

13.0 RESPONSE TO COMMENTS

13.1 INTRODUCTION

This section of the Final EIR presents the comment letters received on the Draft EIR and written responses to those comments. Each comment letter is followed by the corresponding response(s). Within each comment letter, individual comments are identified by a comment number, and the following responses are numbered accordingly.

13.2 COMMENTS RECEIVED

1. Andy Mutziger, San Luis Obispo County Air Pollution Control District
2. Thomas F. Winfiled, III, McKenna, Long & Aldridge, LLC
3. Scott Morgan, California State Clearinghouse



August 16, 2010

Ed Gallagher
City of Paso Robles
1000 Spring Street
Paso Robles CA 93446

SUBJECT: APCD Comments on the Draft Environmental Impact Report for the Paso Robles Uptown/Town Centre Specific Plan (Schedule #2009081085)

Dear Mr. Gallagher,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Paso Robles Uptown/Town Centre Specific Plans Illustrative Plan that provides a vision for the changes in these areas that would likely to take as much as 25 years to occur. The 25-year buildout projection includes the addition of 989 to 1,649 residential units (unit counts over 989 would require a general plan amendment), up to 200,000 square feet of retail use, 100,000 square feet of office use, and 20 acres of usable open space.

The Development Code for the Specific Plan would ensure that the fundamental character, qualities, and intentions of the Specific Plan would be realized by guiding the design of hundreds of new and renovated buildings. The Specific Plan's Implementation Strategy would guide the design, financing, and construction of public space and infrastructure improvements.

The proposed Specific Plan intends to maintain the existing small town fabric- from the size of its blocks, to the design of its sidewalks and street trees, to the scale of its buildings-keeping the pedestrian in mind. The area that would be subject to this plan is approximately 1,100-acres in size and consists of the historic West Side of the City, specifically within the most northwestern portion of the City composed of Uptown Paso Robles and the Town Centre area of Paso Robles.

The geographic boundaries of Uptown generally include Highway 101 and the Salinas River to the east; the existing City limits to the north; 24th Street to the south; and Vine Street and the City limits to the west. The geographic boundaries of the TownCentre (also referred to as the Downtown area of Paso Robles) are Vine Street to the west, the Salinas River to the east, 1st Street to the south, and 24th Street to the north. Generally, these two areas within the City of Paso Robles comprise most of the City west of Highway 101 and the Salinas River. These areas are further defined by six pedestrian sheds (Uptown, Midtown, Downtown, Riverside Corridor,

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South of Downtown, and Salinas River) or areas where a typical pedestrian will walk, approximately 5 minutes or a quarter mile.

Specific Plan proposes short and long term goals some of which include:

- Envision Uptown and the Town Centre as pedestrian-friendly, mixed-use neighborhoods, districts, and corridors.
- Encourage infill development as a means of accommodating growth, while preserving significant historic resources, enhancing open space areas, reducing vehicle miles traveled and other negative environmental effects, and enhancing livability and quality of life.
- Strive to maintain a balanced, pedestrian-oriented community, where the majority of residents can live, work, and shop.
- Expand employment opportunities for residents in the plan area.
- Capitalize on one of the few remaining passenger rail stations between Los Angeles and San Francisco.

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The Specific Plan proposes plan-wide objectives some of which include:

- Selective infill on properties not currently occupied by buildings of historical significance.
- Street trees, sidewalks, and pedestrian improvements.
- Improve Vine Street and Riverside Avenue with sufficient bicycle lanes to act as a bicycle boulevard linking the Uptown and Town Centre areas.
- Address the infrastructure needs and identify areas where improvements will be needed for the long term success of the plan.

The Specific Plan also has specific objective for each of the six pedestrian sheds which focus on improvements that support the "Live/Work" theme that will reduce vehicle miles traveled relative to non-urban core revitalization. Further supporting this vision is a proposed transit loop to connect Downtown, the Amtrak station, Uptown, the Paso Robles Event Center, the Pioneer Park historical institutions, and the various neighborhoods within the plan area. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

Support of Smart/Strategic Growth Visioning of the Proposed Specific Plan

The APCD encourages balance of residential and commercial infill and redevelopment within the urban core of cities as this is consistent with the land use goals and policies of the APCD's Clean Air Plan (CAP). Enabling residents the opportunity to live, work, and shop within areas that utilize Smart/Strategic Growth principles, reducing the need to drive, and minimizing vehicle exhaust emissions which account for over 50% of the County's air pollution.

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Although the increased population is inconsistent with existing CAP projections, the APCD supports this proposed Paso Robles Specific Plan because it is consistent with sustainable development and supports many of the land use planning goals in the CAP. Should this proposed Specific Plan be adopted and implemented with the vision that is being proposed, it will be a solid model of sustainable development for others to follow.

This sustainable Specific Plan is also a good contrasting example to less sustainable practices such as the annexation for future low density development of lands far removed from the urban core and essential services (e.g. Beechwood, Olsen, Chandler Ranch, and etc). Such annexations promote expansion of populations beyond expectations and expand the dependency on the private automobile, thus increasing vehicular miles traveled and emissions.

2

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

SPECIFIC COMMENTS

1. CAP Consistency - Page 6.2-1, second paragraph:

Beyond the inconsistency with the RTP, identify that the projected population increase is also inconsistent with the SLO County Clean Air Plan. This section should be updated to include the inconsistency with the Clean Air Plan.

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2. Specific Plan's Impact Evaluation of Air Quality Standard Violations – Section 6.2.4.2.2 on Page 6.2-64 to 65

The text in this section discusses individual projects built under the Specific Plan exceeding APCD operational phase thresholds and lists those thresholds. This discussion does not address the impact from implementing the Specific Plan on violating State and or Federal ambient air quality standards or the exacerbation of the existing or projected air quality violations.

This section needs to be rewritten to consider the Specific Plan's impact to the county being out of attainment for State ozone and PM10 ambient air quality standards and is pending designation as non-attainment for the Federal ozone standard. The Federal ozone standard is currently being reviewed with the anticipation that it will be lowered such that such that most of the County is expected to exceed Federal ozone standards.

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As a result of the existing State non-attainment designations for ozone and PM10, the pending Federal non-attainment designation for ozone, and the substantial contribution from the increase in population specified in the Specific Plan, the APCD recommends that this impact be listed as Class I or Class II if mitigation can be incorporated to minimize violations.

3. Specific Plan’s Impact on Cumulative Increase in Criteria Pollutants for which the County is Non-attainment for Federal or State Ambient Air Quality Standards – Section 6.2.4.2.3 page 6.2-66.

The text in this section also considers operational phase impacts of individual projects and this discussion needs to be changed because it is not pertinent to the Impact Statement being considered. The last paragraph of this section appropriately identifies that the area is out of attainment for State ambient air quality standards for ozone and particulate matter less than ten microns in size. However, it incorrectly states that the Specific Plan’s cumulative impact to ambient air quality standards would be less than significant.

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The APCD recommends that this Impact Statement evaluation be an extension of the impact evaluation changes to Section 6.2.4.2.2 as described immediately above including the change in impact class.

4. Specific Plan’s Greenhouse Gas Emissions & Comparison to State Emissions - Page 6.2-77

In Section 6.2.4.2.6:

a. Remove the Incorrect Impression that the Specific Plan’s Greenhouse Gas Impacts are Insignificant as Compared to California’s Impacts

Remove comparisons of the Specific Plan’s greenhouse gas (GHG) impacts to California’s GHG emissions because although the Plan’s impact would be a small relative percentage to the State’s impacts, this kind of comparison give the incorrect impression that the impact is not significant. Impacts of new general and specific plans and the individual projects that result are both individually and cumulatively significant with regards to the State’s ability to achieve the GHG reductions goals of AB32.

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b. Change the significance of GHG impacts from Class III to Class II

In the absence of a GHG threshold of significance, the Attorney General requires impact evaluations and implementation of feasible mitigation. Based on the emission estimates provided in the DEIR, the APCD specifies that the GHG impacts for this Specific Plan are significant. The Specific Plan includes feasible measures that when implemented will minimize GHG impacts and therefore, the GHG impacts of the Specific Plan are significant but mitigable with the identified GHG mitigation.

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c. Add Other GHG References for Developments Under the Specific Plan

The California Air Pollution Control Officer Association (CAPCOA) published a document in January 2008 entitled “CEQA and Climate Change.” The document is available at:

www.capcoa.org/CEQA/CAPCOA%20White%20Paper.pdf

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This document provides methods for analyzing GHG both quantitatively and qualitatively and also provides a list of mitigations. This document is supported by both the Office of Planning and Research and the Attorney General's office. **Beyond the measures identified in the above listed document, other proven energy efficiency measures, future efficiency references, and off-site GHG mitigation fees shall also be identified as GHG mitigation options by the Specific Plan**

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5. Specific Plan's Air Quality Mitigation Measures

In general, the APCD supports the air quality measures identified throughout the DEIR however we recommend the inclusion of a clause that references that current best management practices will be implemented.

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Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Andy Mutziger
Air Quality Specialist

AJM/AAG/arr

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Response 1-1

This comment summarizes the description of the proposed specific plan. No response is required.

Response 1-2

This comment states that the APCD supports the proposed specific plan and introduces subsequent comments. No response is required.

Response 1-3

This comment states that the introduction to **Section 6.2, Air Quality**, does not state that the Project would be inconsistent with the Clean Air Plan (CAP), as is indicated in subsequent analysis within the section. The introduction has been revised to state that the specific plan would be inconsistent with the CAP.

Response 1-4

This comment states that the Draft EIR does not address the impact of the proposed specific plan related to causing new violations of federal and state air quality standards or the exacerbation of existing violations. The comment states that the Draft EIR needs to be revised to consider the potential impacts related to the County's current nonattainment of state ozone and PM₁₀ standards and the anticipated nonattainment of the federal ozone standard. Finally, the comment states that the finding of significance should be changed from Class III, less than significant, to Class I, significant and unavoidable, or Class II, less than significant with mitigation.

The proposed Uptown/Town Centre Specific Plan would establish new development and design standards to guide future development within the specific plan area. As discussed in **Section 1.0, Executive Summary**, of the Draft EIR, up to 989 housing units could be developed within the specific plan area under existing land use and zoning designations.

Growth projections were developed for the specific plan area based on existing conditions and the standards in the plan to support the analysis in the Draft EIR of the potential environmental effects of the proposed specific plan. These growth projections are presented on pages 3.0-24 to 3.0-26 in the Draft EIR Project Description section. As the 25-year planning horizon for the specific plan would extend to the year 2035, which is beyond the 2025 planning horizon addressed by the City's 2003 General Plan, these growth projections address growth anticipated through the year 2025 and growth anticipated after 2025. As shown in Table 1.0-1 on page 1.0-12 of the Draft EIR, it is projected that up to 989 residential units could be developed in the specific plan area through 2025 and an additional 660 units could be developed

by 2035, the planning horizon year for the specific plan. The analysis in the Draft EIR is based on these projections. It should be noted that growth in the specific plan area may or may not meet these projections and that while the specific plan would change the location and form of new development in the specific plan area, the growth monitoring and management program provided for in the specific plan would ensure that future growth in the specific plan area would not result in residential development being greater than the amount allowed under the current general plan.

The growth anticipated by the City's current general plan was analyzed in the certified 2003 General Plan Update EIR for its potential to exceed pollutant thresholds.¹ This EIR concluded that with the implementation of general plan policies and action items provided in the general plan update, impacts would be reduced to less than significant. As growth forecast to occur under the proposed specific plan would be consistent with general plan policies related to air quality (see **subsection 6.2.6**), future development within the specific plan area would also result in a less than significant impact. Further, as stated in **Comment 1-2**, the specific plan will improve on the current general plan with regard to reducing air quality impacts by facilitating sustainable mixed use growth within the existing urban core of Paso Robles.

Furthermore, as discussed in the Draft EIR, the specific plan incorporates policies that are consistent with the applicable 2001 Clean Air Plan transportation control measures and land use planning strategies, which would reduce emissions and reduce dependency on automobiles. These measures and strategies are generally considered as mitigation measures for impacts related to exceedances of air quality standards. With the implementation of the specific plan policies, impacts would be less than significant.

