, City standard street lights are required on this project. If there is to be variations to this, standards should be established for these types of lights.

58. Page 4.7-23 – AES-2 (a) Revegation of Graded Areas. The requirement to revegetate areas within two weeks of completion of grading activities is inappropriate for many times of the year. A more standard time period is 30 days. However, even 30 days may be a problem if phased grading is occurring. Revegetating a slope in August will provide no benefit without irrigation. If the intent is to do that, it should be noted that irrigation is required during the summer months or that the slope should be planted prior to the rainy season. The requirement for deep rooted, native, drought tolerant species to minimize slope failure is excessive and inappropriate. There are many types of vegetation currently and commonly used that are more appropriate than native species, particularly for temporary surface coverage.

59. Page 4.8-1, 4.8 Flooding and Drainage, 4.8.1 Setting B. Regional Drainage. The second paragraph states that "Sub-Basin EX-DA-8 ranges from Huerhuero Creek to the north and to the south where the sub-basin continues offsite directly east of the intersection of Golden Hill Road and Creston Road." The sub-basin does not leave the site.

60. Figure 4.8-2 Existing Drainage within the Specific Plan Area. This map is based on extremely old topographic information. The area shown as the 100-year flood zone has been clearly incorrectly portrayed on this diagram, particularly on the northerly side of the Area 19 where there is a steep bank in excess of 30 feet shown within the 100 foot flood area.

61. Page 4.8-7, C. Site Drainage Pattern. The second to the last sentence refers to drainage across undeveloped land adjacent to Creston Road and Sherwood. This is not undeveloped land. The last sentence states that there are 14 offsite sub-basins. The map shows 11.

62. Page 4.8-13, MM FD-2 (a) Storm Water Drainage System Design. The drainage system design in this paragraph exceeds the City standards for drainage analysis. This simply should state that stormwater drainage systems should be designed per City standards.

63. Page 4.8-14, MM FD-2 (b) Storm Water Detention Specifications. This paragraph requires that "The detention basins are to have a filtering device on the inflow side to prevent the flow of contaminants and sediments into the basins". This paragraph is inconsistent with other requirements located elsewhere in the document which allow for the use of bio swales and vegetative remediation in detention basins. Additionally, there are no standards for this type of device and therefore this condition is vague and extremely difficult to enforce. It should be either clearly specified as to what standards are to be met or eliminated from the document. It would seem that the County NPDES storm water permit may be the best guidance.

64. Page 4.8-16, MM FD-3 (b) Structural Safeguards Against Flooding. This paragraph requires that floor levels be at a minimum of 2 feet above base flood elevations. This requirement exceeds FEMA requirements and there is no justification for this excessive requirement.

65. Page 4.9-1, Biological Resources. The entire biological resources section needs to be thoroughly reviewed and revised. The EIR finds impacts to wildflower fields, bunchgrass habitat, and a variety of unlisted plants, to be of great significance and proposes mitigation measures which primarily mean avoidance of all these habitats. These all present significant problems and need to be thoroughly reviewed and other options developed.

66. Page 4.9-1 - Site Conditions. Paragraph 1 states that the site is relatively undisturbed. Actually, significant portions of the site have been plowed and farmed. In addition, the entire site has been heavily grazed. Useful photos are in Wood 2000 EIR, Appendix F, biological assessment). Additional photos are attached to this letter (pages 13 and 14).

The oak woodlands have been manipulated. A large number of oaks were removed during the last 20 years as evidenced by the remaining trunks piled on the west side of the ranch. The occurrence of numerous dead oak tree trunks was not mentioned in the EIR. Little or no shrub understory occurs in the oak woodland.

There is no recorded flora (all plants on site) provided in the EIR. No biological survey is provided in the appendices.

67. Pages 4.9-2, 4.9-7, and 4.9-20 - Wildflower Field. The sentence, "Several areas delineated in the Specific Plan area correspond to the Wildflower Field described by Holland," is incorrect. The designation of wildflower field has not been confirmed by the California Natural Diversity Database or by the California Department of Fish and Game.

The Holland (1986) document describes the wildflower field, Element Code 42300, as follows: "An amorphous grab bag of herb-dominated types noted for conspicuous annual wildflower displays. Dominance varies from site to site and from year to year at a particular site." The characteristic species include: *Eschscholzia californica, Gilia bicolor, Layia platyglossa, Lupinus bicolor, Orthocarpus attenuatus, O. purpurascens.* None of the characteristic plants are mentioned in the Rincon report of wildflower fields. Field notes from Rincon dated May 20, 2003, indicate that they did observe owl's clover (most likely *Orthocarpus purpurascens*, now called *Castilleja exserta),* a very common and showy purple wildflower in California.

The Natural Diversity Database (NDDB) records contain five (5) occurrences of wildflower fields. Three are in Los Angeles County (one, near Fairmont; the second is the poppy reserve in the Antelope Valley; third is near Gorman in the Tehachapi foothills). A fourth site is in Colusa County (Bear Valley), and the fifth site is in Napa (west of Lake Berryessa). The Los Angeles County sites are spectacular poppy fields and the Colusa and Napa sites contain serpentine endemic species and vernal pools.

It is interesting to note that the EIR section on plant communities of special concern (page 4.9-20) does not even mention the wildflower habitat type.

68. Page 4.9-6 & 9 - Riparian Woodland. The EIR states that there are 18.8 acres of riparian woodland. This is not correct. The designation of riparian woodland in the first paragraph is inconsistent with the second paragraph that correctly identifies the majority of the habitat along the drainage as oak woodland.

Page 4.9-9 states that riparian woodland habitat occurs in patches along sandbars within Huerhuero Creek. The Holland (1986) description for Central Coast Cottonwood-sycamore riparian forest is, "Moderately closed broadleafed [sic] riparian forests dominated by *Platanus racemosa* and *Populus fremontii*, with lesser amounts of *Quercus agrifolia.*" Understories may be dense thickets of shrubby willows, *Baccharis*, or *Urtica*. The habitat is similar to and perhaps the same as Southern Cottonwood-Sycamore Riparian Forest (61330). The habitat described by Holland, if it exists at all on site, occurs in the immediate vicinity of the Huerhuero Creek.

Where woodland vegetation occurs along the channel banks south of Union Road, it is dominated by oak trees (*Quercus)*, especially blue and valley oaks, not sycamores and cottonwoods *(Platanus* and *Populus).* This area is marginal riparian woodland. Although we disagree with the nomenclature, we agree that the oak woodlands along the drainages are sensitive habitats. The channels and associated vegetation within and adjacent to a defined bed and bank are within the jurisdiction of the California Department of Fish and Game and the U.S. Army Corps of Engineers.

Impacts to the riparian zones and woodlands along the drainageway can be mitigated by setbacks, restoration, revegetation, and the establishment of mitigation planting sites, if necessary.

69. Page 4.9-10 - Possible Rare Plant. Rincon biologists thought they may have observed a rare plant (round-leaved filaree, common outside of California) in early spring of 2003. It was too young to identify. Why was no attempt made to revisit the site a month later to determine if, in fact, it was a rare plant? If Rincon determined that timely surveys were required, why were they not performed during their period of contract? To suggest they might have found a rare plant without adequate survey information is unacceptable, especially since there was plenty of time to revisit the site. Rincon field notes from May 20, 2003, indicate that their biologists were present on site later in the spring.

70. Page 4.9-10 & 28 - Observations of a Rare Plant, Shining Navarretia. There is no documentation that specimens of shining navarretia were collected and vouchered in a scientific institution. The distribution of the plant was estimated in the field, and the project was found to have a Class I impact on this plant.

Shining navarretia is on the California Native Plant Society's list 1B; it has no state or federal listing status. List 1B species are considered rare, threatened or endangered in the opinion of CNPS. The Natural Diversity Database (NDDB) gives the global and state ranking for this plant as G4T1/S1.1. The G4 rank indicates that the species is apparently secure, but there is some threat or somewhat narrow habitat; T1 indicates that the subspecies is threatened. S1.1 indicates that there are less than 6 occurrences or less than 1,000 individuals, or less than 2,000 acres. For this subspecies, there are over 40 extant occurrences recorded in the NDDB. Shining navarretia apparently occupies less than 2,000 acres.

If over 10% of the population will be impacted by this project, the impacts may be mitigated by creating suitable habitat patches and planting shining navarretia in the proposed open space area. If under 10% of the population is impacted, no mitigation is required.

71. Page 4.9-11 - Rare plant, Oval-Leaved Snapdragon. What is the evidence of the likelihood that there is an extant seed bank for this species on

site? What are the credentials of the 1991 investigator who reported this plant? SAIC biologists considered the occurrence of the plant to be unlikely [Wood 2000 EIR, Appendix F, biological assessment, page 5; and, SAIC (Tamara Klug) June 2, 2000 letter to Wood]. No mention is made regarding the natural history of the plant, or the longevity of its seeds.

72. Page 4.9-23. The discussion regarding the 404 permit, Section 7 consultation and Section 10 process should also include a paragraph discussing the state endangered species act and its process.

73. Page 4.9-26 to 27 - Oak Tree Mitigation and Monitoring. The mitigations suggested are inconsistent with the City's ordinance. The City requires a mitigation ratio based on a proportion of the diameter of trees lost. The "inch-for-inch basis" suggested by the EIR is an onerous obligation that would not be practicable on the subject property.

The following is an oak mitigation example based on the Rincon requirement: The removal of 50 mature oaks, 24 inches in diameter, would require planting 1200, 5-gallon trees that were one inch in diameter (50 trees x 24 inches per tree x 1 inch mitigation per inch removed = 1200 mitigation trees). The 50 trees removed would have occupied an area of approximately one (1) acre, assuming their canopy diameters are approximately 30 feet. The 1200 trees would be planted approximately 30 feet on-center, requiring approximately 19 acres for the mitigation site.

The oak mitigation example using the City's oak tree ordinance: 50 trees removed x 24 inches diameter each x 25% = 300 one inch diameter mitigation trees. The 300 mitigation trees planted approximately 30 feet on-center would require approximately 4 to 5 acres for the mitigation site. The mitigation area would be four to five times the area impacted by tree removal.

Note: If the EIR authors' goal is to mitigate for impacts to the oak woodland and maintain some open space grassland habitat for raptors and mammals, then the grassland open space should not be filled with oak trees.

The EIR recommends an HOA be responsible for long-term maintenance program for the oak woodland. We recommend that a special services district be operated by the City of Paso Robles, funded by the HOA or project development.

Mitigation measure B-2(b) is poorly written. How shall an arborist enforce tree protection?

Policy LU-7 – Who will conduct the CDFG jurisdictional determination?

It should also be noted that the SP provides for the protection of thousands of mature oak trees on the property.

74. Page 4.9-28 - Mitigation Measures for Impacts to Special Plants and Habitat Type. Why have seasonally-timed floral surveys not been

conducted? The unanswered questions regarding the occurrence of rare species leave the reader with unacceptable ambiguity with regard to the impact analysis.

75. Page 4.9-28 - Impact Analysis for Special Plants and Habitat Type. It is unlikely that the project will have a significant impact on special status plant species. The determination of a Class I impact is incorrect. See comment 70 above.

1. Shining navarretia was the only special status plant observed, and only a portion of the observed population will be impacted by the proposed project. This plant has no state of federal listing status. It is considered rare in the Natural Diversity Database (CNPS list 1B).

2. Oval-leaved snapdragon is not expected to occur on site. This plant has no state of federal listing status. It is on CNPS list 4, a "watch-list".

3. The possible observation of round-leaved filaree has not been substantiated. This plant has no state of federal listing status. It is on CNPS list 2 (common outside of California).

4. This site does not contain the rare wildflower field habitat type.

76. Page 4.9-29. The impacts and mitigation measures for wildflower fields needs to be revised. In particular, mitigation measure B-3(b) needs to be eliminated. That measure suggests that where special status plants or plant communities special concerns are found, site development plans must be modified to avoid disturbing the species. Essentially, what this mitigation measure does, in conjunction with mitigation B-3(a), is to require a project to obtain its tentative map approval but then, prior to grading, perform special status plant surveys. If those surveys indicate that the plants are located within the property they must be avoided. This would require the developer to go back and seek a revised tentative map. These mitigation measures are infeasible and unworkable and show a lack of understanding of the development process. Any survey process should be a one time survey. That survey could be done at any time, at the option of the landowner/developer and mitigation options should include on or off site replacement.

77. Page 4.9-30. Mitigation measure B-3(e) needs to be revised. As currently written, it requires habitat mitigation to be in a manner acceptable to resource agencies even when dealing with unlisted species. Again, this is granting jurisdiction to a state or federal agency through the EIR when it has none under state or federal law.

78. Page 4.9-31. Mitigation measures B-3(f) and B-3(g) also need to be revised because of their avoidance requirements for impacts to wildflower field habitat or native bunchgrass habitat. This is especially of concern in the provision dealing with native bunchgrass habitat because under the language of the mitigation measure, something will be considered such habitat if at least

10% native bunchgrass is found within an area there is at least a half an acre in size. Under this measure the entire area would need to be avoided and placed in open space.

79. Page 4.9-35 - Wetlands and Waters. Why was a wetland delineation not conducted as part of the EIR contract? We recommend that a delineation of jurisdictional wetlands and waters should be prepared for the entire site.

80. Page 4.9-37, MM B-4 (a) Sediment, Erosion and Pollution Management. Paragraph one requires that stormwater filters be constructed prior to discharge into the "protected native habitat areas and/or basins". There is no definition in the document as to what constitutes a protective native habitat area and/or basin. Paragraph 3 requires that any bare soils be hydroseeded with native non-evasive plant species. This is not a requirement of CEQA and should not be so restrictive by requiring only native, non-evasive plant species. Paragraph 8 requires that a list of BMPs shall be attached to the project plans and posted at the construction site. This is excessive requirement to include these into the project plans as they are already included in the SWPPP.