In response to this comment, additional discussion of the County's attainment status with state and federal standards has been added to **Section 6.2, Air Quality** (see page 6.2-26). In light of the foregoing discussion, the impact analysis concludes that impacts would be Class III, less than significant.

Response 1-5

This comment states that the Draft EIR should be revised to conclude that impacts related to nonattainment of ozone and PM₁₀ should be considered Class I or Class II. Please see **Response 1-4** above for discussion of the effect of the proposed specific plan on criteria pollutants. The proposed specific plan will result in reduced air quality impacts in comparison to the land use pattern that would develop under the existing general plan land use designations and would not result in growth through the 2025 planning horizon for the general plan exceeding the amount contemplated by the current general plan.

¹ Rincon Associates, *City of Paso Robles General Plan Update Draft Environmental Impact Report*, (2003) 4.2-11.

For these reasons, the proposed specific plan's contribution to cumulative air quality impacts will not be cumulatively considerable.

Response 1-6

This comment states that **Table 6.2-15** and related discussion in the Draft EIR create the impression that, relative to statewide GHG emissions, air emissions associated with the proposed specific plan project would not be significant. Because this was not the intent of this table this table and the related discussion have been removed from the Final EIR.

Response 1-7

This comment states that based on the emissions estimates provided in the Draft EIR, the APCD considers the GHG emissions estimated to result from the proposed specific plan project to be significant. The comment further states that the APCD finds the proposed specific plan contains measures that will reduce these GHG impacts to a less than significant level. The comment recommends that the analysis conclude that impacts would be Class II, less than significant with mitigation. However, the mitigating features contained in the proposed specific plan identified in this comment are not mitigation measures but Project components. As the Project as proposed already contains these features, which would result in potential GHG impacts being less than significant without the implementation of additional mitigation measures, the Draft EIR appropriately concludes that impacts would be Class III, less than significant.

Response 1-8

This comment states that a reference to the California Air Pollution Control Officers Association (CAPCOA) white paper entitled *CEQA and Climate Change* should be added to the Draft EIR for reference by specific development projects within the Project site. A reference to this document has been added in **Section 6.2, Air Quality**.

Response 1-9

This comment states that the APCD supports the mitigation measures identified in the Draft EIR but that, given the 35-year planning horizon for the proposed specific plan, a statement that best management practices current at the time of individual developments should be included in the Draft EIR. This statement has been added in **Section 6.2, Air Quality**.

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August 11, 2010

VIA E-MAIL AND OVERNIGHT MAIL

City of Paso Robles
Community Development Department
1000 Spring St.
Paso Robles, CA 93446
Attn: Ed Gallagher

Paso Robles
AUG 13 2010
Planning Division

Re: Draft Environmental Impact report for Uptown/Town Centre Specific Plan

Dear Mr. Gallagher:

This firm represents Estrella Associates, Inc. (“**Estrella**”) the owner and developer of the property planned for development as River Oaks: The Next Chapter (also known as River Oaks II). We are writing to comment on the proposed Uptown/Town Centre Specific Plan Project (“**Project**”) Draft Environmental Impact Report (“**DEIR**”). Based on our preliminary review, it is our legal opinion that the City of El Paso de Robles’ (“**City**”) approval of the Project and certification of the DEIR could possibly violate state law. As a separate attachment, we are also including comments from the Estrella team for the City to address.

We are concerned that several aspects of the Project attempt to circumvent the California Environmental Quality Act (“**CEQA**”), Public Resources Code §21000 et seq., and the CEQA Guidelines, Title 14, California Code of Regulations, §15000 et seq. In addition, we believe that the DEIR overstates the Project’s consistency with the Paso Robles General Plan, which may not even be an appropriate comparison point.

As set forth in more detail below, the DEIR is inadequate in numerous respects. First, the DEIR fails to accurately describe the Project. The DEIR leaves important details to be determined after the DEIR is certified, particularly the critical questions of how much density the Project will add to the Specific Plan area, what general plan amendments may be required (other than amendments to the Land Use element), and whether the Project represents an increase in the 44,000 person population cap in 2025 adopted by the City in the General Plan. The failure to describe the specific Project proposed for approval violates the most basic tenet of CEQA: to provide the decisionmaker and the public with information about a project before the project is approved.

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Second, in part because the project description is inadequate, the DEIR proceeds to use the General Plan as a reference point for cumulative impacts rather than discussing the development of other projects. This results in the DEIR's failure to adequately analyze air quality, land use, population and housing, traffic, public services, and wastewater. Moreover, several sections of the DEIR aver that the Project is consistent with the General Plan despite facial inconsistency with stated General Plan policies.

Third, the DEIR fails to consider a reasonable range of alternatives. After recalibrating project objectives to allow development of a new range of alternatives, the City ought to consider a low-density alternative that meets the Project's goals, but would allow residential development to take place in other portions of the City.

To ensure that the public as well as the City's decisionmakers have adequate information to consider the effects of the proposed Project, as well as to comply with the law, the City must prepare and recirculate a revised DEIR that properly describes the Project, analyzes its impacts (both specific and cumulative), and considers meaningful alternatives.

THE DEIR IS INADEQUATE UNDER CEQA.

A. The Project Description fails to Accurately Describe the Project.

The DEIR for the project is inadequate under CEQA. An EIR must provide a degree of analysis and detail about environmental impacts that will enable decisionmakers to make intelligent judgments in light of the environmental consequences of their decisions (CEQA Guidelines §15151; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692). To this end, the lead agency must make a good faith effort at full disclosure of environmental impacts. In order to accomplish this requirement, it is essential that the project is adequately described and that existing setting information is complete. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. Both the public and decisionmakers need to fully understand the implications of the choices presented that are related to the project, mitigation measures, and alternatives (*Laurel Heights Improvement Ass'n v. Regents of University of California* 1988) 6 Cal.4th 1112, 1123). In this case, the DEIR fails to provide sufficient information to enable informed decisionmaking by the City.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR" (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law (*ibid*). An inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the DEIR does not meet these clearly established legal standards because it fails to provide a stable and finite project description with respect to key components of the Project. This

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uncertainty results in ambiguity as to whether the Project consists of an increase in density that requires a General Plan amendment, or otherwise increases the General Plan's population cap of 44,000 in 2025, which is critical information for developers of other projects in the City.

The details in the DEIR as to actual density allowed are completely uncertain. Even allowing for some uncertainty given the large scope of the plan, the EIR only states:

"The 25-year buildout project includes the addition of 989 to 1,649 residential units (unit counts over 626 would require a general plan amendment), up to 200,000 square feet of retail, 100,000 square feet of office, and 20 acres of usable open space... The eventual and incremental implementation of these projects as they occur over a long period of time will deviate from certain details of the Illustrative Plan and perspective illustrations, but the Development Code is designed to ensure that the fundamental character, qualities and intentions will be realized" (DEIR pp. 3.0-12-13).

Such an approach undermines the purpose of CEQA because it makes it impossible to accurately evaluate the Project's potential environmental impacts and compare the Project to alternatives. *See County of Inyo*, 71 Cal.App.3d at 192: "Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal's benefit against its environmental cost, consider mitigation alternatives, assess the advantage of terminating the proposal...and weigh other alternatives in the balance."

Given the 44,000 person population cap in 2025, such specificity is paramount to "affected outsiders and public decisionmakers." With a limited amount of development potential in the City, it is imperative that the City specify in the Project Description exactly how much growth is forecast to occur and whether a General Plan amendment is required to accommodate it. We note that the Population and Housing section of the DEIR states that as of 2025, 989 units are scheduled to be developed by 2025, which would add 2,634 residents, about 19% of the City's forecast growth to 44,000 from its 2010 population of 30,072. However, in a staff report from Ron Whisenand, Community Development Director, dated April 23, 2009, Mr. Whisenand states that potential additional density afforded by the Project could push the City beyond its General Plan thresholds, which suggests a General Plan amendment would be required for such growth. Moreover, the Public Draft Specific Plan of the Project, as detailed below, states that a General Plan amendment will be required for growth beyond 686 units. This is inconsistent with the DEIR, which states that growth under the Project does not require a General Plan Amendment. We request that the Project Description clearly specify the projected growth from the Project and any required General Plan amendments in order to allow affected outsiders and public decisionmakers to more effectively evaluate the impacts of the Project.

B. The DEIR Improperly Uses the General Plan to Analyze Cumulative Impacts.

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There are a variety of reasons that the DEIR's use of the general plan in order to analyze cumulative impacts is inappropriate. This error renders the DEIR inadequate under CEQA and requires the DEIR's recirculation.

1. *Using the General Plan as a Basis for Comparison is Unreasonable Because the General Plan from 2003 Does Not Reflect Today's Reality.*

The DEIR's use of the 2003 General Plan to study cumulative impacts is unreasonable because it does not reflect the reality of current and foreseeable future development in Paso Robles in 2010, as required by CEQA. "The discussion of cumulative impacts should be guided by a standard of practicality and reasonableness" (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 73).

For the DEIR to use the General Plan is unreasonable and avoids an easily practicable alternative: analyzing the Project in the context of other closely related past, present, and reasonably foreseeable future projects, an alternative endorsed by the courts (*ibid*). These reasonably foreseeable future projects include all projects which are approved but not constructed, projects under construction, and projects under environmental review (*ibid* at 74-75). In the City's case, such a review would include the Chandler Ranch Specific Plan ("CRSP"), the Olsen Ranch Beechwood Specific Plan ("OBSP") and Estrella's River Oaks: The Next Chapter Specific Plan ("ROTNC"), all of which have been approved by the City or accepted for environmental review. Moreover, the 2003 General Plan does not include significant development in the airport area, which is part of the current General Plan.

Use of the General Plan is unreasonable because, as noted above, the Project itself may require a General Plan amendment to increase the City's population beyond the cap otherwise established in the General Plan. Moreover, in the same memorandum by Mr. Whisenand, he notes that OBSP will require a 30% density increase that would result in 1,075 new residents, and ROTNC will request another 5,075 new residents, for a total added potential (along with the Project) of 9,700 new residents, almost 10,000 more than the City's cap of 44,000. The City thus obviously contemplates development far beyond what the General Plan otherwise provides, and under these circumstances the General Plan's requirements do not constitute a reasonable basis for comparison of cumulative impacts, given that cumulative impacts should account for, at the bare minimum, the impacts of the CRSP, OBSP, ROTNC, and approved development near the airport as required under CEQA.

Avoiding these new realities constitutes a blatant violation of CEQA. CEQA does not allow the piecemeal approval of projects in an effort to avoid consideration of the total environmental effects projects would have when taken together (*San Joaquin Raptor*, 27 Cal.App.4th at 740). By attempting to use the General Plan for its cumulative impacts analysis, the City is deliberately avoids consideration of the CRSP, OBSP, ROTNC and airport-area development in its cumulative impacts analysis in order to ensure that the Project is approved and its stated cumulative impacts are downplayed, thereby eliding the broader context of

development citywide. This constitutes bare-faced deception, rather than the reasonable disclosure for the benefit of the public and decisionmakers required by CEQA.

2. The Project's Time Horizon Does Not Match the General Plan's.

The Project's stated time horizon is through 2035, and the DEIR analyzes impacts both at 2025 and 2035. However, the General Plan, which is used to establish consistency for the purposes of cumulative impacts, only forecasts impacts through 2025. Under these circumstances, it is inappropriate to use the General Plan to study cumulative impacts, because 40% of the contemplated time horizon for the project (2025 through 2035) has no basis for comparison.

The issue of the DEIR's time horizon is particularly notable given the circumstances of the 2003 General Plan's adoption. It is our understanding that at the time the General Plan and General Plan EIR were prepared, City staff decided not to examine development impacts beyond 2025 because of the magnitude of such impacts, particularly with regard to non-residential development. If the remaining large tracts of commercial and industrially designated lands near the airport (and elsewhere) were considered in the DEIR (as they should be), the magnitude of potential impacts for issues such as traffic, air quality, and public services would drastically increase.

Impacts would also be greater for residential development. Although the existing buildout potential shown in DEIR Table 4.0-1 is 16,287 dwellings (roughly 44,000 population assuming 2.7 persons per dwelling), the 2003 General Plan provided for considerably more residential development potential, if all specific plans (including the Project) were developed to their full potential. We understand that it was only in this context that an artificial "growth cap" was placed on the General Plan in order to address community concerns that the City not grow too large. Population numbers ranging from 40,000 to 48,000 were considered, and the Council adopted 44,000 as a compromise. Nowhere does the General Plan EIR require a population cap of 44,000 for the City to adequately serve future development.

Thus, the use of the 2003 General Plan to analyze the Project's impacts is particularly unacceptable in the context of the General Plan's adoption, where the City deliberately stopped its impact analysis at 2025, and artificially capped population at 44,000 despite the City's ability to absorb more growth. Impacts after 2025 were never analyzed in the General Plan EIR. Further, the DEIR must be re-evaluated to consider the actual growth potential in the City under the General Plan, along with all development applications that were active at the time of the publishing of the Draft EIR NOP (August 2009). Otherwise, the EIR is inadequate under CEQA, and cannot form the basis of potential project approval.

3. The General Plan is Amended by the Project, Which Constitutes Bootstrapping.

For the DEIR to use the General Plan's policies for consistency analyses and cumulative impact analyses while simultaneously amending the General Plan (in uncertain and ambiguous

ways, as noted above) constitutes blatant bootstrapping, particularly if the Project requires amending the General Plan to increase the 44,000 person population cap, as the City's own documents suggest. Moreover, the DEIR does not specify baseline development or growth scenarios under the General Plan for the Project area, and only specifies the increases envisioned for the entire City. These issues result in interested parties and decisionmakers being unable to determine with specificity the growth for the Project area envisioned under the General Plan with the growth outlined for the Project.

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For each of these reasons, the City's use of the General Plan to analyze cumulative impacts in the DEIR violates CEQA. The City must perform a cumulative impacts analysis that takes into account other projects approved or under review, including the CRSP, OBSP, and ROTNC, and the DEIR must be recirculated.

C. The DEIR's Analysis Shows Inconsistencies with the General Plan and is Inadequate under CEQA.

Even if the General Plan were usable as a basis for judging the Project's cumulative impacts, the DEIR's analysis is either insufficient under CEQA requirements, and/or contains several places where clear inconsistencies with the General Plan are alleged to be insignificant.

1. Agricultural Resources – The DEIR Should Have Analyzed Impacts to These Resources.

It is our understanding that the City has determined that impacts to Agricultural Resources would be less than significant, and therefore determined not to study the issue further in the DEIR. This does not comply with CEQA, which requires that if a "fair argument" can be made that an issue may be significant, this issue must be examined in the EIR and circulated for public review, to allow for full public disclosure of potential impacts. The City has ignored the possibility of growth-inducing impacts that may result from increased housing and job opportunities downtown, thereby catalyzing further growth Citywide. This growth likely could result in long-term conversion of agricultural uses on the City's edge. There is no evidence in the record that supports the City's unsupported assertion that agricultural impacts would be less than significant, since no Initial Study was circulated. The City must comply with CEQA and analyze impacts in this area.

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2. Air Quality – Cumulative Impacts Should be Significant and Unavoidable; the San Luis Obispo Council of Governments ("SLOCOG") includes other projects in its 2010 Regional Transportation Plan.

Earlier in the Air Quality section of the DEIR, the finding is made that due to higher population projections used by the DEIR than under the applicable Clean Air Plan, there is a conflict with the applicable air quality plan (DEIR Sec. 6.2.4.2.1) that is Class I, a significant and unavoidable impact. At the same time, the cumulative impact section (DEIR Sec. 6.2.4.2.3) states:

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“With implementation of the general plan policies and Clean Air Plan control measures listed in the EIR, cumulative impacts would be less than significant. Upon future buildout of the City through the implementation of the general plan, individual projects could exceed [applicable thresholds]. As discussed above, such project [sic] would be required to implement mitigation measures to reduce long-term emissions. With implementation of the general plan policies and the Clean Air Plan control measures, cumulative impacts under the general plan would be less than significant.”

It is unclear in the DEIR how cumulative air quality impacts from the development of the Project, particularly given that the Project represents an increase in density over what the General Plan would otherwise provide, could possibly be less than significant when the General Plan’s population projection *by itself* exceeds the population otherwise projected under the Clean Air Plan. Moreover, when combined with the impacts of other projects slated for development, it is hard to imagine that the cumulative air quality impacts of the Project could be less than significant.

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In addition, while the City’s population projection is inconsistent with the 2005 Clean Air Plan, SLOCOG’s 2010 Regional Transportation Plan includes not only increased development within the Project area, but also CRSP, OBSP, and ROTNC. The air quality analysis, including the GHG analysis, needs to be put in this context for full disclosure, and acknowledge that regional planning efforts to improve air quality have already accounted for this broader development pattern.

2. Land Use – The DEIR Discusses General Plan Amendments While Using the General Plan for Cumulative Impact Consistency

The DEIR notes that the General Plan will require amendment incidental to the Project, where the entire Project area is rezoned and amended. Yet the DEIR still applies the General Plan policies under the Housing Element (which has been out of compliance since August 2009)¹ and Land Use Element (which is being amended by the Project) in determining consistency in its cumulative impact analysis. This is nonsensical. Analyzing General Plan policies for overall consistency is not the point of a tiering analysis under CEQA. Rather, the idea of tiering is to avoid double calculation of projections and mitigation measures for a project that represents a subset of a project whose impacts have already been analyzed. In this case, the Project is itself modifying the project whose impacts have been analyzed. Merely averring that the Project is consistent with the plan *which the Project is itself modifying* represents no analysis or provision of information and is woefully inadequate, and avoids the analysis of other projects’ impacts on a cumulative level that is required under CEQA.

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¹ Incidentally, the 2009 Draft Housing Element, which has not been adopted, references the Project, CRSP, OBSP, and ROTNC.

3. Population and Housing – The Project is Inconsistent with the General Plan.

Notwithstanding the overall problem of using outdated General Plan policies in a cumulative impact analysis, in some places the Project is inconsistent with those policies. In the Population and Housing section, the DEIR identifies policies relating to creating a range of housing types, densities, and affordability levels, and expanding housing opportunities for all segments of the community, recognizing such factors as income, age, family size and mobility (DEIR p. 6.11-13). However, the Project does not actually provide for the construction of affordable housing, and instead merely cites the already-approved Oak Park public housing project as its form of “consistency” with the injunction to develop affordable housing (ibid). However, the Oak Park project was specifically carved out of the Specific Plan by the Paso Robles Housing Authority Commission, and cannot be cited as evidence that the Project provides for development of affordable housing. In addition, the Project specifically eliminates the Senior Housing Overlay within the Project Area, and makes no provision for any kind of alternative senior development (DEIR p. 6.8-26). This is blatantly inconsistent with the General Plan’s stated policy regarding expanding housing opportunities recognizing age.

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Moreover, the discussion in the Population and Housing Section stating that growth under the Project would not cumulatively cause population in excess of the City’s 2025 cap of 44,000 (DEIR p. 6.11-12) is belied by the staff report of Mr. Whisenand cited above and by the Specific Plan itself. As noted above, Mr. Whisenand states that the increase in density caused by the Project results in an increase in population that will require a General Plan amendment. Moreover, in the Public Draft Downtown Specific Plan (dated July 2, 2009), the Plan states that amendments to the General Plan may include “Increasing the potential number of dwelling units allowed in the Plan area from 626 to ____” and “Reconsidering the City’s existing population threshold, possibly increasing it from 44,000 to ____, provided adequate resources are available to meet the population increase” (blanks in original; Downtown Specific Plan – Uptown and Town Center, City of Paso Robles, California, Public Draft, July 2, 2009, P. 14). Yet despite stating that 989 units will be allowed in the Project area, in the DEIR, the Project’s growth is allegedly absorbable under the original General Plan cap. Clearly, this represents an effort by the City to prevent the Project from requiring a General Plan amendment that will raise the population cap, to the detriment of other projects. This blatant deception is completely illegal under CEQA and requires modification.

4. Public Services – The DEIR Relies on Development Fees Despite Their Being Insufficient and Inconsistent with the General Plan.

In both the sections on Law Enforcement Services and Education, the DEIR proposes payment of development fees as part of the development within the Project area that will result in less than significant impacts. However, in terms of Law Enforcement Services, Mr. Whisenand’s staff report stated that “Community financing districts (CFDs) within new specific planning areas need to be established so that new development pays for their added costs in

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public safety.” If the DEIR is proposing establishing these CFDs, more specificity is required by CEQA to adequately analyze the impacts of projects.

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5. Traffic – There Is No Methodology to the Parking Impacts Analysis.

The section on parking in the EIR (DEIR Sec. 6.17.4.2.6) uses no methodology in analyzing parking impacts. Instead, the section merely states that because new development would be consistent with parking requirements under the Municipal Code, there are no parking impacts. However, this is inconsistent with the Downtown Parking Circulation Analysis and Action Plan (Resolution 02-221) (“**DPCAP**”), a document which the Project must supposedly follow under the General Plan cumulative impacts analysis (See DEIR p. 6.17-30). The DPCAP, written in 2002, specifies that in the long term (2010 and onwards) downtown will require 550 or more new parking spaces to meet demand. Instead of inventorying the parking resources in downtown and determining the number of spaces that have been added since the adoption of DPCAP, or determining how many spaces will be required under redevelopment of the area, the DEIR simply states that parking will not be an issue. CEQA requires greater analysis in order to determine whether there will be parking impacts, particularly the cumulative impact of redeveloping an entire area already covered by a specific set of policies on parking.

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6. Utilities – Wastewater – The DEIR Contradicts Mr. Whisenand’s Staff Report in Terms of Cumulative Impacts.

In Mr. Whisenand’s staff report, cited above, he states that the General Plan EIR indicates that a buildout population of 44,000 requires an upgrade to the City’s wastewater treatment plant, an upgrade which the City was at the time designing. He further states: “No capacity will exist for RO II (ROTNC), density increases for OBSP, **or density increases for Uptown/Town Centre**” (emphasis added). This is directly contradicted by the DEIR, which states, that “development of a new WWTP (wastewater treatment plant) would provide adequate wastewater treatment capacity, and impacts related to wastewater treatment capacity and the need to construct additional wastewater treatment facilities would be less than significant.” As above, the DEIR attempts to skirt the fact that the Project will cause population growth in the City that exceeds the 44,000 person population cap. The Project is thus clearly inconsistent with the General Plan and the DEIR must reflect this, per Mr. Whisenand’s own report.

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D. The Alternatives to the Project are Unreasonable.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project’s basic objectives while avoiding or substantially lessening the project’s significant impacts (Pub. Res. Code §21100(b)(4); CEQA Guidelines §15126.6(a)). A proper analysis of alternatives is essential for the City to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible (Pub. Res. Code §21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-445). As stated in *Laurel Heights* (cited above), “without meaningful analysis of alternatives in the EIR, neither the courts

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nor the public can fulfill their proper roles in the CEQA process...[Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials" (47 Cal.3d 376, 404). Here, the DEIR's discussion of alternatives fails to live up to these standards.

The primary flaw of the DEIR's alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires (*See* CEQA Guidelines §15126.6(c); *Citizens of Goleta Valley*, 52 Cal.3d at 566). The discussion of alternatives must focus on alternatives that attain most of the basic objectives of the project and avoid or substantially lessen the adverse environmental effects of a project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines §15126.6(b)).

None of the DEIR's alternatives represent a serious attempt to create alternatives that avoid or lessen the adverse environmental effects of the Project—instead, they seem to be mere tweaks that are added for pro forma purposes. Besides the no-build alternatives, the three other alternatives consist of two that essentially modify the proposed zoning in separate sub-areas of the Project, and one that proffers alternative circulation improvements. Nowhere does the DEIR discuss attaining project objectives in alternative locations, or offer significantly modified alternatives that engage the fundamental question faced by Paso Robles' policymakers: where development in the City will occur in the future.