81. Page 4.9-38 to 40, San Joaquin Kit Fox (SKJF). The impact and mitigation measures related to the San Joaquin kit fox starting on page 4.9-38 and continuing through 4.9-40 needs to be completely rewritten. As an example, mitigation measure B-5(a) requires that an applicant for development within the Specific Plan must provide proof of compliance with the state and federal endangered species acts by either providing signed copies of incidental take permits or associated enacting agreements or other memorandums from these agencies stating that compliance is not required. State and federal agencies do not issue written documents stating that they have no jurisdiction or that there is no compliance required. Such a provision requiring proof of compliance should be removed and should be replaced with language that essentially requires a developer to comply with all state and federal requirements related to endangered species. In addition, there should be no mitigation required for potential kit fox habitat unless it is demonstrated through protocol surveys that the kit fox is on the site. The discussion of the federal endangered species act (FESA) fails to understand the federal threshold for "take". There must be a demonstration of actual physical interaction with the listed species to meet either the state or federal definition of take. The requirements impose significant and unnecessary obligations on the developer and could result in the payment of a couple million dollars in fees even if there is no occupied habitat and consequently no take of this species. The references SJKF policy should be revised to be consistent with the requirements of the State and Federal Endangered Species Acts. Under those Acts, an appropriate policy would be to require completion of protocol level surveys prior to issuance of a grading permit. If the surveys demonstrated presence of the species then it would be necessary to obtain an incidental take permit prior to development. If the surveys do not

indicate presence, then the grading permit could be issued without the need for any further mitigation measures related to the kit fox. The policy, as drafted, gives complete discretion to the California Department of Fish & Game to impose significant in lieu fee payments even without any demonstration that the habitat impacted is actually occupied. No individuals have been observed within 10 miles of the property since 1991.

82. Page 4.9-40, MM B-5 (b) Proposed HuerHuero Creek Bridge Design. This paragraph requires that the Airport Road Bridge be designed to be a "free span" bridge and no more instrusive to the creek within the neighboring bridges at Union Road to the southeast and Highway 46 to the northwest. Neither of these existing bridges are free span bridges and have columns in the creek that support the bridge. There is no justification for requiring the bridge to be free span. As long as the jurisdictional agencies issue permits for the bridge, the bridge design should be up to the developer.

83. Page 4.9-43. Mitigation measure B-6(b) needs to be significantly revised. It requires protocol level surveys be conducted for state and federally listed wildlife species that are included on Table 4-9-2 but then indicates that the surveys are to be conducted within the habitats most likely to support the four designated species included in that mitigation measure. It is unclear what this measure means. Does it mean that protocol level surveys have to be conducted for the four species listed? Or does it mean that protocol surveys need to be prepared for all species that are state or federally listed and found on Table 4.9-2 but that such surveys needs to be conducted only within the habitat of the species listed? If the measure is for the purpose of requiring protocol surveys for the four listed species, then that should state it clearly. There are also problems with the mitigation should any species or habitat be found. The mitigation measure dealing with listed species references the federal endangered species act Section 10 Section 7 but fails to reference Section 2081 of the state endangered species act.

84. Page 4.9-43 - Mitigation B-6(b), Federally or State Listed Wildlife Species Surveys. Vernal pools have not been observed on site. Protocol surveys for fairy shrimp and California tiger salamander should not be required.

85. Page 4.9-44. Mitigation measure B-6(c) is even more of a concern because it applies to species that are not even listed. Again, the mitigation measure reads the presence or absence surveys need to be conducted for any additional special status wildlife species but than indicates that surveys are to conducted within the habitats most likely to support the three species referenced in the mitigation measure. Again, if the intent is to require surveys for the three listed species, then simply state that. As currently written it is very ambiguous. There are also problems with the mitigation should any species or habitat be found. It requires establishment of suitable setbacks from the current or

identified habitat in coordination and consultation with resources agencies and implementation of such setbacks in the SP. the goal of such implementation is to avoid any impact to individuals of these species or their habitats. Open ended mitigation measures like this create the potential for significant impacts to proposed development activities and could significantly restrict development as other wise authorized.

86. Page 4.9-44, MM B-6(e) Constructive Notice. The sentence requiring "Especially cats and dogs" is repeated in the document.

87. Page 4.9-45, final paragraph, last sentence, Cumulative impact analysis. The case for a Class I cumulative impact is not well made.

1. Loss of special status plant species habitat - review of the habitat map (Figure 3-2) indicates that approximately half the shining navarretia population will not be impacted (patches adjacent to Areas 1 and 3). Some patches will be impacted (Areas 6, 3, 1).
2. Loss of foraging habitat - for what species?
3. Loss of breeding habitat - for what species?
4. Loss of San Joaquin Kit Fox (SJKF) migration habitat - It was considered a Class II impact on page 4.9-41 (Impacts B-5 and B-6). In fact, an acceptable mitigation program is already in place.

88. Page 4.10-22. The paragraph on the top of the page states "Presently, it is unknown what entitlements exist within the current booster pump station area. Please update us on the status of this information.

89. Page 4.10-22, Policy I-4. This policy as stated is inconsistent with the previous statements in the EIR which required two wells of a production capacity of 600 gallons per minute. This policy requires three wells with a production capacity of 650 gallons per minute. Please demonstrate through calculations that this requirement is appropriate for the demand.

90. Page 4.10-22, Policy I-5. Policy I-5 states that the project will have a water storage responsibility. This is inconsistent with the City Water Master Plan, and if a water storage location is necessary, it should be included in the environmental review of the project.

91. Page 4.10-27. Area 7 is described as having a population of 3,378. This should be 338. This table also cites its source as John L. Wallace "Sewer System Master Plan" August 1993. While this may be the source of the assumptions, it is not the source of the data.

92. Page 4.10-28, Policy I-11 Trunk Line Capacity. The paragraph states "Prior to any development that will discharge into the Meadowlark basin,

Master Plan improvements need to be constructed as represented within the 1993 Plan ...". These Master Plan improvements should be specifically stated.

93. Page 4.10-10, MM PS-#(a). Paragraph two requires that "structure numbers and street lights shall be lighted to City standards". There are no City standards currently for structure numbers and lighting of street signs.

94. Page 4.10-10, MM PS-3 (b) Fire Protection Services Plan. This section basically states that the issue of fire protection impacts should be pushed off into the future and determined at some future time. The purpose of this EIR is to identify the impacts to the project and address these impacts with appropriate mitigation measures. To push these off into the future, is not appropriate for a complete EIR.

95. Page 4.10-11, MM PS-3(c). The second paragraph requires that 30 feet of defensible space around all structures shall be maintained. This is excessive and inappropriate, particularly in multi-family areas. The fifth paragraph requires that a wildland emergency response checklist be made available to all residents. This requirement is inappropriate for the vast majority of the project area. While it may be appropriate for the oak woodland area, it is not appropriate in the multi-family area.

96. Page 4.10-MM PS-3(d). This paragraph requires that the Specific Plan water system shall maintain a fire flow of 2,500 gallons GPM for two hours (or greater at 20 psi). This requirement is inconsistent with the City standards stated in the Standard Details and Specifications Department of Public Works Engineering Division dated March 1995. The fire flow requirements vary from area to area depending upon the use. In a single-family residential area, a minimum requirement of 2,000 gallons per minute is required. Yet in a commercial area, the requirement is 3,500 gallons per minute. This fire flow capacity paragraph should either be referenced to the City standards or it should specifically echo those standards.

Volume II – Technical Appendices

Appendix C, Traffic Report Prepared by Omni-Means.

97. Page 51, Table 13, CRASP Cost Allocation. This allocation table specifies as one of the improvements required as "Southeast Quadrant Offsite Mitigation Improvements". This approach does not adequately describe the necessary improvements nor does it appropriately allocate the impacts. It assumes a generalized impact of 28% of the new trips which is an oversimplification of the impacts to the various improvements required in this area. This should be broken out by actual specific improvements in the southeast area and the percentage of impact on that particular facility.

98. Page 52. Fair Share of Airport Road South to SR46 East. The assumption that no other fees could be collected from future City or County residents for the construction of this bridge is unsupportable. This is a regional facility and the regional benefit should be distributed among other new development projects such as the Beechwood Annexation area and the Olsen Ranch annexation areas, as well as any new construction in the City. It should also be pursued in terms of Federal and State funding.

99. Memorandum Dated July 9, 2004 from Omni-Means to the City of Paso Robles regarding Chandler Ranch Transportation Improvement Cost Estimates. As a general comment on the inclusion of these cost estimates, it should be clearly noted in the ultimate financial analysis of the Chandler Ranch responsibility that many of these intersections and roadways have been included in the AB1600 fee collection system and that numerous projects have already contributed significant amounts of money towards the improvement of these facilities. Fees already applied to these projects should be deducted from the cost of the project.

100. July 9, 2004 Memorandum, Page 2, Creston Road from Golden Hill Road to Niblick Road. The vast majority of the widening required and improvements necessary for this stretch of Creston Road have been completed. There is a very short portion of the project area that has not been widened to the fourth lane including the road widening, curb, gutter and sidewalk. The ballpark estimate for $3-5 million is way in excess of the actual cost and should be re-evaluated.

101. Sherwood Road from Creston Road to Fontana Road. With the extension of Sherwood Road from its existing terminus to its realignment with the lane will eliminate the bulk of the improvements required to this portion of the road. Therefore, this cost is overstated.

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CHANDLER AREA SPECIFIC PLAN COMMENTS FROM JONATKIM ENTERPRISES

Section 1.0, Introduction

1. Page 1-2, General Plan Policy Basis

The combined limitation on residential dwelling units referenced on page 1-2 creates a race to the city council approach. We need to consider other approaches that discourage such a race. Under the current proposal, if the Olson Ranch and Beechwood Area Specific Plan's are approved for their maximum number of dwelling units prior to the time that Chandler Ranch is approved for more than 1,000 dwelling units, Chandler Ranch could be limited to those 1,000 units. This creates a significant problem for later phases of the residential development.

2. Page 1-6, How the Specific Plan Accomplishes the Goals

The last paragraph specifies that "Development within the Specific Plan will leave a 364-acre open space area...". This number conflicts with page 3-3, Table 3-, Area 20 which indicates an Open Space Area of 280 acres. Please resolve. Also all open space should be put into the open space category rather than including some in the residential and commercial categories as the footnotes to Table 3-1 indicate. The document should include an exhibit showing the delineation of the 364 acres of open space proposed within the Specific Plan area.

3. Figure 1-1, Site Location Map

The Beechwood and Olsen annexation areas were approved for annexation into the City. The "Our Town" and "Paso Robles Vineyards" properties have submitted an application for annexation to LAFCO. This figure should be corrected to reflect the changes.

Proposed annexation areas are shown as hatched. The hatched symbol is not indicated in the legend. Additionally, in the Expansion Area #2 (Beechwood Area), there is a line which is incorrectly showing either the City boundary or a property line.

4. Figure 1-2, Plan Area Boundary

The source references for this exhibit cite the "City of El Paso de Robles General Plan, 2000". The General Plan was approved in 2003. Additionally, it would be nice to label Airport Road at the southern end of the exhibit.

Section 2.0, Pre-Development Conditions

5. Page 2-1, General Site Characteristics

The plan describes a "major north-south trending drainage area in the central portion of the site." This drainage flows south to north, and so is best described as south-north trending

6. Page 2-1, Plan Area Development and Property Ownership

There are 24 property owners in the CRASP, not 8.

7. Page 2-1, Table 2-1

The property designated as Belmont is now owned by Meixner. The property designated as Paso Robles Vineyards is now owned by Centex Homes. The item designated as Rights-of-Way/Other at 11.2 acres is unclear and should be clarified. Our Town has multiple owners. They should all be listed somewhere in the document.

8. Figure 2-1, Site Topography

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003.

9. Figure 2-2, Property Ownership

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003.

The property labeled area 19 belongs to Meixner, not Belmont. The property labeled area 17 belongs to Centex Homes, not Paso Robles Vineyards.

10. Page 2-7, second paragraph

The document reads:

> "Surface water runoff from watershed areas within the site generally flow northerly toward Union Road or southerly toward Linne Road and across undeveloped land adjacent to Creston Road and Sherwood Road."

The site does generally flow northerly toward Union Road but at the south end there is no drainage that flows toward Linne Road and across undeveloped land adjacent to Creston Road. The drainage does flow towards Linne but is not near Creston Road.

11. Figure 2-3, Soils Map

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003. Figure 2-3 is confusing. The soils type information provided is inaccurate and overly generalized. The documents should include a separate slope map. The Jonatkim team provided this map as part of the original development plan.

12. Page 2-11, Pre-Specific Plan Environmental Site Characteristics, Drainage, first paragraph

There are 11 (not 14) offsite sub-basins that contribute flows per Figure 2-5.

13. Page 2-11, Pre-Specific Plan Environmental Site Characteristics, Traffic and Circulation

There is no reference made to Airport Road, a major arterial, and Gilead Lane, a collector, as serving the site.

14. Page 2-17, Pre-Specific Plan Environmental Site Characteristics, Infrastructure, Water

This section should include a description of the number and types of wells that the City has and the potential future wells.

Revise the first paragraph to read:

> "The existing terrdin of the Chandler Ranch Specific Plan Area ranges in elevation from approximately ~~760~~ 732 feet at the lowest point to approximately 1,000 feet at the highest ground."

The following sentence should be revised as noted:

> "The main East Water Zone is served by gravity from the two existing 4 million gallon Golden Hill Reservoirs located approximately ~~100~~ 1000 feet west of the specific plan area, which have a high water elevation of 1,001 feet and can supply the residences up to elevation 880 feet with an estimated pressure of 45 psi or greater."

In the paragraph beginning, "Other Existing water facilities...", "Existing" should be "existing". This paragraph describes the existing water facilities in the vicinity of the Specific Plan. It should include the fact that there is a 10 inch and a 16 inch main in Sherwood, a 12 inch and a 24 inch main in Golden Hill Road, a 12 inch main in Linne and a 12 inch main in Airport Road.

The final paragraph reads:

> "Currently, City wells furnish nearly all of the water supply for urban use, and a limited number of private wells serve agricultural uses within the city limits."