This question is never dealt with because the discussion of alternatives in alternative locations is foreclosed because of the DEIR's deceptively alleging that the Project is fully consistent with the General Plan. The DEIR seems to have been written purposely to take advantage of the fact that if a development project is consistent with an adopted plan, evaluation of offsite alternatives may be unnecessary (*Mira Mar Mobile Cmte v. City of Oceanside*, (2004) 119 Cal.App.4th 477). As discussed above, however, the DEIR is not consistent with an adopted plan—it modifies the General Plan, requires General Plan amendments, and is inconsistent with the General Plan in a variety of ways. The discussion of alternatives therefore needs to include off-site locations and must discuss how other sites might meet the same objectives.

Moreover, the DEIR's overly narrow scope of project objectives further enabled the DEIR to reject alternate sites and limit alternatives to meaningless tweaks. Project objectives must be written specifically to assist a lead agency in preparing a reasonable range of alternatives (CEQA Guidelines §15124(b)). For this Project, the objectives seem to have been written deliberately to eliminate any reasonable range of alternatives. For example, two of the objectives are to "Envision Uptown and the Town Centre as pedestrian-friendly, mixed-use neighborhoods, districts and corridors" and to "Continue to revitalize the historic Downtown" (DEIR p. 3.0-6). These could easily have been written as "create pedestrian-friendly, mixed-use neighborhoods" and "develop vital communities." Instead, they seem to have been written to foreclose alternative sites from consideration for the types of development desired by the City. By

creating project objectives that narrow the range of alternatives so much that only minor tweaks to the Project are alternatives, the DEIR deliberately defeats the purpose of CEQA, which is to create a reasonable range of alternatives.

We further request that a low-density alternative, which meets the project objectives but does not add any population to the City, be considered among the other alternatives. On a policy level, none of the project objectives require any increase in density. Infill development and creating mixed-use, pedestrian-oriented spaces merely require changes in code and planning practice, not necessarily intensification of development and substantial increases in population. Such an alternative would not only reduce project impacts, but would give the public and decisionmakers a much clearer alternative in terms of deciding where to channel the City's future growth.

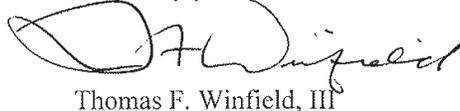
We request that the project description be rewritten to allow the Project's objectives to be met by alternative sites, for a low-density alternative to be considered, and for the alternatives to fully take into account the impacts described above, and that the DEIR be recirculated in compliance with CEQA.

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CONCLUSION

As set forth above, the Uptown/Town Centre Specific Plan Project DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. We respectfully request that the City reevaluate the Project, describe the project accurately, properly use projects in development to analyze cumulative impacts, fully admit any inconsistencies with the General Plan in terms of evaluating cumulative impacts, and to develop a reasonable range of alternatives. We request the City take no further action until a legally adequate DEIR is prepared and recirculated.

Very truly yours,



Thomas F. Winfield, III

cc: Dick Willhoit
City Council
Planning Commission

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ATTACHMENT: COMMENTS FROM ESTRELLA TEAM

Executive Summary

1. ES. Page 1.0-17. Incomplete sentence. In addition, the EIR acknowledges the project is not consistent with the 2001 Clean Air Plan or SLOCOG. This implies that it will result in greater impacts than were anticipated in the existing GP, which is accounted for in recent SLOCOG studies. Thus, the existing population cap of 44K would be exceeded. 12
2. Section 2.0, page 2.0-1, Section 2.1. The statement “Both areas [Uptown and Town Centre] are experiencing growing development pressure”, in the context of the urgency to plan for the area as a priority within the framework of planning in Paso Robles is factually incorrect. Neither area, nor most areas in the City (with the notable exception of the River Oaks II planning area) are experiencing any development pressure since the economic downturn of the past few years. This suggests the City’s energies and resources are misplaced relative to the concept of proactive planning that would achieve the goals of the City’s Economic Strategy. 13

Cumulative Scenario

3. Section 4.0, page 4.0-2, Table 4.0-1. This table shows anticipated growth under the General Plan through 2025, and suggests this is the proper basis for the consideration of cumulative impacts. This is not accurate, since it does not accurately indicate what full development under the General Plan would allow. This is relevant information for a variety of reasons, since the proposed Specific Plan (and EIR Project Description) show the magnitude of growth beyond 2025. It is required under CEQA to consider the whole of the project, in this case, what the impacts of full development at buildout would be. In this context, it is crucial to consider what full development under the General Plan would be. 14

Environmental Analysis

4. Section 6.0-2, page 6.0-2. This section accurately states that the proposed Specific Plan must be consistent with the General Plan in order to be valid. However, the proposed Specific Plan fails this test on two counts. For one, its buildout potential is considerably greater than reported in the 2003 General Plan, or its EIR. While General Plan Amendments may be made to achieve consistency, the basic amendment needed would be to increase (or remove) the artificial population cap of 44,000, which as noted earlier, was put in place to address community concerns related to character and aesthetics, not the lack of resources to serve this population. (Please refer to the minutes of the General Plan adoption hearings in late 2003 to confirm this perspective, culminating on the adoption hearing of December 16, 2003.) 15

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Secondly, the General Plan itself is not internally consistent, and cannot be used as the basis for approving any kind of planned development of this sort in its current state. The City does not have a valid adopted Housing Element, which is fundamental to achieving General Plan consistency for any project. The City's currently adopted Housing Element dates from 2004, and is out of compliance. The 2009 draft Housing Element is not adopted. The draft Housing Element, incidentally, is notable for referencing all the City's major active Specific Plan efforts, including (but not limited to) Uptown/Town Centre, Chandler Ranch, River Oaks II, and Olsen-Beechwood). This is the long-term development scenario being considered by State HCD, and SLOCOG has already included this mix of development within its long-range regional planning documents. This must also be the basis for the discussion of cumulative impacts in the context of the EIR under consideration.

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Air Quality

5. Section 6.2.4.2.1, page 6.2-50, item 2. Do the Citywide VMT calculations account for development in all active applications that were in place at the time of the NOP's issuance in late 2009, and all projects accounted for within SLOCOG's long-range population projections? These would include not only the proposed project, but the other major specific plan efforts within the City, including Chandler Ranch, Olsen-Beechwood, and River Oaks II. Failure to include all of these will require a revision of the existing analysis to be consistent with CEQA requirements.
6. Table 6.2-10, Policy T-6. While the concept of mixed use and alternative transportation opportunities have the effect of reducing otherwise expected emissions, the reality is that the specific plan area will add up to 1,649 new dwellings, well beyond the number projected in the existing General Plan. In spite of increased opportunities for alternative transportation, this level of development will inevitably increase the City's vehicular emissions, simply by the sheer volume of new trips that are generated—a relatively small percentage will be diverted to alternative modes, and there is no evidence provided to suggest otherwise. The conclusion for this impact should be significant, and potentially not fully mitigable (Class I).

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Biological Resources

7. Section 6.3.2.3, page 6.3-24. The section under "General Plan" states it lists the policies related to the protection of biological resources, but it actually does not list these.
8. Impact 6.3.4.2.2, page 6.3-34. The DEIR states that impacts to the riparian portions of the plan area would be beneficial, because of restoration efforts associated with the plan would outweigh the adverse impacts of increased human access. In fact, a more accurate conclusion would be that impacts would be both adverse, because of increased human access and the potential for increased disturbance. Mitigative aspects of the plan,

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including restoration efforts and the implementation of LID practices, may offset this impact to some extent, and could ultimately be beneficial in the long run, but absent any substantial evidence to support the assumed success of such efforts, the DEIR must draw the more conservative conclusion. This portion of the DEIR must be recirculated, to allow for full public disclosure of this potential adverse impact. Furthermore, a fair argument may be made that, absent any evidence to the contrary, the impacts from increased human activity near the river may not be fully mitigable.

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9. Impact 6.3.4.2.3, page 6.3-35. The DEIR states that impacts to wetlands within the plan area would be beneficial, because of restoration efforts associated with the plan would outweigh the adverse impacts of increased human access. For the same reasons stated in the previous comment, the DEIR cannot conclude that such impacts would be beneficial, since it cannot be reasonably assumed that increased human activity can be fully controlled to the point of calling this a beneficial impact, and there is no evidence provided to ensure the success of wetland restoration and enhancement efforts called for in the plan. While LID practices are proposed to be implemented for new development, there are no success criteria established in the plan (or means of tracking such success) that would allow one to draw the conclusion of a beneficial impact as stated in the DEIR. Furthermore, the development of over 1,600 new homes in the plan area will ultimately result in increased runoff and sedimentation to the river, the effects of which are not quantified, or even weighed against the offsetting effect of wetland restoration efforts that may or may not be successful. Based on this, the DEIR conclusion that this is a beneficial impact is not credible. This portion of the DEIR must be recirculated, to allow for full public disclosure of this potential adverse impact. Furthermore, a fair argument may be made that, absent any evidence to the contrary, the impacts from increased human activity on wetland areas near the river, and the indirect impacts from increased runoff from development, may not be fully mitigable.

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10. Section 6.3.5, Cumulative Impacts. The DEIR conclusion that cumulative impacts would be less than significant does not logically follow based on the level of long-term development anticipated, the unknown effects increased human activity along the river may have, and the unknown level of success that long-term restoration and enhancement efforts may have. More accurately, this is a potentially significant and unavoidable impact, absent any sort of success criteria for mitigation and substantial evidence that such success can be achieved. This section of the DEIR must be recirculated with a revised analysis.

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Hydrology and Water Quality

11. Impact 6.7.4.2.2, page 6.7-28. The DEIR concludes that impacts with regard to depleting groundwater supplies and recharge would be beneficial as a result of the project. While LID practices and other design features (if implemented) may reduce normally anticipated levels of reduced groundwater recharge, no success criteria are

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established, nor any means of tracking such success. Absent any substantial evidence, the DEIR cannot conclude such impacts would be beneficial. The DEIR must be recirculated on this point, unless such evidence is presented. In addition, the 1,600+ homes that could be built under the plan, far in excess of what is anticipated in the existing General Plan, will undoubtedly reduce groundwater supplies to a greater extent than currently anticipated, particularly if Nacimiento water does not come on line, or is not as reliable a source as assumed.

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If, on the other hand, substantial evidence is provided in the FEIR to show that the project will have a beneficial impacts on groundwater supplies (as stated in the DEIR), it would be logical to conclude to that an increased level of development elsewhere in the City could be supported beyond any alleged constraints set forth in the current Urban Water Management Plan, or other planning documents where water supply is purported to be a possible constraint to development. The FEIR in this case must acknowledge this point.

12. Impact 6.7.4.2.12, page 6.7-39. The DEIR does not provide evidence of the success of proposed project elements related to reducing runoff, sufficient to conclude potential impacts are beneficial. See previous comments.

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13. Table 6.7-1, Policy C-1A, page 6.7-42. If the DEIR can conclude that the proposed project, which would allow over 1,600 homes, a number far beyond what is anticipated in the current General Plan, to be consistent with the basic General Plan policy about ensuring an adequate citywide water supply, than all other developments proposed in the City that implement similar design principles, or especially bring additional water supplies to the City, must also be found to be consistent with this policy. If the EIR is certified with this conclusion, it will form the precedent for similar conclusions in the findings for other projects as described above.

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Land Use and Planning

14. Land Use Element, Page 6.8-7 and 6.8-8. "Existing" housing information should be updated to be accurate as of 2010, or at least as of the time of the issuance of the NOP, in order t be considered accurate. Such data is readily available. It should also be noted that the potential non-residential development reported in the General Plan as likely to occur by 2025 is a small subset of actual development that could occur under the General Plan. For example, the potential Industrial development citywide is roughly twice what is shown in the General Plan, about 7.5 million SF, as opposed to the 3.6 million SF reported. The spreadsheet shown below was developed by City staff in 2003 during the General Plan update process to show actual industrial development potential. What was reported in the General Plan was simply an interpolation of what would likely occur, if it were pegged to the expected rate of residential growth. If the specific plan residential development potential is realized, it is reasonable to assume, based on how the 2003 General Plan was constructed and the GP EIR was analyzed, that industrial and

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commercial development potential would also grow commensurately within their vastly underreported potential. This would have substantial and significant potential impacts in for many issue areas, including but not limited to traffic, water supply, other public utilities, public services, noise, and air quality. The DEIR needs to be revised to address these impacts. If, on the other hand, the FEIR dismisses this line of argument, and downplays cumulative impacts with regard to such issues, it must do so for all other substantial planning efforts or applications that may be under consideration by the City, or were at the time of the issuance of the NOP in September 2009.

	A	B	C	D	E	F	G	H	I	J	K
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3				NET ACREAGE				FLOOR AREA (SQUARE FEET)			
4	LUCAT	Total	Developed	Vacant	Underutilized	Unusable	Existing	Potential 1	Potential 2	Total	
5	BP	1,814.84	446.04	1,112.92	9.97	48.71	1,914,850	5,449,450	29,830	7,393,730	
6	IND	61.99	29.97	2.99	2.81	18.11	177,850	3,270	9,190	190,300	
7	Total	1,886.83	474.11	1,114.92	11.88	66.82	2,092,699	5,452,720	39,019	7,584,030	
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NOTES

- "Vacant" includes vacant portions of Zum and Lochhead sites.
- "Underutilized" = those parcels developed with residential units.
- "Unusable" = land area in floodplain or with steep slopes.
- Potential 1 = 15% coverage over 75% of vacant BP acres.
= 5% coverage over 75% of vacant IND acres.
- Potential 2 = 15% coverage over 50% of underutilized BP acres.
= 5% coverage over 50% of underutilized IND acres.
- Land Use Categories (LUCATs) are as follows:
BP = Business Professional
IND = Industrial

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Noise

15. Section 6.10-6, Cumulative Impacts. This section substantially underestimates potential noise impacts, because of the faulty basis used by the DEIR to determine the nature of cumulative development citywide. See previous comments, notably those related to the undercounting of commercial and industrial development in Land Use and Planning. Section needs revision based on accurate cumulative data, including a revised traffic study that addresses this new information not included in the DEIR.

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Population and Housing

16. Cumulative Impacts, page 6.11-12. This section appears to be an artful effort to show how the specific plan, which would allow up to 1,649 dwellings (far exceeding what is allowed in the current general plan) would not exceed the 44,000 population cap, based on arbitrarily-determined development projections through 2025. CEQA requires that the whole of the project be considered in the analysis, and not just a subset of what might happen through a certain date. If, however, the FEIR defends the position taken in the DEIR, then the City must also similarly defend this approach to long-range analysis in

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other EIRs for other long-range plans under consideration, including those that were in place at the time of the NP issuance in September 2009. This may have substantial effects on the nature of those EIRs, including the approach to cumulative impacts related to traffic and many other issues.

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Public Services: Fire, Law Enforcement, Education, Parks, other Civic Services

17. Cumulative Impacts. This sections substantially underestimate potential service impacts, because of the faulty basis used by the DEIR to determine the nature of cumulative development citywide. See previous comments, notably those related to the undercounting of commercial and industrial development in Land Use and Planning. Section needs revision based on accurate cumulative data.

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Transportation and Traffic

18. This section substantially underestimates potential traffic impacts, because of the faulty basis used by the DEIR to determine the nature of cumulative development citywide. See previous comments, notably those related to the undercounting of commercial and industrial development in Land Use and Planning. Section needs revision based on accurate cumulative data, including a revised traffic study that addresses this new information not included in the DEIR.

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Utilities: Water Supply

19. General comment. The DEIR concludes that impacts with regard to depleting groundwater supplies would be beneficial as a result of the project. The 1,600+ homes that could be built under the plan, far in excess of what is anticipated in the existing General Plan, will undoubtedly reduce groundwater supplies to a greater extent than currently anticipated, particularly if Nacimiento water does not come on line, or is not as reliable a source as assumed.

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If, on the other hand, substantial evidence is provided in the FEIR to show that the project will have a beneficial impacts on groundwater supplies (as stated in the DEIR), it would be logical to conclude to that an increased level of development elsewhere in the City could be supported beyond any alleged constraints set forth in the current Urban Water Management Plan, or other planning documents where water supply is purported to be a possible constraint to development. The FEIR in this case must acknowledge this point. In addition, the argument that there is sufficient water supply could be bolstered if additional water supply sources are brought online to the City, in connection with other development initiatives that may be approved in the City, such as the new water supplies that would brought to the City in connection with the active River Oaks II project application.

20. Section 6.18.1.3, page 6.18-4. The DEIR states that “water demand for 2025 is based on the *Paso Robles General Plan 2025* population cap of 44,000 residents.” This formed the basis of water master planning. It is important to note, as previously discussed, that the population cap was established to maintain the community’s character, not because of resource limitations. This number, therefore, has nothing to do with water supply limitations. The DEIR analysis must be revised accordingly, to more accurately characterize the population cap in its proper context, and its relationship to water supply.

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Utilities: wastewater

21. See comments related to water supply. The analysis needs to be revised as needed to reflect changes in the analysis of water supply and demand, as discussed previously.

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Utilities: solid waste and energy

22. These sections substantially underestimate potential impacts, because of the faulty basis used by the DEIR to determine the nature of cumulative development citywide. See previous comments, notably those related to the undercounting of commercial and industrial development in Land Use and Planning. Section needs revision based on accurate cumulative data, including a revised traffic study that addresses this new information not included in the DEIR.

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Alternatives

23. General comment. This section needs to be updated to reflect the changes needed in the individual technical sections described above.

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Growth-Inducing Impacts

24. General comment. This section needs to be updated to reflect the changes needed in the land use, population, and cumulative impact analysis sections described above.

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Response 2-1

This introductory comment provides a summary of the more detailed comments in the main body of the letter. Responses to each of these comments are provided below.

Response 2-2

This comment states that the project description is inadequate under CEQA and that the details as to the actual allowable density allowed are uncertain. The comment requests that the project description more clearly specify the projected growth for the specific plan and any required general plan amendments.

The project description section in the Draft EIR includes all the information required by the *State CEQA Guidelines* to provide an adequate description of the Project for the purposes of environmental analysis and, contrary to this comment, provides a stable and finite project description with respect to the key components of the Project. Section 15124 of the *State CEQA Guidelines* states:

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

(d) A statement briefly describing the intended uses of the EIR.

Section 3.0, Project Description, is 49 pages in length and provides a complete description of the proposed Paso Robles Uptown/Town Centre Specific Plan. The location of the project area is described on page 3.0-1 and is illustrated in both regional and local maps. The project description also includes a comprehensive statement of the City's short- and long-term objectives for the proposed specific plan and includes separate planning objectives for each of the seven subareas defined in the Plan. As stated on page 3.0-6 of the Project Description section, the proposed Uptown/Town Centre Specific Plan is proposed to maintain the existing small-town fabric of these portions of Paso Robles.

The characteristics of the proposed specific plan are described in detail in the remainder of the project description section of the Draft EIR. The overall planning vision for the Uptown and Town Centre areas is described on pages 3.0-12 through 3.0-20 for each of the seven sub-areas defined in the Plan. The potential for additional development in these subareas is also described. The proposed specific plan includes a form-based code intended to ensure that new development occurring within the specific plan area is consistent with the existing scale and character of Paso Robles, which is described on pages 3.0-21 to 3.0-24.

Additional description of several individual projects anticipated to occur within the near future is provided on page 3.0-27 to 3.0-32. Description of the proposed open space network and streetscape improvements, parking policies, transit proposals, and other public infrastructure is provided on pages 3.0-32 to 3.0-44.

Pages 3.0-45 to 3.0-49 describe the discretionary actions the EIR is intended to assess, which include adoption of the specific plan, and a series of minor amendments to the Land Use Element of the general plan, including the Land Use Map, and the Parks and Recreation Element. Table 3.0-4 on pages 3.0-46 to 3.0-49 of the Draft EIR Project Description section provides a detailed list of these proposed minor changes to the Land Use Element. As described on page 3.0-49, an amendment to the Parks and Recreation Element of the general plan is also proposed to incorporate the park and trail improvements in the proposed specific plan. Overall, the series of minor amendments to the general plan Land Use and Parks and Recreation Element are proposed to create consistency between the general plan and proposed specific plan.

In addition to these proposed amendments to the general plan, changes to the City's zoning code are also proposed. As described on page 3.0-49 of the Draft EIR Project Description section, these changes would include adding a specific plan chapter, amending the existing zone map for the specific plan area to replace the existing zone designations with the Regulating Plan in the proposed specific plan, and other minor changes to eliminate potential conflicts with the proposed specific plan.

The Uptown/Town Centre Specific Plan is proposed to implement the City's general plan for the uptown and downtown areas by defining a vision for the future of this historic center of Paso Robles, replacing the existing zoning standards for these areas with a new form based development code, and providing comprehensive urban design standards for streets, parks and other public spaces within the specific plan area.

It is important to recognize that the proposed specific plan would establish new development standards for future development within the specific plan area, but does not define any specific defined amount of

future development. For each of the defined neighborhoods and districts, the specific plan identifies the amount of additional development projected to occur over the 25-year planning horizon the Plan addresses.

As discussed in Section 15146 of the *State CEQA Guidelines*, the degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying activity described and analyzed in the EIR. Subsection (b) of this section states:

An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as the EIR on the specific construction projects that might follow.

Section 15144 of the *State CEQA Guidelines* states that preparation of an EIR necessarily involves some degree of forecasting. Consistent with these sections of the *State CEQA Guidelines*, growth projections were developed for the Plan area based on existing conditions and the standards in the Plan to support the analysis in the Draft EIR of the potential environmental effects of the proposed specific plan. These growth projections are presented on pages 3.0-24 to 3.0-26 in the Draft EIR Project Description section. As the 25-year planning horizon for the specific plan would extend to the year 2035, which is beyond the 2025 planning horizon addressed by the City's 2003 General Plan, these growth projections address growth anticipated through the year 2025 and growth anticipated after 2025. As shown in Table 1.0-1 on page 1.0-12 of the Draft EIR, it is projected that up to 989 residential units could be developed in the specific plan area through 2025 and an additional 660 units could be developed after 2025. The analysis in the Draft EIR is based on these projections, but it is possible that growth in the specific plan area will not meet these projections.

As discussed above, the Project Description includes all information required by the *State CEQA Guidelines* and defines the project sufficiently to support the analysis of the potential environmental effects that may result from adoption of the proposed specific plan.

This comment also references a "population cap" of 44,000 in the general plan through the year 2025. The general plan does not define a cap or limit the City's population to 44,000 residents. The general plan identifies a "population planning threshold" figure of 44,000. This population threshold was used as the basis for resources, such as water supply, and infrastructure planning. Growth that results in the City's population exceeding 44,000 would require the City to comprehensively update its general plan and the associated infrastructure and financing plans, but it should be noted the general plan does not define a population cap as indicated in this comment.

The comment requests that the project description specify the growth projected to result from the proposed specific plan and also any required general plan amendments. The Paso Robles City Council reviewed the processing of specific plans on April 23, 2010, and limited the processing of specific plans to those currently identified in the City's general plan and at the densities called for in the general plan. The City's current general plan and zoning designations for the Uptown/Town Centre Specific Plan area would allow development of up to 989 new residential dwelling units between the years 2010 and 2025.

To ensure that the proposed specific plan does not result in residential growth greater than this amount, residential growth monitoring provisions have been added to the proposed specific plan. These provisions require the amount of residential growth in the specific plan area to be monitored and reported annually as part of the City's annual General Plan Status Report. Once a total of 600 permits for new residential units have been issued, the City will develop a residential growth management program for the specific plan area, and once 750 permits are issued, this program will be implemented. A discussion of the growth monitoring provisions has been added to the project description (see **subsection 3.4.3**) in the Final EIR.

The statement in the project description that development of more than 626 units would require a general plan amendment was in error and has been amended in the Final EIR (see page 3.0-12). As discussed above, under existing land use and zoning designations, up to 989 new housing units could currently be developed within the specific plan area. As correctly stated in **Section 1.0, Executive Summary**, in the Draft EIR, if residential development over 989 units is proposed before 2025, such residential development would not be consistent with the current general plan and would require a general plan amendment. However, as discussed above, the specific plan will include monitoring of residential growth to ensure the number of units developed within the specific plan area through 2025 does not exceed the amount currently specified by the general plan.