All of the City of Paso Robles water is obtained from wells.

15. Page 2-18, Pre-Specific Plan Environmental Site Characteristics, Infrastructure, Water

The last sentence in the second paragraph reads:

> "The City has three reservoirs, as follows: the four million gallon West Side Reservoir, located on 21st Street; and two Golden Hill four million gallon reservoirs, located between Golden Hill Road and Rolling Hills Road."

The City has four reservoirs. The one not noted is the Merryhill Tank.

The last sentence in the third paragraph reads:

"The Paso Robles Public Works Department indicates that the current water storage and supply was marginally adequate for the current peak water use demands."

If this is a situation resulting from the earthquake damage to the existing tank, it should be noted that this is a temporary condition and will be rectified as soon as the tank is repaired.

16. Page 2-18, Pre-Specific Plan Environmental Site Characteristics, Infrastructure, Wastewater

In the paragraph that begins, "The permitted capacity...", the second sentence reads:

"The 2004 average daily sewage flow into the plant is 2.8 mgd."

It should be noted in the document what the current capacity of the plant is and should list any issues relating to processing sewage flow.

17. Page 2-18 and 2-19, Pre-Specific Plan Environmental Site Characteristics, Infrastructure, Schools

The list of schools currently serving the Paso Robles Joint Unified School District is incomplete. The following schools should be added:

- Kermit King Elementary
- Bauer-Speck Elementary
- Georgia Brown Elementary
- Liberty High School
- Flamson Middle School

18. Page 2-19, Pre-Specific Plan Environmental Site Characteristics, Infrastructure, Fire Protection

It should be noted that there is a fire station, although unmanned, at the airport.

19. Page 2-23, Surrounding Development

The second sentence in the first paragraph reads:

"Specifically, Barney Schwartz Park, and Huerhuero Creek are north of the site, beyond which lies State Route 46 and designated for agricultural... ". The word "land" should be inserted after "and" and before "designated".

Section 3.0, Goals, Policies and Development Standards

20. Page 3-1, Policy 3

The policy indicates that if any development is to be implemented in more than a single phase, the developer shall provide a detailed phasing plan to the city.

This should be determined now to the extent possible so that infrastructure implementation can be coordinated with phased development.

21. Page 3-2, Policy 4

This policy suggests that all costs for public improvements and facilities required to support any development of the plan area shall be borne fully by such development. If we are reading this statement correctly, it is contrary to the requirements of the law. The obligations of the developer include paying a fair share for the costs of public improvements and facilities. In most cases, fair share is less than all costs.

22. Page 3-2, Section 3.2 Land Use Plan, Land Use Categories

In the last paragraph, please specify that the categories are the same as those included in the "2003" General Plan.

23. Page 3-2, Section 3.2 Land Use Plan, General Land Use Policies, Policy LU-1, Table 3-1

The acreages for property belonging to Chandler Sand and Gravel (86.3) do not match what is listed in Table 2-1 on page 2-1 (85.1). The acreage shown for area 19 (32.7) does not match the sum of the properties owned by Belmont (Meixner) and Branch (33.0). The sum for all areas listed in Table 3-1 is 825.6. 11.2 acres is designated as "Other". The balance of 0.4 acres is unaccounted for.

The calculations shown demonstrating the maximum dwelling units is not consistent with the units per acre land use designations. For example, Area 17 has 12.4 acres at RSF-6 with a maximum dwelling unit count of 90 (12.4 x 6 = 74.4). Area 16 has 12 acres at RMF–9 with a total of 124 maximum dwellings (12 x 9 = 108). Please include language to explain the land use designations and how the maximum dwelling unit count can be determined.

Please describe what is included in the "Other" area. This should be represented on an exhibit. There are approximately 6 acres of open space within the Huerhuero Creek between the Branch and Meixner properties, not 10 as specified in the footnotes of the table.

24. Page 3-4, Policy LU-3

This policy suggests that a single homeowners' association shall be formed to fund and oversee operation and maintenance of the open space area including trails. This could present major problems and should be identified as an option to be considered along with a number of other options.

25. Figure 3-1, Land Use

The areas designated on Figure 3-1 do not agree with the areas shown on Figure 2-2. The area bubbles in Figure 2-2 are continuous through the roads that traverse the areas while the areas in all other figures are broken up by the roads.

26. Page 3-7, Section 3.2 Land Use Plan, Grading Requirements, Policy LU-6, Table 3-2, Grading Category B, Mass Grading

Bullet 3: The maximum requirements for retaining walls and stem walls exceed current City standards. Please provide information on the current City Standard and an explanation for the more stringent requirements.

Bullet 4: The requirement for maximum slopes of 3 to 1 is in excess of current City grading standards. Please provide information on the current City Standard and an explanation for the more stringent requirements.

27. Page 3-7, Section 3.2 Land Use Plan, Grading Requirements, Policy LU-6, Table 3-2, Other Grading Requirements Applicable to all Development Areas

a. Grading Plans: The requirement for physical models or photo simulations for every planning area is excessive and inappropriate. For example, for Area 1 and similar areas, it would provide no additional benefit to the decision-makers to have a physical model representing the future development. The preparation of physical models is extremely expensive and inappropriate for the vast majority of the project area.

b. Revegetation: The requirement to have an "approved" landscape design professional and an "approved qualified" botanist is in excess of normal requirements. The City does not have a list of "approved landscape design professionals" nor "approved qualified botanists". The sentence should be revised to require that the revegetation plan be prepared by a licensed landscape design professional.

28. Page 3-8, Section 3.2 Land Use Plan, Resource Protection, Policy LU-7, Habitat Protection, Oak Trees

It should be noted that oak trees shall be preserved with the oak tree ordinance that is the currently approved ordinance at the time of the approval of this Specific Plan.

29. Page 3-8, Section 3.2 Land Use Plan, Resource Protection, Policy LU-7, Habitat Protection, Oak Trees, b. Mitigation Ratio

The Specific Plan is requiring excessive mitigation for oak trees far in excess of the current ordinance. The mitigations suggested are inconsistent with the City's ordinance. The City requires a mitigation ratio based on a proportion of the

diameter of trees lost. The "inch-for-inch basis" suggested by the EIR is an onerous obligation that would not be practicable on the subject property.

The following is an oak mitigation example based on the Rincon requirement: The removal of 50 mature oaks, 24 inches in diameter, would require planting 1200, 5-gallon trees that were one inch in diameter (50 trees x 24 inches per tree x 1 inch mitigation per inch removed = 1200 mitigation trees). The 50 trees removed would have occupied an area of approximately one (1) acre, assuming their canopy diameters are approximately 30 feet. The 1200 trees would be planted approximately 30 feet on-center, requiring approximately 19 acres for the mitigation site.

The oak mitigation example using the City's oak tree ordinance: 50 trees removed x 24 inches diameter each x 25% = 300 one inch diameter mitigation trees. The 300 mitigation trees planted approximately 30 feet on-center would require approximately 4 to 5 acres for the mitigation site. The mitigation area would be four to five times the area impacted by tree removal.

A possible solution to this problem would be to allow any required oak trees in the parkway areas to be credited toward oak tree mitigation.

Note: If the EIR authors' goal is to mitigate for impacts to the oak woodland and maintain some open space grassland habitat for raptors and mammals, then the grassland open space should not be filled with oak trees.

The EIR recommends an HOA be responsible for long-term maintenance program for the oak woodland. We recommend that a special services district be operated by the City of Paso Robles, funded by the HOA or project development.

Mitigation measure B-2(b) is poorly written. How shall an arborist enforce tree protection?

It should also be noted that this master plan provides for the protection of thousands of native oak trees on the property.

30. Pages 3-8 to 3-9, Policy LU-7, San Joaquin Kit Fox

This policy regarding the San Joaquin kit fox presents major problems. The requirements impose significant and unnecessary obligations on the developer and could result in the payment of a couple million dollars in fees even if there is no occupied habitat and consequently no take of this species. The policy should be revised to be consistent with the requirements of the State and Federal Endangered Species Acts. Under those Acts, an appropriate policy would be to require completion of protocol level surveys prior to issuance of a grading permit. If the surveys demonstrated presence of the species then it would be necessary to obtain an incidental take permit prior to development. If the surveys do not indicate presence, then the grading permit could be issued

without the need for any further mitigation measures related to the kit fox. The policy, as drafted, gives complete discretion to the California Department of Fish & Game to impose significant in lieu fee payments even without any demonstration that the habitat impacted is actually occupied.

31. Page 3-9, Section 3.2 Land Use Plan, Resource Protection, Policy LU-7, Habitat Protection, Jurisdictional Waters and Wetlands.

Policy LU-7 on page 3-9 relating to jurisdictional waters and wetlands is unnecessarily restrictive. The policy requires a minimum setback of 50 feet from the top of bank. This will make it difficult or impossible to build the appropriate trail system for this project. Some allowance should be included to be able to construct trails in this area to certain specifications. Additionally, there must be provisions for construction of utilities such as storm drains in these areas. A jurisdictional delineation should have been performed as part of the biological analysis for the EIR. This would have added significant clarity to this subject. However, given that no delineation has been done, rather than establishing minimum setbacks, the policy should be that any development activities that could potentially impact state or federal jurisdictional waters can only proceed after obtaining any required 404 permit, 401 certification, or 1602 agreement. In many cases, it will not be feasible to avoid these waters and/or meet 50-foot minimum setbacks. In these instances, impacts to the waters may still be authorized provided the appropriate permits and agreements are obtained.

32. Page 3-10, Ridgetop Protection

What is meant by "extraordinary review by the Planning Commission" under Ridgetop Protection?

33. Page 3-10, Section 3.2 Land Use Plan, Resource Protection, Policy LU-9, Fire Hazard Abatement, b. Landscaping

The document is requiring a 30 foot defensible space around all structures with specific requirements of shrub heights and tree pruning. These requirements are associated with structures constructed in more rural areas and are inappropriate to apply to a subdivision, particularly when the buildings are located close to one another. The 30 foot setback may be appropriate as a setback of structures from fuel modification zones but not between homes that will be next to one another. The requirement to prune trees so that no limbs are within six feet of the ground and to trim shrubs to heights of less than 18" is inconsistent with all landscaping practices on these types of projects.

34. Figure 3-2, Habitat Map

It is difficult to differentiate the backbone circulation roads versus the minor roads.

The map shows individual oak trees noted as oak woodlands in the legend (see areas 2, 3, 4, 5 and 6). Those should be removed from the map.

At the south end of Areas 16 and 17, there appears to be an area which is labeled as Coastal Shrub. That area is Linne Road.

The area of the Huerhuero Creek within Area 19 appears to be labeled as Riparian Woodland, according to the legend. This area is not a woodland.

The "Wildflower Field" habitat designation should be removed from this map. Wildflower fields are not protected habitats and it is questionable whether any actually exist on the site. The designation of wildflower field has not been confirmed by the California Natural Diversity Database or by the California Department of Fish and Game.

The Holland (1986) document describes the wildflower field, Element Code 42300, as follows: "An amorphous grab bag of herb-dominated types noted for conspicuous annual wildflower displays. Dominance varies from site to site and from year to year at a particular site." The characteristic species include: *Eschscholzia californica, Gilia bicolor, Layia platyglossa, Lupinus bicolor, Orthocarpus attenuatus, O. purpurascens*. None of the characteristic plants are mentioned in the Rincon report of wildflower fields. Field notes from Rincon dated May 20, 2003, indicate that they did observe owl's clover (most likely *Orthocarpus purpurascens*, now called *Castilleja exserta)*, a very common and showy purple wildflower in California.

The Natural Diversity Database (NDDB) records contain five (5) occurrences of wildflower fields. Three are in Los Angeles County (one, near Fairmont; the second is the poppy reserve in the Antelope Valley; third is near Gorman in the Tehachapi foothills). A fourth site is in Colusa County (Bear Valley), and the fifth site is in Napa (west of Lake Berryessa). The Los Angeles County sites are spectacular poppy fields and the Colusa and Napa sites contain serpentine endemic species and vernal pools.

It is interesting to note that the EIR section on plant communities of special concern (page 4.9-20) does not even mention the wildflower habitat type.

35. Figure 3-3, Creek and Drainage Setback

This figure should include provisions for trail construction and the construction of necessary utilities.

36. Figure 3-5, Ridgelines and Hilltops

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003.

This figure does not show the roads traversing the Project. The area bubbles should match those in Figure 2-2.

37. Page 3-19, Figure 3-6, Landscaping Defensible Space
The landscaping standards represented in this figure apply to more rural developments and not the subdivisions that are planned in this specific plan. This figure should be eliminated.

38. Page 3-20, Policy LU-14 refers to cluster development and references an Appendix A for more detailed policy. This is unnecessary in that the project, as proposed, is already cluster development. The type of cluster development included in Appendix A is appropriate for an urban environment and may be appropriate in specific plans in such areas, but is completely inappropriate for this project and should be eliminated from this document.

39. Page 3-20, Section 3.2 Land Use Plan, Site Design, Policy LU-15, Lighting
The standard City decorative lights do not comply with this policy. If this is the General Plan requirement, the lights specified in the City's standards should be revised.

40. Page 3-22, Section 3.2 Land Use Plan, Site Design, Policy LU-16, Landscaping, b. Parking Lot Landscaping
The parking lot requirement should be the same as the current City standards, requiring 15 gallon trees (not 24" box) installed in parking lot landscaping.

41. Page 3-22, Section 3.2 Land Use Plan, Site Design, Policy LU-16, Landscaping, c. Street Trees
The current standard for street trees (Section 10.04.050) requires the following:

- Minimum street tree size of 15 gallons with a caliper of 1½ inches or greater
- Street trees shall be planted a maximum of 50 feet on center along street frontages.

This section of the Specific Plan requires the following:

- Minimum street tree size of 6-inch diameter, measured 6 inches above the ground
- Street trees planted a maximum of 30 feet on center along street frontages.

Please note the variances from the current standards and explain the reasons for the more stringent standards.