In summary, the amount of residential growth forecast in the specific plan area through 2025, 989 units, is consistent with the amount contemplated under the current general plan and zoning designations for the specific plan area. The specific plan will include provisions to monitor and control residential growth to ensure that no more than 989 units are developed before 2025. No general plan amendment is required to allow for an amount of residential growth that would not be consistent with the current general plan.

Response 2-3

This comment states that the Draft EIR improperly uses the City's current general plan, adopted in 2003, as the basis of cumulative impacts analysis, because (a) the general plan does not reflect existing project

applications, (b) the development forecast prepared for the Draft EIR extends beyond the general plan horizon year of 2025, and (c) the proposed specific plan requires a general plan amendment.

The commenter first states that using the general plan as a basis for comparison is unreasonable because the 2003 General Plan does not reflect today's reality. The City's current general plan addresses an appropriate planning horizon for the City. Government Code section 65300 requires that a general plan take a long-term perspective but does not specify any specific time frame to be addressed by a general plan. The State of California General Plan Guidelines state that a general plan projects conditions into the future as a basis for determining objectives and long-term policy to guide day-to-day decision making based on these objectives. The General Plan Guidelines also state that the time frames for effective planning may vary among different issues, but that most jurisdictions select 15 to 20 years as the long-term horizon for the general plan, and that a local jurisdiction may choose a time horizon that serves its particular needs. The City's 2003 General Plan addresses a planning horizon of 2025, which was over 20 years from the date of adoption. This was an appropriate planning horizon for the City's general plan and not an artificial one as implied in this comment.

This comment also states that the City is required to consider the cumulative impacts of all proposed projects in the City because CEQA does not allow the piecemeal approval of projects to avoid consideration of the total environmental effects projects would have when taken together. This is not a correct interpretation of the cumulative impact requirements of CEQA, which prohibits the piecemeal approval of a single project. CEQA requires that the whole of a project be considered and consistent with this requirement, the Draft EIR considers the whole of the proposed specific plan project. Standards for cumulative impact analysis in an EIR are addressed in section 15130 of the *State CEQA Guidelines*.

As discussed in section 15130, a cumulative impact consists of an impact that is created as a result of the combination of the project being evaluated in the EIR together with other projects causing related impacts. This section also states an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR. Section 15130 (b) states that the discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impacts to which the other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. With regard to the approach for analysis of cumulative impacts, section 15130 (b) states:

The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

Pursuant to the *State CEQA Guidelines*, cumulative impacts may be analyzed in one of two different manners – by using the list of past, present, and probable future projects as suggested by the comment or by using a summary of projections contained in an adopted plan or planning document. Here, the project is a specific plan proposed to implement the City’s current general plan and economic strategy by establishing new development and design standards to guide and regulate future development in the uptown and downtown districts of the City of Paso Robles. As the proposed specific plan is a planning program proposed to implement the City’s general plan and not a defined development project, the growth projections in the general plan provide the most comprehensive and appropriate basis for the discussion of cumulative impacts, and is a method identified and recognized in the *State CEQA Guidelines*. The comment does not state specifically why the commenter believes that the EIR must use one of the approaches over the other; and, in fact, that is not required as either may be used.

The second comment states the specific plan time horizon does not match the time horizon for the general plan. The City’s 2003 General Plan addresses a planning horizon of 2025 while the proposed specific plan addresses a planning horizon of 2035. As discussed above in the response to comment 2-2, the Draft EIR includes projections of likely growth in the specific plan area through the year 2025 and projections of growth anticipated after 2025 to support analysis of the consistency of the proposed specific plan with the City’s current general plan. Furthermore, the specific plan would not result in residential growth greater than the amount allowed by the current general plan in the specific plan area between 2010 and 2025. The proposed specific plan project would not, therefore, result in growth exceeding the population threshold of 44,000 in the general plan and would not require a general plan amendment for this reason, or contribute to cumulative population and housing impacts by resulting in growth that would exceed the amount allowed by current general plan.

The comment also states that the Draft EIR must be reevaluated to consider the actual growth potential in the City under the general plan along with all development applications that were active at the time the NOP was published, in August 2009. On April 23, 2009, the City Council considered the processing of the four specific plans currently under development in the City (the Uptown/Town Centre, Chandler Ranch, Olsen/Beechwood, and River Oaks, the Next Chapter) and the adequacy of the City’s physical resources to meet the needs of the growth proposed in these plans. Following public comment and discussion, the

City Council determined that residential growth should be limited to the amount allowed by the current general plan and economic strategy until such time as a comprehensive update of the City's Land Use Element is funded and, accordingly, that processing of specific plans should be limited to those identified in the current general plan and at the densities called for by the general plan. These plans include the Uptown/Town Centre Specific Plan, Chandler Ranch, and Olson Ranch/Beechwood specific plans. The City does not currently anticipate residential growth occurring at a level that would result in population exceeding the planning threshold in the current general plan, and use of projections from the general plan as the basis for the discussion of cumulative impacts in the Uptown/Town Centre EIR is appropriate for this reason.

As discussed above, Section 15130 of the *State CEQA Guidelines* states that an EIR should not discuss cumulative impacts which do not result in part from the project evaluated in the EIR. As the proposed specific plan is consistent with the general plan and will not contribute to a level of residential growth that will result in the City's population exceeding 44,000 by 2025, discussion of potential cumulative population impacts that may result from other projects not included in the general plan is not required by CEQA. As discussed in **Response 2-2** above, consistent with the *State CEQA Guidelines*, growth projections were developed for the Plan area based on existing conditions and the standards in the Plan to support the analysis in the Draft EIR of the potential environmental effects of the proposed specific plan. As the 25-year planning horizon for the specific plan would extend to the year 2035, which is beyond the 2025 planning horizon addressed by the City's 2003 General Plan, these growth projections address growth anticipated through the year 2025 and growth anticipated after 2025. The analysis in the Draft EIR is based on these projections, but it is possible that growth in the specific plan area will not meet these projections.

Finally, this comment states that the Draft EIR uses the general plan's policies for consistency analyses while simultaneously amending the general plan in uncertain and ambiguous ways. The comment states that this practice constitutes "bootstrapping" if the specific plan requires amending the general plan to increase the 44,000 population "cap." As discussed in **Response 2-2** above, the Draft EIR Project Description section specifically identifies the components of the proposed amendment to the general plan which consist of a series of minor changes to the Land Use Element of the general plan, including the Land Use Map, and the Parks and Recreation Element. Again, and as explained in **Response 2-2**, the general plan does not establish a population cap. Neither does the specific plan specifically require the general plan to be amended to change its population threshold.

Table 3.0-4 on pages 3.0-46 to 3.0-49 of the Draft EIR Project Description section provides a detailed list of the proposed minor changes to the general plan's Land Use Element. As described on page 3.0-49, an amendment to the Parks and Recreation Element of the general plan is also proposed to incorporate the

park and trail improvements in the proposed specific plan. The minor amendments to the general plan Land Use and Parks and Recreation elements are proposed to create consistency between the general plan and proposed specific plan. The amount of growth projected to result from adoption of the proposed specific plan would not exceed the amount currently allowed by the general plan in the Uptown and Downtown Districts, and the Project will not require the City to amend the general plan to increase the 44,000 population threshold.

Response 2-4

This comment states that the Draft EIR should have analyzed potential impacts to agricultural resources because it is possible that increased housing and job opportunities downtown will cause growth-inducing impacts, which “likely” could result in long-term conversion of agricultural uses on the City’s edge. The commenter provides no evidence of such potential growth-inducing impact and confuses the CEQA standards for analyzing Project impacts with the standards for discussing growth inducing impacts in an EIR. This comment also states that the City’s conclusion that the project would not result in significant impacts to agricultural land is not supported since no Initial Study was circulated by the City.

As a preliminary matter, preparation of an Initial Study is not required by the *State CEQA Guidelines* if an EIR is required. Section 15063 of the *State CEQA Guidelines* states “If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required...”. The City conducted a preliminary review of the proposed specific plan project consistent with section 15060 of the *State CEQA Guidelines*. Section 15060(d) states that once the Lead Agency determines that an EIR is clearly required for a project, it may skip further preliminary review of the project and begin work on the EIR process. The first step in the EIR process is the preparation and release of the Notice of Preparation (NOP) of the EIR. The City prepared an NOP and included the content requirements in Section 15082 of the *CEQA Guidelines* and circulated the NOP for review as required by the *Guidelines*.

The City determined that the specific plan would not have any impact on agricultural resources because the Uptown/Town Centre Specific Plan area is currently developed with urban uses and does not contain any agricultural land or resources. Thus, the NOP stated that the City had determined that the proposed specific plan would not result in any potentially significant impacts to agricultural resources. No further analysis of the potential impact of the project on agricultural resources is needed as the specific plan area does not contain any agricultural land.

The comment that the proposed specific plan may induce additional growth elsewhere in the City that may impact agricultural land is speculative as the comment provides no evidence to support this position. Section 15064 of the *State CEQA Guidelines* addresses the determination of the significance of

environmental effects caused by a project. If there is substantial evidence, in light of the whole record before a Lead Agency, that a project may have a significant effect on the environment, preparation of an EIR is required. The City made this determination and prepared the Draft EIR. CEQA requires consideration of both direct and indirect physical changes to the environment. With regard to indirect impacts, section 15064 (d) (3) states that an indirect physical change is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project and further, that a change which is speculative or unlikely to occur is not reasonably foreseeable.

As discussed above in **Response 2-3**, the proposed specific plan will implement the goals and objectives of the City's currently adopted general plan. The proposed new development standards and design regulations will guide new development in the Uptown and Town Centre portions of the City but is not projected to result in a level of growth that will exceed the amount that would occur under the existing land use regulations for these areas. For these reasons, there is no indication that adoption of the proposed Uptown/Town Centre Specific Plan will result in additional growth that will impact agricultural land.

The potential for the project to induce additional growth is discussed in **Section 8.0, Growth-Inducing Impacts**, of the Draft EIR in accordance with section 15126.2 (d) of the *State CEQA Guidelines*. This section of the Guidelines requires that an EIR discuss the ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. It also states that that in the discussions of growth-inducing impacts, "it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." The specific plan's potential to increase pressure for additional residential development is disclosed in **Section 8.0**, and since the project would not directly impact agricultural resources, no further discussion of potential impacts is required.

Response 2-5

This comment states that the Draft EIR does not explain why cumulative air quality impacts from the Project would be less than significant when the general plan population projection exceeds the population projected under the Clean Air Plan. The comment also states that SLOCOG 2010 Regional Transportation Plan includes increased development within the Project area but also in the Chandler Ranch Specific Plan, the Olsen Ranch Beechwood Specific Plan, and River Oaks: The Next Chapter Specific Plan.

The air quality analysis in the Draft EIR was prepared in accordance with the County of San Luis Obispo Air Pollution Control District (APCD) CEQA Air Quality Handbook (December 2009). The Handbook

requires analysis of the consistency of a project with the Clean Air Plan. Evaluation of the consistency of a project with the land use and transportation control measures and strategies contained in the Clean Air Plan is required. If the project is consistent with these measures, the project is considered consistent with the Clean Air Plan. The Regional Transportation Plan (RTP) is not directly related to air quality planning, and the APCD CEQA Handbook does not require consideration of the RTP in air quality impact analysis for this reason. The current Clean Air Plan, adopted in 2001, made population projections only through the year 2015. The APCD is currently updating the CAP. The population projections in the updated CAP will reflect growth projected in general plans as well as growth considered in the 2010 RTP and other regional planning documents.

When the City adopted its current general plan in 2003, the General Plan EIR identified that projected growth would exceed the population projections in the CAP and identified this inconsistency as an unavoidable significant impact for this reason. The 2001 CAP projected a City population of 29,220 in 2010, but the City's population was actually 30,050 in 2010. As the City's current population already exceeds the 2010 population projection in the 2001 CAP, the growth projected to result from the proposed Uptown/Town Centre Specific Plan, while consistent with the general plan, is identified as being inconsistent with the CAP.

It should be noted that the proposed specific plan is consistent with the land use and transportation control measures in the CAP. Please see the August 16, 2010, comment letter in this Final EIR from the APCD which states:

"Although the increased population is inconsistent with existing CAP projections, the APCD supports this proposed Paso Robles specific plan because it is consistent with sustainable development and supports many of the land use planning goals in the CAP. Should this proposed specific plan be adopted and implemented with the vision that is being proposed, it will be a solid model of sustainable development for others to follow."