This section of the Specific Plan also requires that plants be restricted from certain areas for site distance purposes. The text specifies a site triangle measuring 30 feet along the boundary of each intersecting curb line. Figure 38 is very difficult to read, but appears to specify a site triangle of 50 feet. Please resolve this discrepancy.

42. Page 3-23, Section 3.2 Land Use Plan, Site Design, Policy LU-17, Residential Site and Building Design

d. Solar Access, Design and Orientation: Correct the spelling of "polls" to "pools" in the next to last sentence.

This section requires that lot layouts shall be oriented to achieve optimum solar accessibility as feasible. This requirement is difficult to comply with and almost impossible to enforce. Feasibility is very subjective and in the situations where lot layout is dictated by grading, it would be very difficult to comply in any measurable degree.

f. Accessory Buildings: The last sentence should read "and materials <u>of</u> the primary structure".

g. Primary Buildings: "Architectural design compatible with natural site characterization (i.e. colors and materials, ect.)."
Etcetera is "etc.". This policy is not definitive and could be interpreted in a number of ways. If there is a specific requirement for architectural design, those specifications should be listed.

43. Page 3-24, Section 3.2 Land Use Plan, Site Design, Policy LU-17, Residential Site and Building Design

d. Solar Access, Design and Orientation, Figure 3-9, Roof Overhang for Solar Access: This requirement is exceedingly difficult to comply with and almost impossible to enforce. Feasibility is very subjective and in the situations where lot layout is dictated by grading, it would be very difficult to comply in any measurable degree.

44. Figure 3-12, Circulation Plan

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003. The Circulation Plan exhibit does not show a local road within PA 8 to Sherwood Road. Also the trails shown should be shown as conceptual or schematic. Actual trail locations and requirements will be addressed at the tentative map stage.

45. Page 3-29, Table 3-3

Needs to be thoroughly reviewed to determine if the phased timing for construction road improvements is appropriate and consistent with our view of

the need. Also, all the suggested improvements need to reviewed in light of our comments on the traffic study contained in our EIR comment letter.

46. Page 3-30, Section 3.3 Circulation Plan, Roadways, Policy C-2, Circulation Improvements, Table 3-4, Specific Plan Roadway Standards

Arterial, Airport Road and Sherwood Road: It would be clearer if the current City standard for arterial roadways (City Standard Drawing A-1) were specified for this.

Collector, Gilead Lane: The requirement to prohibit driveways on Gilead Lane is more restrictive than current City standards and is inconsistent with the plans that have been prepared for this area. Perhaps restrictions to the types of driveways consistent with the previous specific plans would be more appropriate than total prohibition.

47. Page 3-31, Section 3.3 Circulation Plan, Bikeways and Pedestrian Circulation, Policy C-7, Trail Layout

Due to the nature of the terrain where the trails will be constructed, it is inappropriate to design the trails in their entirety to ADA standards. Additionally, we question the validity of requiring design approval by a licensed architect.

48. Figure 3-13, Airport Road Cross-Section

Note 5: The current street tree ordinance is inconsistent with the street tree requirements as outlined in the text of the Specific Plan. Please rectify the discrepancy.

Note 6: This note is extremely difficult to understand and it is inconsistent with the figure.

Note 7: With an 8 foot parking lane, what is the justification for emergency parking, adding width to the section of Airport Road? The section represented in this figure is unclear what the width of the parking lane and parkway will be.

Note 9: What intersections are considered "major"? A list of the intersection where there will be no restrictions on turning movements should be identified.

Note 11: Specify the "major intersections".

Note 12: This note difficult to understand. It is not clear where roundabouts are required. This note should specify the intersections where required. That information should also be included in the text of the document. Please revise the language "excluded for cause".

49. Figure 3-14, Gilead Lane Cross Section

This particular detail deviates considerably from the City standard. It is inconsistent with the standards in the Specific Plan which require roads to be constructed to City standards. The overall right-of-way width of 60 to 76 feet is inconsistent with any known standards and is very difficult to interpret. Additionally, the curb to curb width of 36 to 52 feet is equally difficult to

understand. One standard should be identified and the variances allowed to that standard specified. The variances should be listed with the areas of the Project where those variances are allowed.

Note 5: The current street tree ordinance is inconsistent with the street tree requirements as outlined in the text of the Specific Plan. Please rectify the discrepancy.

Note 6: This is a repeat of the previous exclusion of residential access on a collector. This should be looked at during the design process and not excluded as standard course in requiring City Council approval.

Note 7: Clarify this requirement.

Note 8: The section in this figure allows for 12 feet for the sidewalk and parkway. If the sidewalk is 10 feet wide in commercial areas, where does the extra 2 feet on each side of the street go? Is the sidewalk in this case attached?

50. Figure 3-15, Trail Construction Assignment

The sources indicate the City of El Paso de Robles General Plan 2000 and should be 2003.

Please explain the black circles on the trail plan. This symbol should be defined in the legend.

The trail assignments for the particular plan areas are in excess of what a property owner's ability to obtain property and build the trails would allow. For example, the owner of Area 8 would have to construct a trail all the way from Sherwood to Gilead Road, through properties that they may not be able to control. All of these assignments should be reconsidered and reduced to the specific areas themselves. An additional consideration is that there are a number of Subareas that are not allocated any responsibility for constructing the trails. The trails would be of benefit to all of the parcels and some structure should be set up so that the responsibility for constructing the trails is borne evenly by all parties benefiting.

51. Page 3-37, Section 3.4 Infrastructure Plan, General Infrastructure Policies

As a general comment, the text regarding water service and sewer service is not adequate to address the issues. There is no evidence that there has been any technical analysis to determine the issues related to the development of the Plan area. The specific plan should identify the constraints of the existing system and specifically identify the intensity of development that warrants the necessary improvements (the thresholds). Without this greater level of analysis, specific plan fees cannot be correctly appropriated.

52. Page 3-37 and 3-38, Section 3.4 Infrastructure Plan, General Infrastructure Policies, Water

Policy I-5 on page 3-37 refers to current studies regarding water storage and indicates that the necessary conclusions may not be reached until the EIR has been finalized. This presents a problem in that SB 610 requires the water supply assessment be prepared in conjunction with development of an EIR for a project such as this and that the findings and conclusions of that water supply assessment be included with the draft EIR. This needs to be clarified in both the SP and the EIR.

Policy I-5, Water Storage Responsibility: Correct the following sentence: "For the purpose of the Draft Chandler Ranch Area Specific Plan and Draft Environmental Impact Report, at this point in time it is possible to rule out the potential need to locate a water tank site ~~with~~ within the Chandler Ranch Area Specific Plan."

Policy I-6, Water Distribution: Correct the following sentence: "The distribution system shall be modeled and project specific fire flow analysis to validate main sizes shown in the Water Master Plan, and determine other system improvements required for meeting the City's demand and fire flow criteria."

Policy I-7, Fire Flow Requirements: This policy should include a summary of the City's demand and fire flow criteria.

53. Figure 3-16, Water System Plan

This exhibit is extremely difficult to read.

Although the text indicates the need for a tank site location, no proposed tank site locations are indicated on this exhibit.

54. Section 3.4 Infrastructure Plan, General Infrastructure Policies, Sewer, Figure 3-17, Sewer System Plan

This exhibit is also very difficult to read. The colors used for some of the sections are very difficult to differentiate from each other (the blues for Golden Hill and Gilead).

There are a number of discrepancies in the sewer system plan.

1. There is no 8" sewer main in Union Road. There is a 15" sewer line that is located behind Paso Robles Mini Storage.
2. There is no indication of how the northern part of Area 19 will be sewered.
3. There is no indication of how Area 16 will be sewered.
4. The sewer connection shown on Golden Hill Road next to Area 3 is in an area that is lower than Golden Hill Road and will not work without a lift station. In the sewer zone legend, the designation for West Tract 2281

and East Tract 2281 are reversed. An alternative would be to raise the grade of Area 3 to Golden Hill Road. This would eliminate the need for a lift station.

5. The sewering of the Sherwood/Fontana intersection is very unclear. It is difficult to understand if the sewer goes down Sherwood or connects to the existing sewer main in Fontana.
6. It is difficult to understand the need for the 10" sewer line in Linne Road.

55. Section 3.4 Infrastructure Plan, General Infrastructure Policies, Drainage, Figure 3-18, Drainage Plan

The choice of colors in this exhibit makes it very difficult to read. It is difficult to read the basin identification under the blue basin bubble.

This figure does not show the roads traversing the Project. The area bubbles should match those in Figure 2-2.

56. Page 3-45, Section 3.4 Infrastructure Plan, General Infrastructure Policies, Drainage, Policy I-12, Drainage Facilities, Table 3-5, Detention Basin Summary

The requirement for regional basins could prove to be inappropriate for the actual construction process. There are no policies outlined in the Specific Plan to describe how regional basins could be implemented.

57. Page 3-45, Section 3.4 Infrastructure Plan, General Infrastructure Policies, Drainage, Policy I-13, Detention Basins

The text requires that detention basins should be located outside natural drainages. The exhibit specifying the locations of the detention facilities shows them located in natural drainages. Additionally, the basins should not be restricted from being used as informal park areas, particularly considering the size of these areas. It will be very difficult to restrict the use of these areas from an informal park use.

58. Page 3-46, Section 3.5 Subarea Specific Land Use Policies and Standards, Residential Uses

A policy should be added to allow the transfer of density from one subarea to another within the Plan.

Revise the following sentence: "The Table shows how these compare <u>to</u> City standards that apply to the R-1 Zone District."

59. Page 3-47, Section 3.5 Subarea Specific Land Use Policies and Standards, Residential Uses

Comment on the sentence in the top paragraph that reads:

"After deducting the area needed for public streets, the net density is anticipated to be higher."

This is not a new concept and has always been the case. This paragraph is unsuccessful in defining the policy relating to density assignments and the resulting loss of areas from roads and detention basins. The policy should be clearly stated that the maximum density is based upon the gross area of the property and that with the reduction of the net developable area by the need for public roads, that the total density then can be clustered in the remaining area. An applicant should not have to request permission to cluster the density on the remainder of the land area.

60. Page 3-47, Section 3.5 Subarea Specific Land Use Policies and Standards, Residential Uses, Table 3-7, CRASP Multi-Family Residential Development Standards

This table notes that there are no standards for lot size except for 3,000 sq. ft. in Subarea 9. Subarea 9 is designated in Figure 3-1 as Residential Single Family 6 (RSF-6) not Multi-Family. It is also noted in Table 3-6 as Single Family. Please resolve the discrepancy.

61. Page 3-47, Section 3.5 Subarea Specific Land Use Policies and Standards, Residential Uses

Revise the following sentence:

"The actual development yield in each subarea of the specific plan will be subject to Planning Commission consideration of individual development projects, taking into account topographic constraints, sensitivity regarding grading, appropriate ~~sitting~~ citing of homes, oak tree preservation, and compatibility with adjacent developments (existing or anticipated)."

62. Page 3-47 and 3-48, Section 3.5 Subarea Specific Land Use Policies and Standards, Commercial Uses

The description of the development of the commercial uses area requires "preserving all oak trees and avoiding grading in the vicinity of the oaks". Without the benefit of site specific plans, it is inappropriate and unreasonable to prohibit any oak tree removal. It is possible that oak trees in these areas may be impacted or removed in the process of constructing Airport Road. These oak trees should be handled in a manner consistent with the current Oak Tree Ordinance.

"Except for caretaker units, no residential development is permitted in subareas 4, 5, 10 and 19 based on potential incompatibility with Airport related noise, and proximity to the lights and noise emanating from Barney Schwartz Park."

There is no basis for judging residential uses incompatible with the airport related noise as these areas are not in the airport influence area, and are therefore not subject to the requirements of the Airport Land Use Plan. The proximity of the lights and noise emanating from Barney Schwartz Park is a site specific issue which can be dealt with on a more detailed examination of development plans.

Section 3.5, Subarea-Specific Policies and Standards.

The sections pertaining to the development of each planning area (starting with Sub-area 1 on page 3-48 should be re-evaluated. Development standards are inconsistently applied to the various sub-areas and do not correspond to the property owner's plans provided to the City (at least on the Jonatkim property. Generally, the direction is that some development standards are included which exceed Citywide or State requirements. However, most of the property owner's proposed alternative development standards have been separated into the Appendices (or are missing entirely from the Specific Plan).

63. Page 3-48, Subarea 1, Development Parameters, Development Concept

The development concept requires that:

> "Homes will be low profile so that they fit with the topography and minimize the impact on skyline views."

This sentence is vague and open to various levels of interpretation. Specific guidelines for this situation should be addressed in this document, including limitations to structure height, color schemes, architecture, etc.

64. Page 3-49, Subarea 1, Development Parameters, Grading Requirements

> "Request to remove oak trees within the identified building envelope will be subject to City Council approval as a part of the tentative map process. Healthy oak trees in addition to those within the identified building envelope shall not be permitted for removal."

These two sentences are extremely confusing and could possibly be restated as follows:

> "Requests to remove oak trees from within the identified building envelopes and for road construction or necessary infrastructure installation will be subject to City Council approval as part of the tentative map process. Aside from these tree removals, no other healthy oak trees will be allowed to be removed."

> "Dead or diseased oak trees shall be considered for removal by methods consistent with the Oak Tree Ordinance."

This sentence should be more specific. It should clearly state that it is required to be consistent with the Oak Tree Ordinance approved at the time of the approval of this document. This statement is also inconsistent with other

requirements of this document relating to the removal of dead or diseased oak trees where there is a requirement to have a habitat study done prior to the removal of the dead or diseased oak trees.

65. Page 3-49, Subarea 1, Development Parameters, Grading Requirements
Revise the last sentence:

"Pad grading will be allowed where the natural terrain within the identified building envelope is less than 10%. Where the natural terrain is greater than 10%, 600 sf can be graded for a garage. The remainder of any ~~structural~~ structure will be constructed to conform to the natural terrain."

There is no pad grading planned for Subarea 1. All homes are planned to be constructed on natural grade.

66. Page 3-50, Subarea 1, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to issuance by the City of certificates of occupancy.

67. Page 3-50, Subarea 1, Infrastructure Requirements Prior to Development, Table 3-8, Subarea 1 Onsite Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea. For one example, it is difficult to interpret the responsible party for the widening of Golden Hill Road to 4-lane arterial standards. This requirement is listed for Subareas 1, 2 and 3.

The table requires that Golden Hill Road be widened to 4-lane arterial standards. It is inconsistent with the standard conditions for a subdivision fronting on an existing road to expect that subdivision to be responsible for the widening of the entire length of the existing road. This should be rewritten to say that "Golden Hill Road should be widened to 4-lane arterial standards adjacent to Subarea 1.

It is noted that the construction of detention basins are required for Subareas of the land use areas, i.e., Areas 1B or 1E. These Subareas are not shown on any exhibits within the Draft Specific Plan. As requested before, please include an exhibit for each Subarea that graphically demonstrates the requirements listed.

The table requires the construction of a booster pump near Golden Hill Road, Area 1B. It is our understanding that Penfield and Smith was studying the possibility of upgrading the existing Orchard Bungalow booster pump. Please provide the results of their analysis.

It is noted that an "8" sewer main from Area 1B/Area 1C border to Area 3 collector road via Area 1 collector road." The roads referred to are not collectors, but local streets. Please revise accordingly.

68. Page 3-50, Subarea 1, Development Standards

There is no discussion about narrow streets, off-street parking, bulb-outs, traffic circles, split lanes, or any other means to avoid impacts to oak trees. These design alternatives should be presented and discussed with specific locations identified.

69. Page 3-50, Subarea 1, Development Standards, 1-b Wildflower Field Habitat Avoidance

1. This paragraph should be deleted from this section. There is no basis for avoiding activities in these areas. Development standard 1-b on page 3-50 refers to wildflower field habitat avoidance. The essence of the development standard is that development and grading shall avoid wildflower field habitat shown in Figure 3-2 (page 3-11 of the CRASP). This type of development standard is completely unacceptable and inappropriate in the specific plan. The notion that the referenced "wildflower fields" correspond to the Wildflower Field described by Holland," is incorrect. The designation of wildflower field has not been confirmed by the California Natural Diversity Database or by the California Department of Fish and Game.

The Holland (1986) document describes the wildflower field, Element Code 42300, as follows: "An amorphous grab bag of herb-dominated types noted for conspicuous annual wildflower displays. Dominance varies from site to site and from year to year at a particular site." The characteristic species include: Eschscholzia californica, Gilia bicolor, Layia platyglossa, Lupinus bicolor, Orthocarpus attenuatus, O. purpurascens. None of the characteristic plants are mentioned in the Rincon report of wildflower fields. Field notes from Rincon dated May 20, 2003, indicate that they did observe owl's clover (most likely Orthocarpus purpurascens, now called Castilleja exserta), a very common and showy purple wildflower in California.

The Natural Diversity Database (NDDB) records contain five (5) occurrences of wildflower fields. Three are in Los Angeles County (one, near Fairmont; the second is the poppy reserve in the Antelope Valley; third is near Gorman in the Tehachapi foothills). A fourth site is in Colusa County (Bear Valley), and the fifth site is in Napa (west of Lake Berryessa). The Los Angeles County sites are spectacular poppy fields and the Colusa and Napa sites contain serpentine endemic species and vernal pools.

It is interesting to note that the EIR section on plant communities of special concern (page 4.9-20) does not even mention the wildflower habitat type.

Even if the designation were correct, reasonable and feasible mitigation measures may include wildflower seeding in portions of the designated open space. However, to establish avoidance of wildflower fields as a development standard creates significant uncertainty in an effort to preserve a resource that disappears every year anyway. This same comment applies to development standard 2-b on page 3-53, development standard 3-d on page 3-56, and development standard 6-f on page 3-63. This development standard implies that the CDFG has designated areas on the property as special status natural communities. CDFG has not agreed that the fields on the Chandler meet the criteria for a wildflower field. They are far from the accepted definition of these special status communities.

70. Page 3-51, Subarea 1, Development Standards, 1-d Pedestrian Pathways
Correct the following sentence:

> "Subdivision design in Subarea 1 will include pedestrian pathways that connect residential development within this ~~areas~~ area with the central open space area, which would allow access to Barney Schwartz Park."

The last sentence in this section refers to Gilead Lane which is not in Subarea 1. This sentence should be deleted.

It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

71. Page 3-51, Subarea 2, General Character
This paragraph states, "This area also contains some of the densest oak woodlands in the Plan Area". There are no oak woodlands in subarea 2. This area was designed to avoid oak woodlands, and only contains individual oaks and borders the oak woodlands.

72. Page 3-51, Subarea 2, Development Parameters, Development Concept
The second sentence states, "Because of the high number of oak trees ... " This area does not have a high number of oak trees and is better characterized by "large oak trees spread randomly through the Subarea".

73. Page 3-51, Subarea 2, Development Parameters, Development Concept
The paragraph states, "Subdivisions in this area will create average sized single family lots ...". The next page, 3-52, lists a minimum lot size of 9,500 square feet. Lots of this size should be categorized as large rather than average.

Due to the characteristics of this subarea, it is likely that the lots would be clustered and sized based upon the underlying slope consistent with current zoning code, which would create lots ranging from a minimum size of 7,000 sq. ft. to 20,000 sq. ft.

74. Page 3-52, Subarea 2, Development Parameters, Grading Requirements

"No oak tree removals will be permitted as a part of the tentative map, grading permit or building permit processes, unless it is consistent with the current Oak Tree Ordinance (i.e. oak trees that are diseased, deceased or pose a hazard too great to mitigate)".

It is unreasonable to categorically prohibit the removal of oak trees until the individual subdivisions are proposed and reviewed as part of the tentative map process, just as in any other project in the City.

75. Page 3-52, Subarea 2, Development Parameters, Lot Sizes

The lot sizes are specified to be "9,500 SF to 0.75 acre, depending on topography". This section should be reworded to read:

"The minimum lot size should be 7,000 sq. ft. and the lots should be sized according to the underlying topography consistent with City zoning code."

76. Page 3-52, Subarea 2, Infrastructure Requirements Prior to Development

This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

77. Page 3-52, Subarea 2, Infrastructure Requirements Prior to Development, Table 3-9, Subarea 2 Onsite Infrastructure Requirements

The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

There is an existing 14" waterline in Red River Drive (Tract 2281) and an 8" waterline in Grassy Hollow Way (Tract 2281 street stubbed to subarea 2.

78. Page 3-53, Subarea 2, Development Standards, 2-a Structure Visibility

This paragraph states:

"Buildings shall be designed and placed at locations that will minimize their visibility from Golden Hill Road."

A significant portion of Area 2 is directly visible from Golden Hill Road. There is no practical way to minimize visibility from Golden Hill Road. This sentence should be removed.

79. Page 3-53, Subarea 3, General Character

Please correct the following sentence.

"The lower portions near Gilead Lane are ~~relative~~ relatively level, but slope upward somewhat toward a ridgeline to the south."

80. Page 3-53, Subarea 3, Development Parameters, Development Concept

"This area will be developed into a low density neighborhood with an open feel, with opportunities for some larger lots."

A better characterization of this area might be:

"This area will be developed into a range of densities with the opportunity for smaller lots in the flatter areas and larger lots in the steeper areas."

81. Page 3-54, Subarea 3, Development Parameters, Grading Requirements, Grading adjacent to Backbone Streets

The proposed requirement states:

"1. Graded slopes shall undulate with profiles that range from 2:1 to 4:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 4:1.

82. Page 3-54, Subarea 3, Development Parameters, Grading Requirements, Grading adjacent to natural open space

The proposed requirement states:

"1. Perimeter slopes adjacent to natural open space range from 2:1 to 5:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 5:1.

83. Page 3-54, Subarea 3, Development Parameters, Minimum Lot Size

The minimum lot size is specified as 10,000 SF. This section should be rewritten to have a minimum lot size of 7,000 SF. Lots should be clustered, based upon the underlying topography and final grading conditions.

84. Page 3-54, Subarea 3, Infrastructure Requirements Prior to Development

This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

Please correct the following sentence:

"If two or more subareas develop simultaneously, then the financial responsibility for constructing these improvements shall be shared by these developers on a

proportional basis based on the number of homes/equivalent ~~swelling~~ dwelling units proposed."

85. Page 3-55, Subarea 3, Infrastructure Requirements Prior to Development, Table 3-10, Subarea 3 On-Site Infrastructure Requirements

The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

Traffic and Circulation:
This description of circulation requirements is extremely unclear, referencing "internal collector" roads. The "internal roads" referenced are not collectors, but local roads per the specific plan standards. It would be helpful to have an exhibit demonstrating which roads are required with which subarea.

86. Page 3-55, Subarea 3, Development Standards, 3-a Setbacks from Gilead Lane

"All development shall be setback 30 feet from Gilead Lane."
Please define "development".

The requirement for 30 foot setbacks is excessive and is inconsistent with current zoning codes and should be reduced to 20 feet to be consistent with other previously approved projects in the City.

Please correct the following sentence:
"Setback is measured from the nearest edge of the right-of-way ~~easement~~ to the nearest portion of a structure within a property."

87. Page 3-55, Subarea 3, Development Standards, 3-b Noise Attenuation

The requirement to prepare specific noise evaluation prior to development for a collector road is excessive and inconsistent with practices in the past. There is no requirement in the General Plan for collector roads to be analyzed for noise impacts. Additionally, the noise attenuation measures stated in this paragraph are stated in an order of preference. This is inconsistent with the normal order of application in projects previously approved in the City, and should presented as a bulleted list. The appropriate mitigation measure, if necessary, should be the decision of the developer for the particular situation.

88. Page 3-55, Subarea 3, Development Standards, 3-c Structure Visibility

This paragraph requires that buildings be designed and placed at locations that will minimize their visibility from Golden Hill Road. There are significant areas of this subarea visible from Golden Hill Road where it is impossible to minimize their visibility. Therefore, this sentence should be removed. Additionally, it states that:

"Buildings shall be designed to fit the landscape by utilizing alternative foundation systems such as split level, post and beam, etc, and use exterior materials and colors that blend with the surrounding."

This area is allowed to mass grade under Grading Category B, and therefore, many of the homes will be slab on grade construction. The requirement for alternative building foundations will only to apply to lots that are left natural.

89. Page 3-56, Subarea 3, Development Standards, 3-e Pedestrian Pathways

The last sentence reads:

"Such pathways, where they cross Gilead Lane, must include sufficient cues to vehicular traffic, including reflective signs, special paving, and safety lighting."

There is only one pathway crossing at Gilead Lane. If there are specific requirements for construction of that crossing along Gilead, they should be specifically stated in the document and not left as vague and broad descriptions of alternatives. How is "sufficient cues" defined?

It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

90. Page 3-56, Subarea 3, Development Standards, 3-f Driveways

The prohibition of driveways extending to Gilead Lane is overly restrictive and inconsistent with current City standards. It would be better to require the hammerhead driveway or the circular driveways, as has been required with previous projects in other Specific Plan areas.

91. Page 3-57, Subarea 4, Development Parameters, Development Concept

This description of the concept for subarea 4, requires that all development to be indoors. This requirement severely restricts the potential to use this property for any type of commercial and business activities, particularly activities that may be complementary to the Barney Schwartz Park. This sentence should be deleted.

92. Page 3-57, Subarea 4, Development Parameters, Maximum Residential Dwellings

There are no residential units allowed in subarea 4, according to the distribution of residential units across the project. Without any density transfer policies, subarea 4 would not be allowed to have caretaker units.

93. Page 3-57, Subarea 4, Development Parameters, Grading Requirements

This section appears to have been copied directly from a previous residential subarea. Subarea 4 is identified as a business park area. The grading requirements should be rewritten to present grading requirements that are reasonable for business park developments. For example, the restriction to grade slopes to not exceed 3:1 is excessive in a business park area and extremely limiting to the development of the parcel. These slopes should be allowed to conform to the normal 2:1 slope requirements.

94. Page 3-57, Subarea 4, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

95. Page 3-57, Subarea 4, Infrastructure Requirements Prior to Development
The last sentence refers to "a per dwelling equivalent". This should be rewritten to be appropriate for the commercial development (i.e. square footage).

96. Page 3-58, Subarea 4, Infrastructure Requirements Prior to Development, Table 3-11, Subarea 4 On-Site Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

97. Page 3-58, Subarea 4, Development Standards, 4-a Setbacks from Union Road
The required setback of 30' from Union Road is excessive, exceeding the City standards of 25' from an arterial road. This should be revised to be 25'.

Please correct the following sentence:

"Setback is measured from the nearest edge of the right-of-way ~~easement~~ to the nearest portion of a structure within a property."

98. Page 3-58, Subarea 4, Development Standards, 4-b Airport Safety
This paragraph assumes that the Airport Land-Use Plan, which is not yet approved, will be approved as represented in the current draft. In addition, it incorrectly characterizes Subarea 4 as being "within Airport Land Use Plan Safety Zone 3B." Only a very small portion of subarea 4 falls within the area categorized as Safety Zone 3B in this draft document. It should be made clear that the portion of the property that is outside the safety zone is not subject to these requirements.

99. Page 3-59, Subarea 5, Development Parameters, Development Concept
Please provide a list of business types that would be permitted in this commercial/business/tourist area. This land use designation does not exist in the

2003 General Plan. Will there be specific zoning code regulations developed for this land use type?

100. Page 3-59, Subarea 5, Development Parameters, Maximum Residential Dwellings
There are no residential units allowed in subarea 5, according to the distribution of residential units across the project. Without any density transfer policies, subarea 5 would not be allowed to have caretaker units.

Perhaps considering the inclusion of a multi-use overlay in this area where the combination of residential and commercial uses could co-exist. This would be based on the ability to transfer residential densities from other areas on the site.