The contribution of the Project to cumulative air quality impacts will not be significant as the proposed specific plan is consistent with both the City's general plan and the land use and transportation control strategies in the San Luis Obispo Clean Air Plan.

Response 2-6

This comment states that the EIR appears to assess the consistency of the proposed specific plan with the policies in the City's adopted general plan to tier off the General Plan EIR and that this tiering is inappropriate under CEQA. This comment assumes the specific plan EIR is intended to tier off the General Plan EIR. This assumption is not correct. The specific plan EIR does not tier off the General Plan

EIR. The consistency of the proposed specific plan with the policies in the general plan is provided in the EIR as the specific plan is proposed to implement the general plan and because the Government Code requires that specific plans be consistent with the adopted general plan. See **Response 2-2** above for a description of the proposed general plan amendment.

The comment also implies that it is inappropriate to modify the general plan yet rely on the General Plan EIR. Again, this EIR does not tier off of the general plan. Additionally, while minor changes to the Land Use Element are proposed, these changes do not include any changes to the policies in the Element. In addition, as discussed above in **Response 2-3** the proposed specific plan will not result in residential growth greater than the amount that could occur under the City's currently adopted general plan.

Response 2-7

This comment states that the proposed specific plan is inconsistent with general plan policies related to creating a range of housing types, densities, and affordability levels, and expanding housing opportunities for all segments of the community, recognizing such factors as income, age, family size, and mobility because the specific plan does not directly provide for construction of affordable housing. The commenter also states that the Project removes the senior housing overlay that currently applies to a portion of the specific plan area and does not make a provision for an alternative senior development, which is inconsistent with the general plan policy to expand housing opportunities recognizing age.

This comment does not recognize that the form-based development code included in the proposed specific plan is more flexible than the current zoning designations applied to the specific plan area and will allow for a much wider range of housing types to be developed than the current zoning designations will. The proposed development code allows mixed use buildings to be developed in a wide variety of locations with residential uses allowed in these buildings. In addition, the proposed specific plan provides for convalescent homes/nursing homes, guest houses, group care homes, residential care facilities for the elderly and handicapped, and transitional and supportive housing in a variety of the regulating zones that would be established by the specific plan. For these reasons, the proposed specific plan would allow a greater range of housing types in more locations than the current general plan land use and zoning designations, even with the proposed elimination of the senior housing overlay zone. While the Oak Park Affordable Housing Project was recently approved by the City, the proposed specific plan would allow for additional affordable housing to be developed in more locations in the Uptown and Town Centre areas as a result of the proposed development standards.

As discussed above in **Response 2-2**, the proposed specific plan will not result in an amount of residential growth by 2025 that would exceed the amount currently allowed by the general plan.

Response 2-8

This comment states that while the Draft EIR proposes payment of development fees as a part of the development, the staff report stated that community financing districts (CFDs) need to be established so that new development pays for their added public safety costs. The comment states that if the Draft EIR is proposing establishing CFDs, more specificity is needed.

The proposed specific plan would establish new development and design standards for the existing Uptown and Town Centre areas of the City. The City's current development fees reflect the cost to provide services to the existing developed portions of the City on the west side of the Salinas River, including the Uptown and Town Centre areas. The City does not currently provide services to locations on the east side of the river, so the City is considering CFDs as a funding mechanism to provide services in these areas. The City's current development fees would provide adequate funding to provide public services to the Uptown and Town Centre areas, so a CFD is not required for the Project.

Response 2-9

This comment states that the Draft EIR is not consistent with the City's 2002 Downtown Parking Circulation Analysis and Action Plan. The City has adopted numerous downtown parking plans, and the 2002 plan referenced in this comment is outdated. The 2002 Downtown Parking Circulation Analysis and Action Plan anticipated the need to add 450 parking spaces in downtown Paso Robles by 2009. The need for an additional 550 spaces was projected after 2010. Measures to address this long-term need for parking after 2010 included an evaluation of time-restricted parking, consideration of changes in the parking ratio for new downtown development, the construction of one or more multilevel parking structures, and the diversion of traffic from Spring Street to Riverside Avenue.

The most recent Downtown Parking Management Plan was adopted on March 25, 2008, which directed that staff implement a "pay for parking" strategy in the downtown as part of the Uptown/Town Centre Specific Plan. The proposed specific plan, consistent with this most recent plan, proposes to implement this strategy, and is therefore consistent.

Section 4.3, Parking, of the proposed specific plan provides analysis of future parking need. Standard methodologies were utilized for the parking analysis. The parking analysis resulted in a parking management plan that identified the number of parking spaces that would be needed for future parking needs. The proposed specific plan also provides for the development of parking structures to accommodate increased parking demand in the downtown area.

Response 2-10

This comment states that the staff report states the EIR indicates that a 44,000 buildout population requires an upgrade to the City's wastewater treatment plan, which the City was designing. But the EIR states that development of a new wastewater treatment plant would provide sufficient capacity and that impacts related to wastewater treatment plant capacity and the need to construct additional facilities would be less than significant. Thus, the comment states that the Project is inconsistent with the general plan in that the Draft EIR tries to get around the fact that the Project would cause population growth in excess of the 44,000 population cap.

The comment does not properly present the information included in the April 23, 2009 staff report prepared for the Residential Specific Plan Prioritization Study Session on wastewater collection and treatment. The staff report states that the City is presently designing a \$60 million upgrade to the City's treatment plant to provide the capacity needed to serve the population threshold of 44,000 identified in the current general plan. As the proposed specific plan will not result in residential growth greater than the amount contemplated by the general plan, the treatment plant will have adequate capacity to meet the Project demands. The staff report does note that any growth in addition to the amount contemplated by the current general plan would require further expansion of the treatment plant.

Response 2-11

This comment states the alternatives analyzed in the Draft EIR do not provide a reasonable range of alternatives to the proposed project as required under CEQA. Specifically, the comment states that the Draft EIR should have considered an alternative project location and more significant changes to the development code in the alternatives analyzed. The comment also states that a low-density alternative should be analyzed and that the Draft EIR improperly states that the Project is fully consistent with the general plan.

Section 15126.6(a) of the *State CEQA Guidelines* requires that the alternatives considered in an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives to the project but would avoid or substantially lessen any of the significant effects of the project." Subdivision (f) of this section further states:

The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

Section 15124 of the *State CEQA Guidelines* requires that the project description in an EIR include a statement of the objectives sought by the project and that these objectives include the underlying purpose of the project. The Uptown/Town Centre Specific Plan is proposed to implement the City's general plan by establishing new development and design standards for the existing developed Uptown and Town Centre areas. The objectives in the EIR Project Description section properly reflect the underlying purpose of the proposed specific plan, and the range of alternatives discussed in the Draft EIR also properly respond to the objectives of the project.

As the project is a specific plan to guide future development in the Uptown and Town Centre areas of the City, no location outside of the Uptown and Town Centre areas could feasibly meet the basic objectives of the project and, for this reason, consideration of alternative sites is not required by CEQA or the *State CEQA Guidelines* as the basic project objectives could not be feasibly met by alternative locations. Therefore, an alternative located in a different area of the City was not considered.

As discussed in **Response 2-2** above, the proposed specific plan will not result in residential growth greater than allowed by the current general plan by the year 2025. It should be noted that the Draft EIR does include two alternatives, Alternatives 3 and 4, which would retain existing land uses in the Uptown area, and apply the proposed specific plan only in the Midtown, Downtown, South of Downtown, and Riverside Corridor districts as identified in the specific plan. As discussed in **Section 7.0, Alternatives**, of the Draft EIR, both Alternative 3 and Alternative 4 would result in reduced residential development forecasts as compared to the proposed project (approximately 21 percent and 14 percent, respectively).

Response 2-12

This comment notes that there is an incomplete sentence on page 1.0-17 of the Draft EIR, which discusses the consistency of the Project with the San Luis Obispo County Clean Air Plan. This sentence has been corrected in the Final EIR.

The comment also states the statement in the EIR that the project is not consistent with the 2001 CAP implies it will result in greater impacts than were anticipated in the existing general plan. This is not the case as the proposed specific plan will not result in the City's population exceeding the 44,000 population planning threshold in the City's current general plan. Please see the **Response 2-2** above for additional information on the consistency of the specific plan with the general plan.

Response 2-13

The comment states that it is incorrect for the Draft EIR to claim that Uptown and Town Centre are experiencing development pressure because neither area is experiencing any development pressure given

the economic downtown. This statement in the Draft EIR was presented in a summary of the February 2007 Goal Setting Workshop held by the City Council. The City Council directed the preparation of new plans for the Uptown and Downtown areas at this 2007 workshop. It is recognized that current economic conditions have reduced development pressures throughout the City. Regardless, this comment does not raise a concern or question as to the sufficiency of the environmental analysis.

Response 2-14

This comment states that **Table 4.0-1, General Plan Development Potential**, shows anticipated growth under the general plan through 2025, but it is inaccurate because I does not accurately state what full development under the general plan would allow. This table is from the City's adopted general plan and does represent the potential for additional development under the City's currently adopted 2025 General Plan. See **Response 2-3** for additional information on the planning horizon in the general plan and the appropriateness of using projections from the general plan in the analysis of cumulative impacts under the *State CEQA Guidelines*. The cumulative impact analysis in the EIR considers development allowed by the current general plan and the growth projected in the specific plan area through 2025.

Response 2-15

This comment states that the specific plan's buildout potential is considerably greater than reported in the 2003 General Plan or its EIR. As discussed in **Response 2-2**, the proposed specific plan is not projected to result in a level of residential growth, and associated population growth, through 2025 that would exceed the population contemplated by the current general plan land use designations in the Uptown and Town Centre areas. No amendment to the general plan to increase the population planning threshold of 44,000 by 2025 is required. The proposed specific plan provides standards for future development in the Uptown and Town Centre areas of the City. The amount of residential development projected to occur in the specific plan area through the general plan horizon year of 2025 would not exceed the amount that could occur under the existing general plan land use and zoning designations for the specific plan area.

The commenter also states that the general plan is not internally consistent because the City did not adopt the 2009 draft Housing Element. This comment accurately states that the City's Housing Element was not adopted by the state deadline of September 1, 2010. While the 2009 draft Housing Element mentions several proposed future housing projects, the projects discussed in this comment have not currently been approved and would require general plan amendments to increase the population planning threshold from 44,000.

Response 2-16

The comment asks whether the Citywide VMT calculations account for development in all active applications that were in place at the time of the NOP's issuance in late 2009 and all projects accounted for within SLOCOG's long-range population projections. The EIR discusses on page 6.2-50 of the Draft EIR that SLOCOG is currently preparing the 2010 RTP and that the San Luis Obispo County Air Pollution Control District will be updating the Clean Air Plan for the County in 2011. For purposes of assessing the relationship of the vehicle miles traveled to projected population growth as part of the analysis of the consistency of the proposed specific plan with the current Clean Air Plan, currently adopted population projections were used. The traffic impact analysis prepared for the proposed project considered general plan buildout as the future scenario for determining vehicle trips. As the Chandler Ranch, Olsen Ranch, and Beechwood specific plans are considered in general plan growth projections, these specific plans are included in the future VMT calculations for the proposed project.

Response 2-17

The commenter states that an air quality impact should be significant and potentially not fully mitigable because the specific plan area will add up to 1,649 new dwellings, beyond what is projected in the general plan. The Clean Air Plan policy (Policy T-6) referenced in this comment relates to traffic flow improvements that incrementally, and in combination with other measures, can reduce potential emissions. As discussed in **Table 6.2-10**, the specific plan would provide a number of traffic flow improvements, including facilities for non-vehicular transit modes, which would be consistent with this policy.

As discussed in **Response 2-2**, the proposed specific plan is not projected to result in a level of residential growth, and associated population growth, through 2025 that would exceed the amount contemplated by the current general plan land use designations in the Uptown and Town Centre areas.