101. Page 3-59, Subarea 5, Development Parameters, Grading Requirements
This section appears to have been copied directly from a previous residential subarea. Subarea 5 is identified as a commercial/business/tourist area. The grading requirements should be rewritten to present grading requirements that are reasonable for commercial, business or tourist-related developments.

The issues that need to be revised are to allow pad grading for non-residential development, allowing surface water to be handled in the most appropriate manner for the topography, and slopes should be allowed at 2%. Retaining walls should be only limited by the development plan process.

102. Page 3-59, Subarea 5, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

103. Page 3-59, Subarea 5, Infrastructure Requirements Prior to Development
The last sentence refers to "a per dwelling equivalent". This should be rewritten to be appropriate for the commercial/business/tourist development (i.e. square footage).

104. Page 3-60, Subarea 5, Infrastructure Requirements Prior to Development, Table 3-12, Subarea 5 On-Site Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

Traffic and Circulation:
The second bulleted item requires the widening of Union Road to a 4-lane arterial standard. The widening of this road should be limited in this section to the area adjacent to the project, and this is not clear.

The third bulleted item requires the extension of Gilead Road to Airport Road. There is no basis for requiring the extension of Gilead Road to Airport Road for the development of Area 5. The construction of this road would require improvements on other properties not associated with this area.

The fourth bulleted item requires the extension of Airport Road from Gilead Road to Union Road. Requiring a road to be constructed in Area 6 is in excess of what is necessary for developing Area 5.

Sewer:
The fourth bulleted item requires an "8" sewer main from Gilead Lane (south of Area 10) to existing Gilead Lane 8" sewer lane". This particular sewer is a different sewer basin area and has no relationship to Area 5. Please remove this requirement for subarea 5.

105. Page 3-60, Subarea 5, Development Standards, 5-a Setback from Union Road
The 30' setbacks should be reduced to 25', to be consistent with City standards.

106. Page 3-60, Subarea 5, Development Standards, 5-b Agricultural Buffer
Development standard 5-b on page 3-60 imposes a 200-foot setback for agricultural buffer purposes. A 200-foot setback appears to be unnecessary in light of the type of agricultural uses adjacent to the property and the fact that the agricultural uses are really part of a residential/vineyard project. It may be that 200 feet is fine given the fact that it will include the full width of Airport Road and any setbacks to inhabited structures that would exist along Airport Road but this needs to be reviewed. Same comment applies for development standard 6-c on page 3-62, development standard 7-c on page 3-66, development standard 9-b on page 3-71, development standard 14-c on page 3-82 and development standard 19-b on page 3-94. It should be noted that the agricultural buffer in subarea 16 is 30 feet rather than 200 feet. This is based on the fact that the 30 feet is consistent with agricultural setbacks required for the preexisting development in the "Our Town" subdivision. Why this should now be expanded to 200 feet for other parts of the project is not specified.

107. Page 3-61, Subarea 6, Development Parameters, Development Concept
> "This area will be developed into a low density neighborhood with an open feel because of the large lot sizes and lack of steep slopes. The development pattern of this area will be low profile single-family homes on average sized lots and narrow streets."

These two sentences are inconsistent with each other. The first sentence characterizes the area as having large lots and the second sentence

characterizes the area as having average sized lots. Additionally, the development pattern requirement is of low-profile single-family homes. This is unacceptable as it could possibly limit the housing to single-story houses as the term "low profile" is not defined in the document.

The last sentence in this section states that "subdivision design will be integrated with the commercial uses in Area 5 by including pathways that will connect the two areas". Please define "integrated with the commercial uses". There are no pathways shown on the trail plan that would satisfy this requirement.

108. Page 3-61, Subarea 6, Development Parameters, Grading Requirements, Grading adjacent to Backbone Streets

The proposed requirement states:

> "1. Graded slopes shall undulate with profiles that range from 2:1 to 4:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 4:1.

109. Page 3-61, Subarea 6, Development Parameters, Grading Requirements, Grading adjacent to natural open space

The proposed requirement states:

> "1. Perimeter slopes adjacent to natural open space range from 2:1 to 5:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 5:1. It may be better to characterize the perimeter slopes as undulating and graded to match as close as possible to the existing terrain without the creation of mechanical appearing slopes.

110. Page 3-61, Subarea 6, Development Parameters, Minimum Lot Dimensions

Minimum lot dimensions are listed as 90' x 105', yet this section clearly indicates that clustering in this area is appropriate. There should be some note that the lot sizes could be modified to accommodate a cluster approach to the development of this area. The same should be applied to the minimum lot size and as long as an average lot size were maintained, the lot sizes could be adjusted to reduce impacts from grading and impacts to oak trees.

111. Page 3-62, Subarea 6, Infrastructure Requirements Prior to Development

This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

112. Page 3-62, Subarea 6, Infrastructure Requirements Prior to Development, Table 3-13, Subarea 6 On-Site Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

113. Page 3-62, Subarea 6, Development Standards, 6-a Setbacks from Gilead Lane
"All development shall be setback 30 feet from Gilead Lane."
Please define "development".

The requirement for 30 foot setbacks is excessive and is inconsistent with current zoning codes and should be reduced to 20 feet to be consistent with other previously approved projects in the City.

Please correct the following sentence:
"Setback is measured from the nearest edge of the right-of-way ~~easement~~ to the nearest portion of a structure within a property."

114. Page 3-62, Subarea 6, Development Standards, 6-b Driveways
The prohibition of driveways extending to Gilead Lane is overly restrictive and inconsistent with current City standards. It would be better to require the hammerhead driveway or the circular driveways, as has been required with previous projects in other Specific Plan areas.

115. Page 3-62, Subarea 6, Development Standards, 6-c Agricultural Buffer
Please provide background information on the requirement for a minimum setback of 200 feet from agricultural property to the east.

116. Page 3-63, Subarea 6, Development Standards, 6-e Noise Attenuation
The requirement to prepare specific noise evaluation prior to development for a collector road (Gilead Lane) is excessive and inconsistent with practices in the past. There is no requirement in the General Plan for collector roads to be analyzed for noise impacts. Additionally, the noise attenuation measures stated in this paragraph are stated in an order of preference. This is inconsistent with the normal order of application in projects previously approved in the City, and should presented as a bulleted list. The appropriate mitigation measure, if necessary, should be the decision of the developer for the particular situation.

117. Page 3-63, Subarea 6, Development Standards, 6-g Pedestrian Pathways

Please provide some differentiation between pedestrian pathways, trails, and sidewalks. It is unclear as whether these pedestrian pathways will be rural trails, lighted concrete walkways, or actual sidewalks.

The section also requires some type of pedestrian pathway connection from Area 6 to Barney Schwartz Park. This is physically very challenging and will involve environmental impacts that are not appropriately addressed and reviewed in this document.

The last sentence reads:

> "Such pathways, where they cross Gilead Lane, must include sufficient cues to vehicular traffic, including reflective signs, special paving, and safety lighting."

There is only one pathway crossing at Gilead Lane. If there are specific requirements for construction of a pedestrian crossing at Gilead, please include them in this document. Please define "sufficient cues".

It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

118. Page 3-64, Subarea 6, Development Standards, 6-h Structure Visibility

The first sentence states that all "buildings shall be designed and placed at locations that will minimize their visibility from public roads". All roads in this area are public roads; therefore, there will be no houses that will not be visible from a public road.

Additionally, the requirement to utilize alternative foundations in this area is inappropriate. The grading will be pad grading in this subarea and the majority of the homes will be slab on grade.

119. Page 3-64, Subarea 7, General Character

It would be more helpful to describe this area in terms of the ranges of slope rather than characterize the area as having steep slopes. The areas on the ridges in this area are flat and a better description would provide a better understanding for the reader. Refer to the general character description for subarea 8 as an example.

120. Page 3-64, Subarea 7, Development Parameters, Development Concept

Identifying this (or any) subarea as a "clustered single-family residential development" may lead to implementation of the clustering standards outlined in Appendix A. There is no basis for the option presented in Appendix A, as the

project as a whole is already clustered. Please remove the "clustered" terminology with respect to any one subarea.

121. Page 3-64, Subarea 7, Development Parameters, Grading Requirements, Grading adjacent to Backbone Streets

The proposed requirement states:

"1. Graded slopes shall undulate with profiles that range from 2:1 to 4:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 4:1.

122. Page 3-65, Subarea 7, Development Parameters, Grading Requirements, Grading adjacent to natural open space

The proposed requirement states:

"1. Perimeter slopes adjacent to natural open space range from 2:1 to 5:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 5:1. It may be better to characterize the perimeter slopes as undulating and graded to match as close as possible to the existing terrain without the creation of mechanical appearing slopes.

123. Page 3-65, Subarea 7, Development Parameters, Minimum Lot Sizes

Rather than identifying a minimum lot size of 8,000 square feet, an average lot size could be identified. Any development in this subarea would have to result in that average lot size. The lot sizes could be adjusted to reduce impacts from grading.

124. Page 3-65, Subarea 7, Infrastructure Requirements Prior to Development

This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

125. Page 3-65, Subarea 7, Infrastructure Requirements Prior to Development, Table 3-14, Subarea 7 On-Site Infrastructure Requirements

The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

126. Page 3-66, Subarea 7, Development Standards, 7-a Setbacks from Gilead Lane

"All development shall be setback 30 feet from Gilead Lane."
Please define "development".

The requirement for 30 foot setbacks is excessive and is inconsistent with current zoning codes and should be reduced to 20 feet to be consistent with other previously approved projects in the City.

Please correct the following sentence:
"Setback is measured from the nearest edge of the right-of-way ~~easement~~ to the nearest portion of a structure within a property."

127. Page 3-66, Subarea 7, Development Standards, 7-b Driveways
The prohibition of driveways extending to Gilead Lane is overly restrictive and inconsistent with current City standards. It would be better to require the hammerhead driveway or the circular driveways, as has been required with previous projects in other Specific Plan areas.

128. Page 3-66, Subarea 7, Development Standards, 7-c Agricultural Buffer
Please provide background information on the requirement for a minimum setback of 200 feet from agricultural property to the east.

129. Page 3-66, Subarea 7, Development Standards, 7-e Noise Attenuation
The requirement to prepare specific noise evaluation prior to development for a collector road (Gilead Lane) is excessive and inconsistent with practices in the past. There is no requirement in the General Plan for collector roads to be analyzed for noise impacts. Additionally, the noise attenuation measures stated in this paragraph are stated in an order of preference. This is inconsistent with the normal order of application in projects previously approved in the City, and should presented as a bulleted list. The appropriate mitigation measure, if necessary, should be the decision of the developer for the particular situation.

130. Page 3-66, Subarea 7, Development Standards, 7-f Pedestrian Pathways
Please provide some differentiation between pedestrian pathways, trails, and sidewalks. It is unclear as whether these pedestrian pathways will be rural trails, lighted concrete walkways, or actual sidewalks.

The last sentence reads:
> "Such pathways, where they cross Gilead Lane, must include sufficient cues to vehicular traffic, including reflective signs, special paving, and safety lighting."

There is only one pathway crossing at Gilead Lane. If there are specific requirements for construction of a pedestrian crossing at Gilead, please include them in this document. Please define "sufficient cues".

It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

131. Page 3-67, Subarea 7, Development Standards, 7-g Structure Visibility
The first sentence states that all "buildings shall be designed and placed at locations that will minimize their visibility from public roads". All roads in this area are public roads; therefore, there will be no houses that will not be visible from a public road.

Additionally, the requirement to utilize alternative foundations in this area is inappropriate. The grading will be pad grading in this subarea and the majority of the homes will be slab on grade.

132. Page 3-67, Subarea 8, Development Parameters, Grading Requirements, Grading adjacent to Backbone Streets
The proposed requirement states:

> "1. Graded slopes shall undulate with profiles that range from 2:1 to 4:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 4:1.

133. Page 3-67, Subarea 8, Development Parameters, Grading Requirements, Grading adjacent to natural open space
The proposed requirement states:

> "1. Perimeter slopes adjacent to natural open space range from 2:1 to 5:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 5:1. It may be better to characterize the perimeter slopes as undulating and graded to match as close as possible to the existing terrain without the creation of mechanical appearing slopes.

134. Page 3-68, Subarea 8, Development Parameters, Minimum Lot Size
10,000 square feet is too small for a minimum lot size in this subarea. Some lots will have to be smaller and some larger to make the development work most efficiently. A more appropriate minimum may be 7,000 square feet with an average lot size identified. Any development in this subarea would have to

result in that average lot size. The lot sizes could be adjusted to reduce impacts from grading and the impacts to any oak trees.

135. Page 3-68, Subarea 8, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

136. Page 3-68, Subarea 8, Infrastructure Requirements Prior to Development, Table 3-15, Subarea 8 On-Site Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

137. Page 3-68, Subarea 8, Development Standards, 8-a Pedestrian Pathways
Please provide some differentiation between pedestrian pathways, trails, and sidewalks. It is unclear as whether these pedestrian pathways will be rural trails, lighted concrete walkways, or actual sidewalks.

It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

138. Page 3-68, Subarea 8, Development Standards, 8-b Structure Visibility
The first sentence states that all "buildings shall be designed and placed at locations that will minimize their visibility from public roads". All roads in this area are public roads; therefore, there will be no houses that will not be visible from a public road.

Additionally, the requirement to utilize alternative foundations in this area is inappropriate. The grading will be pad grading in this subarea and the majority of the homes will be slab on grade.

139. Page 3-69, Subarea 8, Development Standards, 8-c Trunkline Capacity
This paragraph states, "prior to any development that will discharge into the Meadowlark basin, Master Plan Improvements need to be constructed as represented within the 1993 plan...". The 1993 Master Plan is out of date. Any improvements to the Meadowlark Trunkline as identified in the 1993 plan should be re-evaluated as a part of this Specific Plan and EIR. A threshold should be determined and the necessary improvements identified that are associated with the development of this subarea.

140. Page 3-69, Subarea 9, Development Parameters, Development Concept

Please revise the following sentence:

"Because of the noise that may be generated by vehicles on ~~the road~~ Airport Road, special consideration in the design of the subdivision and the buffers or barriers, are necessary to minimize the effect of noise on the neighborhood."