With regard to the consistency of the proposed specific plan with the land use and transportation control measures in the Clean Air Plan, please see the August 16, 2010 comment letter in this Final EIR from the APCD which states:

"Although the increased population is inconsistent with existing CAP projections, the APCD supports this proposed Paso Robles specific plan because it is consistent with sustainable development and supports many of the land use planning goals in the CAP. Should this proposed specific plan be adopted and implemented with the vision that is being proposed, it will be a solid model of sustainable development for others to follow."

Response 2-18

This comment states that conservation element policies related to biological resources were omitted in the Draft EIR. The conservation element goal and policies are provided in **Table 6.3-3** of the Draft EIR in subsection 6.3.6, General Plan Consistency Analysis, and this omission has been corrected in the Final EIR.

Response 2-19

This comment states that impacts to riparian areas within the Salinas River should be considered significant and unavoidable due to the potential for increased human access to the river. As discussed in the Draft EIR, the proposed specific plan incorporates restrictions on development in the Salinas River area. Restoration of riparian habitat, a component of the specific plan, would repair existing damage to these vegetation communities, and the required habitat preservation and management plan for the Salinas River would compensate for the potential impacts associated with implementation of the proposed specific plan. Furthermore, Mitigation Measure 6.3-3 provided in the Draft EIR would limit access to the Salinas River from trails and roads and would decrease the potential for impacts to biological resources through human activities. The commenter has not provided any substantial evidence that the significance conclusion should be changed.

Response 2-20

The comment states that the Draft EIR should not have concluded that impacts to wetlands within the plan area would be beneficial because it cannot be reasonably assumed that increased human activity can be fully controlling to the point of calling it a beneficial impact. The analysis of potential impacts to biological resources in the Salinas River from increasing access to the river corridor by adding trails and other facilities is assessed in the Biological Resources section of the Draft EIR and mitigation if proposed that can feasibly mitigate potential impacts to a less than significant level. Mitigation Measure 6.3-3 of the Draft EIR will mitigate potential impacts to a less than significant level. That mitigation measure includes provisions for the trail design to avoid impacts to existing riparian habitat that may support sensitive species, for the installation of signs posting the access prohibition access to the river by pets, and for the construction of barriers to discourage access to the river.

The comment also states that there is no evidence provided to ensure the success of wetland restoration and enhancement efforts called for in the Plan. Section 15097 of the *State CEQA Guidelines* provides for monitoring or reporting on the implementation of mitigation measures intended to reduce significant impacts identified for a project. Section 15097 (c)(2) of the *State CEQA Guidelines* states that monitoring of mitigation measures "is suited to projects with complex mitigation measures, such as wetlands

restoration ... which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.”

However, the *State CEQA Guidelines* do not establish any process for monitoring project features considered to have a beneficial impact. The habitat preservation and management plan for the Salinas River provided in the specific plan is a project component that would have, as was concluded in the analysis conducted for the Draft EIR, a beneficial effect. As the Draft EIR did not identify significant impacts to federally protected wetlands as a result of the proposed specific plan, no monitoring or establishment of performance standards is provided for under CEQA for the habitat preservation and management plan for the Salinas River.

Response 2-21

This comment states that the Draft EIR’s conclusion that cumulative impacts would be less than significant does not logically follow based on the level of long-term development anticipated and the unknown effects of increased human activity along the river. As discussed in **Response 2-20**, potential impacts from increasing the level of human activity along the river are assessed, and feasible mitigation for this impact is identified in the Draft EIR.

Response 2-22

This comment states that with respect to groundwater supplies and recharge, the Draft EIR does not include success criteria or a way of tracking success. The comment acknowledges that the low-impact design (LID) techniques provided in the proposed specific plan would improve infiltration into the Paso Robles Groundwater Basin. As discussed in the Draft EIR, the specific plan area consists of mostly urban development with scattered undeveloped parcels and a large undeveloped area (the Salinas River). The proposed specific plan provides standards for new development and redevelopment within the project site; these development standards include LID techniques intended to reduce impermeable surfaces and increase percolation of stormwater runoff into the groundwater basin. Implementation of these techniques, as stated in the Draft EIR, would provide additional groundwater recharge gradually over time as these LID techniques are incorporated into new development projects and public improvements in the specific plan area over time. At this time, it would be speculative to estimate the amount of additional groundwater replenishment that would result from the incorporation of LID techniques in future development projects and public improvements within the specific plan area.

As discussed in **Response 2-20** above, Section 15097 of the *State CEQA Guidelines* provides for monitoring or reporting on the implementation of mitigation measures intended to reduce significant impacts identified for a project. However, no such process is established for monitoring project features

considered to have a beneficial impact. As the Draft EIR did not identify significant impacts to groundwater recharge as a result of the proposed specific plan, no monitoring or establishment of performance standards is required under CEQA for the LID techniques provided in the specific plan.

The comment states that the Draft EIR must be recirculated because the Draft EIR cannot conclude that the impacts would be beneficial. Standards for recirculation of an EIR are contained in Section 15088.5 of the *State CEQA Guidelines*. Recirculation is required when a new significant impact is identified after circulation of a Draft EIR for review and before certification of the Final EIR. The commenter has not provided any evidence that a significant impact would occur; thus, recirculation of the Draft EIR is not required.

The comment also states that if the specific plan will have beneficial impacts on groundwater supplies, it would be logical to conclude that increased development elsewhere in the City could be supported and that water supply is not a constraint on development. As discussed in **Section 6.18, Utilities – Water Supply**, of the Draft EIR, the City has identified water sources, including Lake Nacimiento water, that would be adequate to serve the general plan threshold population of 44,000 residents. The City plans to pump less groundwater and provide more water from surface water sources, reducing impacts to groundwater levels. As the proposed specific plan would not result in development beyond that currently permitted under existing general plan land use and zoning designations, the project site could be served with currently identified water resources.

Response 2-23

This comment states that more evidence is needed to support the Draft EIR conclusion that implementation of the drainage improvements identified in the proposed specific plan would result in a beneficial impact related to watershed storage of runoff.

As discussed in **Response 2-22** above, the development standards in the specific plan would result in an increase in permeable area over time as the project site is developed, which would improve infiltration into the groundwater basin.

Response 2-24

This comment states that the City should consider all projects that implement design features similar to those of the proposed specific plan consistent with the general plan policy to develop water programs within the City. As this comment does not relate to the proposed project or the Draft EIR, no further response is needed. However, it should be noted, as discussed in **Response 2-2** above, the project

proposes no development and would not result in development above what would be permitted under existing general plan land use and zoning designations.

Response 2-25

This comment states that existing housing information should be updated to be accurate as of the time of the NOP's issuance, that non-residential development reported in the general plan as likely to occur by 2025 is a small subset of actual development, and that the Draft EIR needs to be revised to address these impacts in order to properly discuss cumulative impacts. Please see **Response 2-3** for a discussion of the appropriateness of using projections of future growth from the general plan as the basis for the cumulative impact analysis in the Draft EIR.

Response 2-26

The comment states that the cumulative analysis for noise substantially underestimates potential noise impacts because of the methodology used to determine the nature of cumulative development citywide. Please see **Response 2-3** for a discussion of the appropriateness of using projections of future growth from the general plan as the basis for the cumulative impact analysis in the Draft EIR.

Response 2-27

The comment states that the EIR only considers a part of the project, not the whole of it, with its discussion of dwellings and "population cap" and that the same approach must be used for other EIRs for other long-range plans under consideration. As discussed in **Response 2-2** above, the projections of residential growth that may result from adoption of the proposed specific plan through the year 2025 will not exceed the amount allowed by the current general plan based on the existing general plan land use and zoning designations for the specific plan area.

Response 2-28

This comment states that the cumulative impacts analysis for public services underestimates potential service impacts because of the manner in which the Draft EIR determined the nature of cumulative development citywide. Please see **Response 2-3** for a discussion of the appropriateness of using projections of future growth from the general plan as the basis for the cumulative impact analysis in the Draft EIR.

Response 2-29

This comment states that the cumulative impacts analysis for traffic underestimates potential traffic impacts because of the manner in which the Draft EIR determined the nature of cumulative development citywide. Please see **Response 2-3** for a discussion of the appropriateness of using projections of future growth from the general plan as the basis for the cumulative impact analysis in the Draft EIR.

Response 2-30

The comment states that the Draft EIR concludes that impacts regarding depletion of groundwater supplies would be beneficial as a result of the Project, but that the 1600+ homes that could be built are more than what is anticipated in the general plan. Thus, groundwater supplies will be reduced to a greater extent than currently anticipated, especially if Nacimiento water does not come on line or is not as reliable as assumed. As discussed above in **Response 2-2**, the specific plan will include growth management provisions that will limit the amount of residential growth in the specific plan area to 989 units, the amount allowed by the current land use and zoning designations for the specific plan area. Please see **Response 2-22** above for a discussion of the impacts of the proposed specific plan on groundwater recharge.

Response 2-31

This comment states that the “population cap” was established to maintain community character, not because of resource limitations and the Draft EIR analysis must be revised accordingly to more accurately characterize the “population cap.” As discussed in **Section 6.18, Utilities – Water Supply**, the City plans to reduce its dependency on subsurface water by acquiring additional surface water supply from Lake Nacimiento. This step was taken in part because of decreasing water levels in the Paso Robles Groundwater Basin. Regardless of the population planning threshold in the general plan, identified water resources are accurately described in the Draft EIR, and the potential impacts of the proposed specific plan are analyzed appropriately.

Response 2-32

This comment refers back to the previous comments made about water supply and states that the section on wastewater needs to be revised to reflect changes in the analysis of water supply and demand. Please see **Responses 2-12 through 2-22** above.

Response 2-33

The comment states that the sections on solid waste and energy substantially underestimate potential impacts due to the nature of the Draft EIR's determination of cumulative development citywide. The comment states that this section needs to be revised based on accurate cumulative data, including a revised traffic study addressing new information not included in the Draft EIR. Please see **Response 2-3** for a discussion of the appropriateness of using projections of future growth from the general plan as the basis for the cumulative impact analysis in the Draft EIR.

Response 2-34

This comment states that the alternatives analysis in the Draft EIR needs to be revised based on previous comments. The comments referred to have been addressed above, and no additional analysis is needed.

Response 2-35

This comment states that the growth-inducing impact analysis in the Draft EIR needs to be revised based on previous comments. The comments referred to have been addressed above, and no additional analysis is needed.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

August 17, 2010

Ed Gallagher
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Subject: Uptown/Town Centre Specific Plan
SCH#: 2009081085

Dear Ed Gallagher:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 16, 2010, 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,

Scott Morgan
Director, State Clearinghouse



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**Document Details Report
State Clearinghouse Data Base**

SCH# 2009081085
Project Title Uptown/Town Centre Specific Plan
Lead Agency Paso Robles, City of

Type EIR Draft EIR

Description The project would require general plan and zoning code amendments to implement the Uptown/Town Center Specific Plan within the City's historic west side. The Specific Plan provides a form-based development code intended to ensure development patterns are consistent with the existing scale and character in Paso Robles. The form-based code will regulate development in the Specific Plan area by addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The Uptown/Town Center Specific Plan Development Code is a subpart of the Zoning Ordinance and the Municipal Code. As is the case with other provisions of the Zoning Ordinance, all other provisions of the Municipal Code with continue to apply within the specific plan area except as expressly provided to the contrary in the Development Code. Proposed development, subdivisions, and new land uses within the specific plan area shall comply with all applicable requirements of the revised Development Code.

Lead Agency Contact

Name Ed Gallagher
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
Lat / Long 35° 38' 48" N / 120° 41' 27" W
Cross Streets The area west of the Salinas River and north of 1st Street, to the western and northern City Lim
Parcel No. Multiple

Township	Range	Section	Base

Proximity to:

Highways Hwy 101
Airports no
Railways Union Pacific
Waterways Salinas River
Schools 4
Land Use

Project Issues Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Traffic/Circulation; Other Issues; Aesthetic/Visual; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Growth Inducing; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Vegetation; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

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

**Document Details Report
State Clearinghouse Data Base**

Date Received 07/02/2010 *Start of Review* 07/02/2010 *End of Review* 08/16/2010

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

TOTAL P.005

Response 3-1

This comment states that no comment letters were received from state agencies during the Draft EIR review period. No response is required.