141. Page 3-70, Subarea 9, Development Parameters, Grading Requirements, Grading adjacent to Backbone Streets

The proposed requirement states:

"1. Graded slopes shall undulate with profiles that range from 2:1 to 4:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 4:1.

142. Page 3-70, Subarea 9, Development Parameters, Grading Requirements, Grading adjacent to natural open space

The proposed requirement states:

"1. Perimeter slopes adjacent to natural open space range from 2:1 to 5:1 with average slope of 2.5:1."

This would be very difficult to comply with. It would be perhaps better to more clearly state that variable slopes are desired, and that the average slope shall not exceed 2.5:1. It also could be misinterpreted that it is not appropriate to have slopes flatter than 5:1. It may be better to characterize the perimeter slopes as undulating and graded to match as close as possible to the existing terrain without the creation of mechanical appearing slopes.

143. Page 3-70, Subarea 9, Development Parameters, Minimum Lot Dimensions and Minimum Lot Size

The document states a minimum lot dimension of 40 ' x 80' and a minimum lot size of 3,000 SF. Please revise the minimum lot size to 3,200 SF (40' x 80').

144. Page 3-70, Subarea 9, Infrastructure Requirements Prior to Development

This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

145. Page 3-70, Subarea 9, Infrastructure Requirements Prior to Development, Table 3-16, Subarea 9 On-Site Infrastructure Requirements

The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

146. Page 3-71, Subarea 9, Development Standards, 9-a Driveways
The reference to not extending driveways to Gilead Lane is inappropriate for this area as Gilead Lane is not adjacent to subarea 9.

147. Page 3-71, Subarea 9, Development Standards, 9-b Agricultural Buffer
Please provide background information on the requirement for a minimum setback of 200 feet from agricultural property to the east.

148. Page 3-71, Subarea 9, Development Standards, 9-d Noise Attenuation
The noise attenuation measures stated in this paragraph are stated in an order of preference. This is inconsistent with the normal order of application in projects previously approved in the City, and should presented as a bulleted list. The appropriate mitigation measure, if necessary, should be the decision of the developer for the particular situation.

149. Page 3-71, Subarea 9, Development Standards, 9-e Pedestrian Pathways
It is inappropriate and unenforceable to require someone to construct a pedestrian pathway on property that does not belong to them. This is not legal and cannot be enforced. Please review the pedestrian pathways requirement with this subarea and specify only those pathways within the same subarea.

150. Page 3-72, Subarea 9, Development Standards, 9-f Structure Visibility
The first sentence states that all "buildings shall be designed and placed at locations that will minimize their visibility from public roads". All roads in this area are public roads; therefore, there will be no houses that will not be visible from a public road.

Additionally, the requirement to utilize alternative foundations in this area is inappropriate. The grading will be pad grading in this subarea and the majority of the homes will be slab on grade.

151. Page 3-72, Subarea 9, Development Standards, 9-g Trunkline Capacity
This paragraph states, "prior to any development that will discharge into the Meadowlark basin, Master Plan Improvements need to be constructed as represented within the 1993 plan...". The 1993 Master Plan is out of date. Any improvements to the Meadowlark Trunkline as identified in the 1993 plan should be re-evaluated as a part of this Specific Plan and EIR. A threshold should be determined and the necessary improvements identified that are associated with the development of this subarea.

152. Page 3-72, Subarea 10, General Character

The last sentence has no relevance to the description of the character and adds nothing to the understanding of the characteristics of this subarea. It should, however, be noted that there are no oak trees located within Area 10.

153. Page 3-72, Subarea 10, Development Parameters, Development Concept
This paragraph describing the development concept should be re-written. There is no specific need to cluster the buildings on this particular property as the property directly to the west of Area 10 is zoned Commercial, and does not have such restraints. It should be noted that the density in Area 10 as it approaches the residential areas in Subarea 3 should be designed sensitively with respect to the residential properties that will be located across the collector road, Gilead Lane. Additionally, the reference to avoiding oaks should be deleted, as there are no oak trees in this subarea.

154. Page 3-72, Subarea 10, Development Parameters, Maximum Residential Dwellings
There are no residential units allowed in subarea 10, according to the distribution of residential units across the project. Without any density transfer policies, subarea 10 would not be allowed to have caretaker units.

Perhaps considering the inclusion of a multi-use overlay in this area where the combination of residential and business uses could co-exist. This would be based on the ability to transfer residential densities from other areas on the site.

155. Page 3-72 and 3-73, Subarea 10, Development Parameters, Grading Requirements
This section appears to have been copied directly from a previous residential subarea. Subarea 10 is identified as a business. The grading requirements should be rewritten to present grading requirements that are reasonable for business related developments.

The issues that need to be revised are to allow pad grading for non-residential development, allowing surface water to be handled in the most appropriate manner for the topography, and slopes should be allowed at 2%. Retaining walls should be only limited by the development plan process.

156. Page 3-73, Subarea 10, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

157. Page 3-73, Subarea 10, Infrastructure Requirements Prior to Development, Table 3-17, Subarea 10 On-Site Infrastructure Requirements

The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

158. Page 3-73, Subarea 10, Development Standards, 10-a Setbacks from Gilead Lane

"All development shall be setback 30 feet from Gilead Lane."
Please define "development".

The requirement for 30 foot setbacks is excessive and is inconsistent with current zoning codes and should be reduced to 20 feet to be consistent with other previously approved projects in the City.

Please correct the following sentence:
"Setback is measured from the nearest edge of the right-of-way ~~easement~~ to the nearest portion of a structure within a property."

159. Page 3-73, Subarea 10, Development Standards, 10-b Pedestrian Pathways

The last paragraph requires the construction of a pathway to be constructed to accommodate police vehicle access between Gilead Lane and the park. There is no nexus for this requirement. If this is a wish of the City to provide a secondary access point to the park, this is something that should be negotiated at the time that Area 10 is developed, considering the specific terrain and layout of Area 10 to see if it is feasible.

160. Page 3-73, Subarea 10, Development Standards, 10-c Airport Safety

Subarea 10 does not lie within the Airport Land Use Safety Zone 3-B. Please remove this development standard.

161. Page 3-74, Subarea 11, General Character

This paragraph characterizes this area as having been previously graded to support a ranch home site. Any grading that was done to support the ranch home site was extremely minimal. The characterization that is portrayed here is misleading and leads the reader to believe that substantial grading may have taken place in this area. Please revise this description accordingly.

162. Page 3-75, Subarea 11, Development Standards, 11-a Historical Resource Evaluation

This paragraph requires that an archeological historian evaluate the historical significance of the ranch related buildings. This evaluation should have been done as part of this EIR. It is inappropriate to push this review into the future and should be completed prior to the certification of the EIR.

163. Page 3-75, Subarea 11, Infrastructure Requirements Prior to Development
This paragraph requires that certain infrastructure be in place "prior to development". This should be defined as prior to acceptance by the City for certificates of occupancy.

164. Page 3-75, Subarea 11, Infrastructure Requirements Prior to Development, Table 3-18, Subarea 11 On-Site Infrastructure Requirements
The onsite infrastructure requirements should be more specifically shown on an exhibit, so that there is no confusion as to the requirements of each Subarea.

Water:
Please complete the following:
"16" water main (MEWZ) extension from existing Sherwood Road 16" water main to..."

165. Page 3-76, Subarea 12, General Character
Please correct the following sentence:
"No substantial topographic or drainage ~~feastures~~ features are located on the site."

166. Page 3-85, Subarea 16, General Character
The following sentence is incorrect. Please remove it.
"The property is under the same ownership as Subarea 15."
Subarea 15 is owned by Sally Rupert and Subarea 16 is owned by a multitude of property owners, one of which is Sally Rupert.

167. Page 3-86, Subarea 16, Development Parameters, Lot Sizes
The document states that no minimum lot size, width or depth, are imposed upon this area. Table 3-7 states that the minimum lot size for multi-family is 3,200 SF. Please clarify.

168. Page 3-89, Subarea 17, Development Parameters, Lot Sizes
The document states that there is no minimum lot size, width or depth for this subarea. This is not in agreement with Table 3-7, which requires minimum lot sizes of 3,200 SF. Please clarify.

169. Page 3-89, Subarea 17, Infrastructure Requirements Prior to Development, Table 3-24, Subarea 17 On-Site Infrastructure Requirements
There is no mention in this document about the abandonment of Linne Road, which is a very important component in the development of this area. Additionally, the specific alignment of Sherwood Road between Areas 16 and 17 should be worked out as part of the Specific Plan and not left to debate among the property owners themselves.

170. Page 3-95, Subarea 20, Development Standards, 20-a Detention Basins

The requirement that detention facilities should be located outside natural drainages is vague and will be very difficult to enforce. In many cases, it is the appropriate location to provide a drainage facility. Perhaps it should be noted that all detention facilities should be located outside of areas of Army Corps or Fish & Game jurisdiction. This would provide appropriate locations to construct these facilities. Additionally, the exclusion of using these areas as informal parks is also very difficult to enforce.

171. Page 3-95, Subarea 20, Development Standards, 20-b Vegetation Management

There are a number of issues within this paragraph that should be reconsidered.

1. There is an indication that no landscaping shall be permitted within this area. This presents difficulties with the fact that the City may require landscaping adjacent to roads that are constructed through the Open Space area and landscaping may be desirable in the trailheads for this Open Space area.
2. It seems that the intent of this vegetation management section should focus on the fact that this plan would discourage the introduction of non-native species while encouraging native species and allowing sufficient vegetation clearance within this area to provide public safety from the danger of vegetation fires within Subarea 20.

Public trail construction responsibilities have been disproportionably assigned the development within the Jonatkim property. It seems unfair that the jonatkim property is providing 360 acres of open space for the community to use and enjoy and is also burdened with the cost of providing almost the entire proposed trail system. The property owner should not be penalized for the open space provision and, in fact, should be compensated in some way for the public benefit.

172. Page 3-96, Subarea 20, Development Standards, 20-d Trail Materials and Design

1. The requirement that the trails should be designed by an architect is inappropriate and not normally within the realm of an architectural design.
2. The reference to paving in order to ensure that applicable handicap access requirements are met is vague and does not describe the types of materials to be used for paving, nor does it refer to which accessible handicap access requirements are appropriate for this project.
3. The requirement that trails should be wide enough to accommodate both bike and pedestrian traffic is vague and should be specific in terms of width and type of material.

4. The requirement for vehicular one-way passenger vehicle traffic on the section between Barney Schwartz Park and Gilead is inappropriate.
5. The requirement to include split rail fencing near sensitive habitat areas is vague and open to difficulties in interpretation.
6. The requirement for interpretive signs is also vague and does not specifically refer to what on-site resources should be signed.

173. Page 3-96, Subarea 20, Development Standards, 20-e Trail Setbacks
The requirement for a 50 foot setback from the top of bank or riparian canopy makes it impossible to construct the trails through this area.

Please remove the last paragraph referring to the wildflower field habitat. Trails would not be allowed under the oak canopy when contiguous with a riparian zone. Trails can be under the canopies with little effect on the habitat. To eliminate trails from under the canopy will reduce the appeal of the path. It is appropriate to keep the trail outside the riparian canopy in some places, but not in all.

Section 4.0, Implementation and Financing

174. Page 4-1, 4th Paragraph, 2nd Sentence
"Maintenance" should be lower case.

175. Page 4-1, Section 4.1, 2. Developer Responsibility of Onsite Improvements
"Direct responsibility of the developer to construct the improvements identified in the Specific Plan for a particular subarea prior to development within that subarea."
It should be noted which phase of development (filing for tentative map, improvement plans, building permit, certificate of occupancy, etc.) the requirements should be constructed prior to.

176. Page 4-1, Section 4.1, 2. Developer Responsibility of Onsite Improvements
Please include a copy of the Annexation Agreement in the document or Appendix.

177. Page 4-2, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements
"Specific Plan fees payable to the City for the purpose of constructing certain other major off-site circulation improvements of primary benefit to developments within the specific plan area and/or that would not be needed except for development under the Specific Plan, with fees based on a per dwelling unit equivalency for development under the Plan."

Please state the method of determining "primary benefit". This statement is too subjective and open to free interpretation.

178. Pages 4-3 through 4-7, Airport Road Financing

The discussion of Airport Road financing raises a number of significant concerns. While is it true that the Annexation Agreement of 1980 obligates the signators to that agreement and their successors-in-interest to construct Airport Road between Lynn Road and Union Road, there are still issues to be agreed upon. First, the 1980 agreement contemplated a road that was consistent with road requirements in 1980 and did not contemplate the construction of a bridge. The cost estimates contained on page 4-4 vary by over $4 million depending on whether a bridge or a culvert is used between subareas 7 and 9. There is clearly no habitat need for constructing a bridge given the fact that the property on one side of Airport Road is a vineyard and the property on the other side is barren of any significant vegetation. Thus, the first thing that needs to happen is an appropriate cost be placed on construction of Airport Road as it would have been completed in 1980. Any additional costs should not be borne by the signators to the Annexation Agreement or their successors-in-interest, but rather by all who will benefit by Airport Road. At a minimum, the bridge needs to be eliminated from the plans. A second area of concern is that the zone of benefit has excluded certain parcels of property that should be included and thus, has placed a heavier burden on other parcels. The benefit assessment district should include all land that was originally part of the property owned by signators to the 1980 Annexation Agreement. This includes the city of Paso Robles, owner of Barney Schwartz Park, and the properties within the Golden Hill residential subdivision.

179. Page 4-2, Section 4.1, 2. Developer Responsibility for Onsite Improvements

"It should be noted that these facilities must be constructed prior to development, and in lieu fees will not be accepted."

It should be noted which phase of development (filing for tentative map, improvement plans, building permit, certificate of occupancy, etc.) the facilities should be constructed prior to. There may be cases where in lieu fees may be accepted as a part of the Specific Plan fees collected to be used when the time is appropriate.

180. Page 4-3, Section 4.1, 2. Developer Responsibility for Onsite Improvements

The first and second bullet are the same.

A bullet should be added to the list of forms of cooperation between property owners that offers the option of creating a CFD. The CFD funds the design and construction of the required infrastructure improvements.

181. Page 4-3, Section 4.1, 2. Developer Responsibility of Onsite Improvements, Airport Road Financing

A bullet should be added to the list of forms of cooperation between property owners that offers the option of creating a CFD. The CFD funds the design and construction of the required infrastructure improvements.

182. Page 4-4, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Description of Improvements to Be Funded by the Benefit Assessment

The bridge should not be the preferred option.

Option 2:

This is not the culvert/fill option but the retaining wall/culvert option. Where would the retaining wall be with respect to the road? Where would the retaining wall be with respect to area 7? Is the retaining wall 90 feet long? Is the portion of road that would require a retaining wall 90 feet long? How tall is the wall? What is the volume of dirt required for this option? What is the unit cost of the material?

Option 3:

What is the extent of the fill that is represented in this option? What is the depth of the fill? What is the quantity of the fill? What is the unit cost of the material? What does the 90 foot length represent?

Since future development will benefit from construction of Airport Road why not allow Jonatkim to have a reimbursement right from such future developers.

183. Page 4-5, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District

The first sentence reads:

> "The amount of the benefit to each property is determined to be directly proportional to the number of residential units to be constructed within the area of assessment."

Why is the assessment limited to residential uses? It does not appear that on the next page that the responsibility is assigned to all residential areas within the annexation area. The Weyrich Tract was specifically excluded.

184. Page 4-6, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District, Chandler Ranch Area Specific Plan Properties

This does not include a distribution to commercial uses.

185. Page 4-6, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District, Golden Hill Residential Subdivision

The method for determining the zone of benefit is based on a 1999 Traffic and Circulation Study for the Golden Hills residential subdivision. The conclusion that the road is no benefit to this area is based on this study which was not prepared for this purpose. A more appropriate method would be to utilize the current traffic study to analyze the benefit to this area. The conclusion that the Golden Hill Road subdivision will function acceptably without the Airport Road extension is not a conclusion that there is no benefit from the Airport Road extension.

Additionally, the Annexation Agreement states that this property is a part of the Annexation Area and requires this development to contribute to the funding for design and construction of Airport Road.

186. Page 4-7, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District, Golden Hill Residential Subdivision, Table 4-3

This table assigns financial responsibility based on residential units but does not differentiate the various responsibilities based upon housing types. For example, a single family residential unit would have more responsibility than a multi-family unit if the basis for analysis is trips generated.

187. Page 4-7, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District, Golden Hill Residential Subdivision

The first bullet reads:

> "Construction of a particular segment as shown for a specific subarea must be completed prior to development, with the full cost of that segment to be borne by the developer;"

It should be noted which phase of development (filing for tentative map, improvement plans, building permit, certificate of occupancy, etc.) the requirements should be constructed prior to.

188. Page 4-7, Section 4.1, 2. Developer Responsibility for Onsite Improvements, Airport Road Financing, Formula for Benefit Assessment District, Golden Hill Residential Subdivision, 3rd bullet

Define the "per unit equivalency". This option for assessment related to commercial uses is too lose and open to free interpretation.

189. Page 4-7, Specific Plan Fees

The section addressing specific plan fees for major offsite circulation improvements on pages 4-7 through 4-14 must be thoroughly reviewed and

analyzed by our traffic consultants and financial analysts to determine the accuracy and appropriateness of the fair share allocations.

190. Page 4-8, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Methodology, 3rd Paragraph

Second sentence, insert the word "that" between "Specific Plan area is based on zero fees" and "are being generated from".

191. Page 4-8 & 4-9, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Methodology, Intersections and Roadways

Are all of the study intersections and roadways being analyzed with their current configurations? There are a number of intersections and roadways that are currently under construction of improvements. Have these improvements been reviewed and has their effect on the LOS been analyzed? The intersections and roadways currently (or very recently) under construction are:

- Union Road/N. River Road
- Creston Road/N. River Road
- Spring Street/1st Street/Niblick Road
- Niblick Road/South River Road
- Niblick Road/Creston Road
- Creston Road just east of the River Road intersection
- River Road north of the Niblick Road intersection
- Union Road east of the North River Road intersection

If nothing else, it should be noted that these intersections and roadways are currently or very recently under construction of improvements. Since many, if not all, will be completed before development begins on the Project, the improvement costs for these facilities should not be included in list of required infrastructure improvements for purposes of calculating impact fees.

192. Page 4-9, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Methodology

The first paragraph reads:

> "Under 2025 traffic conditions without the Charolais Road over crossing and with the proposed Chandler Ranch Specific Plan project (Project), projected Level of Service "D" conditions and required interim mitigation measures would be determined. With either the extension of the Charolais Road bridge crossing or the upgrade of State Route 46 East to freeway standards, Levels of Service will be presumed to increase to LOS "C", the City's ultimate Level of Service goal. The proposed Project will be expected to contribute to these long range improvement projects."

What does the first sentence mean?

The Chandler Ranch Specific Plan project is a part of the 2025 General Plan. The first statement in this paragraph makes it sound like the Project is in addition to the 2025 build-out.
Level of Service cannot be "presumed". There are methods that can be used to determine whether or not these improvements would increase the LOS to "C".

193. Page 4-9, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Methodology, Step 1
Define the extents of the "southeast quadrant of the City".
Why identify the traffic impacts only to the southeast quadrant? The majority of the previously stated study intersections and roadways are not in the southeast quadrant of the City.

194. Page 4-10, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Mitigation Improvements and Associated Costs
The first sentence reads:

> "In accordance with the above Step 1 of the Cost Allocation Methodology, the proposed mitigation measures are as described in the mitigation section of this report."

There is no "mitigation section of this report". If in the EIR, please specify.

195. Page 4-11, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Mitigation Improvements and Associated Costs
Last sentence of paragraph, the word "provide" should be "provides".

196. Page 4-11, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Mitigation Improvements and Associated Costs, Table 4-4
1st Item – Specify S.R. 46 East or S.R. 46 West
2nd Item – Specify S.R. 46 East or S.R. 46 West. The choices are a 4-lane or a 6-lane expressway; not a 6-lane arterial or a freeway.
7th Item (Creston Road from Golden Hill to Niblick) – The cost estimate is $3 – 5 million. This appears to be excessively high, considering that the majority of these improvements are complete and only a small section needs to be upgraded.
8th Item (Niblick Road from South River Road to Creston) – This work is complete.

197. Page 4-12, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Other Potential Funding
Paragraph 2 states that in addition to the Specific Plan impact fees, the city may impose other fees for circulation impacts within the City. It should be clearly noted that the direct relationship between impact and fee in this situation must be established.

198. Page 4-12 & 4-13, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Cost Allocation, Table 4-5 and bullets that follow
As a generic comment, it is inappropriate to assess a percentage of responsibility based upon increased trips to intersections and roadways which are currently deficient in order to correct such deficiencies.

199. Page 4-12, Section 4.1, 3. Specific Plan Fees for Major Off-Site Circulation Improvements, Cost Allocation, Table 4-5
The first entry on the table (US 101/SR 46 East Interchange) should be removed from this table as it is stated in the memorandum dated 7/9/04 from Omni Means to the City of Paso Robles that these improvements are "superseded by other improvements alternatives as outlined in the SR 46 East Corridor Study".

The fourth entry (Airpot Road, between SR 46 East and Union Road, including Huerhuero Creek Bridge) is allocated as 100% responsibility for the CRASP. Clearly, this is a regional facility and the proportion of contribution from the CRASP should be calculated accordingly.

5th entry (Southeast Quadrant Off-site Mitigation Improvements): This table has lumped all of the intersection and roadways into one item and should be analyzed on an individual intersection and roadway basis.
It is unclear what defines the "Southeast Quadrant Off-site Mitigation Improvements".

200. Pages 4-14 to 4-16, CFDs
The discussions regarding communities facilities districts needs to be expanded so we have a clear understanding of the appropriate role of CFD's with regard to this project.

201. Appendix A, Optional Cluster Requirements Pursuant to Specific Plan Policy LU-14
The last sentence of the first paragraph states that "Table 2-4 shows lot size requirements for clustered development." The table is actually A-1.

Additionally, the footnote at the bottom of the table refers to overlay descriptions in Section 3.0, which are found in Section 3.2.

This table needs to be removed from the Specific Plan. There is no basis for this option as the project is already clustered. The requirement to mix 4,000 sq.ft. lots with 30,000 sq.ft. lots is poor land planning and destroys the value of the lots in that area and eliminates the possibility of the creation of a financially viable Community Facilities District.

202. Appendix D, Oak Habitat Management Plan
Please replace this draft with a more current draft, which we will forward to you. Thank you.

203. Appendix C, Alternative Standards Proposed by the Jonatkim Development Team. Please replace this appendix with the information provided below. The document you have attached was missing the elements for subareas 1 and 2.

SUBAREA 1

Grading Design Guidelines

Area 1 should be developed in a way consistent with the preservation of the natural oak woodlands and the character of the natural space. As many native oak trees should be preserved as possible. As a part of the tentative map process for any development within Area 1, building envelopes should be identified. Requests to remove oak tress within the identified building envelope will be subject to City Council approval as a part of the tentative map process. Healthy oak trees in addition to those within the identified building envelope shall not be permitted for removal. Dead or diseased oak trees shall be considered for removal by methods consistent with the current Oak Tree Ordinance. Refer to the Oak Tree Management Plan incorporated in the Specific Plan for additional grading and landscaping techniques to further reduce the impacts to oak trees.

Driveway widths may be reduced to 12' where necessary to reduce impacts to oak trees as a result of grading or other construction activities. Alternate paving materials should be considered within the CRZ's of native oak trees to further reduce the development impact. In the event that grading or construction activities are necessary within the CRZ of an oak tree, a certified arborist should be consulted to review the design and provide appropriate mitigation measures for any potential impacts.

Pad grading will be allowed where the natural terrain within the identified building envelope is less than 10%. Where the natural terrain is greater than 10%, 600 sf can be graded for a garage. The remainder of any structural will be constructed to conform to the natural terrain.

Cut and fill slopes shall be minimized in an effort to preserve the natural landscape of the area. Where grading is necessary, limit slopes to 3:1 or flatter. Use of slopes steeper than 3:1 shall be allowed only to preserve oak trees. All slopes shall be re-vegetated with native or naturalizing plan material.

Building Envelopes

Home sites within Area 1 shall be chosen based on natural topography and disposition of native oak trees. The selection of possible home sites should minimize the number of potential oak tree removals. A 20-foot setback should be assumed from every property line to the nearest face of any part of a structure.

Street Design Guidelines

The majority of Area 1 will be a private, gated community, served via a private road. The profiles of roads within Area 1 shall be designed and constructed to minimize grading and impacts to oak trees. The private road section will be consistent with City Standard Drawing A-10, with a reduction in the number of off-street parking spaces required. Off-street parking shall be required at a ratio of two spaces per buildable lot.

A 5-foot sidewalk shall be provided, where possible. The sidewalk can be on either side of the street and can meander or be eliminated with the intent of preserving native oak trees.

SUBAREA 2

Grading Design Guidelines

Area 2 should be developed to maintain the natural topography as much as possible. No pad grading will be permitted where the natural slope is greater than 10%. The only exception will be the allowance of 600 sf per lot to be graded for the construction of a garage. As a part of the tentative map process, it should be demonstrated that all lots provide adequate building space. No oak tree removals will be permitted as a part of the tentative map, grading permit or building permit processes, unless it is consistent with the current Oak Tree Ordinance (i.e. oak trees that are diseased, deceased or pose a hazard too great to mitigate).

Building Envelopes

Minimum lot dimensions shall be determined based on the underlying existing topography of the site. The methodology outlined in the current R-1 Zoning Code Standards shall be used to determine the minimum lot dimensions. See Section 21.16E.070 of the Zoning Code.

Side yard setbacks shall be consistent with the current R-1 Zoning Code Standards (Section 21.16E.220). The setback to the garage door of a structure can be reduced from 20' to 15' where necessary to reduce the amount of grading associated with the garage and/or to reduce potential oak tree impacts.

Street Design Guidelines

Area 2 will be served with public roads, consistent with City Standard Drawing A-8. The profiles of roads within Area 2 shall be designed and constructed to minimize grading and impacts to oak trees.

SUBAREA 3

Local Street Design:

1. 50' ROW consistent with City "Hillside" ROW.
2. Alternative design standard to provide detached sidewalk and street trees on both sides of the street (Alternative cross section).
3. Roadway pattern to minimize landform alteration.

Front Setbacks

Living Area:	10 feet
Garage:	18 feet

SUBAREA 6

Local Street Design:

1. 50' ROW consistent with City "Hillside" ROW.
2. Alternative design standard to provide detached sidewalk and street trees on both sides of the street (Alternative cross section).
3. Roadway pattern to minimize landform alteration.

Front Setbacks

Living Area:	10 feet
Garage:	18 feet

SUBAREA 7

Local Street Design:

1. 50' ROW consistent with City "Hillside" ROW.
2. Alternative design standard to provide detached sidewalk and street trees on both sides of the street (Alternative cross section).
3. Roadway pattern to minimize landform alteration.
4. Maximum road gradient is 8.5%

Front Setbacks

Living Area:	10 feet
Garage:	18 feet

SUBAREA 8

Local Street Design:

1. 50' ROW consistent with City "Hillside" ROW.
2. Alternative design standard to provide detached sidewalk and street trees on both sides of the street (Alternative cross section).
3. Roadway pattern to minimize landform alteration.

Front Setbacks

Living Area:	10 feet
Garage:	18 feet

SUBAREA 9

Local Street Design:

1. 50' ROW consistent with City "Hillside" ROW.
2. Alternative design standard to provide detached sidewalk and street trees on both sides of the street (Alternative cross section).
3. Roadway pattern to minimize landform alteration.

Front Setbacks

Living Area:	10 feet
Garage:	18 feet