

## 2.0 INTRODUCTION

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### **SUMMARY**

*This draft environmental impact report (EIR) that evaluates the physical impacts that could occur as a result of the growth and development envisioned in the proposed Downtown Specific Plan / Uptown & Town Centre Specific Plan (Uptown/Town Centre Specific Plan). The EIR analysis focuses on two primary components of the proposed specific plan: (1) physical development potential, and (2) the goals/policies, and subsequent action items/implementation measures.*

### **2.1 OVERVIEW OF THE PROPOSED SPECIFIC PLAN**

The City of El Paso de Robles (Paso Robles) is considering the adoption of a specific plan for the Town Centre also referred to as Downtown (west side south of 24<sup>th</sup> Street) and Uptown (west side north of 24<sup>th</sup> Street) areas of the City. As part of the February 2007 Goal Setting Workshop, the City Council expressed the desire for master plans for both areas. Both areas are experiencing growing development pressure that could benefit from areawide master planning to guide future redevelopment efforts. The principles outlined in the City's 2006 Economic Strategy<sup>1</sup> call for compact development to minimize economic, social, and environmental costs and efficiently use resources and infrastructure and to increase intensification, supply, and range of housing to attract and accommodate a skilled labor force.

The *Uptown/Town Centre Specific Plan* sets forth unique and customized standards that enable the City to shape or reshape its streets and public spaces, and property owners to develop or redevelop their properties according to the vision of the specific plan. For areas such as Uptown and the Town Centre, the specific plan guides public and private reinvestment and construction in a highly coordinated and integrated way in order to yield specific types of urban places that are the result of discussion, debate, and consensus by a majority of the community.

The primary purposes of this specific plan are to define

1. a vision for the future of this historic center of town that recognizes the importance of history and tradition, and that also recognizes the opportunities for continuing growth and beneficial change.
2. goals and policies that work in tandem with and refine those of the general plan for this unique area of town.

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<sup>1</sup> City of Paso Robles, *Paso Robles Economic Strategy*, (2006) <http://www.prcity.com/government/pdf/PasoRoblesEcoStrategy2006.wm.rs.pdf>

3. transect-based zoning standards that will replace the current generic zoning standards with customized standards that are devised to calibrate and deliver development consistent with the history of Paso Robles and the community's vision for its future.
4. comprehensive urban design standards for streets, parks and other public spaces throughout the planning area, along with implementation and financing recommendations. These provide property owners with a clear understanding of the future context within which they are reinvesting in their property.

The *City of El Paso de Robles General Plan* is the primary policy planning document that provides the framework for management and utilization of the City's physical, economic, and human resources. The general plan consists of the following elements: Land Use, Circulation, Housing, Conservation, Open Space, Parks and Recreation, Noise, and Safety. Each element contains goals, policies, and implementation measures to guide development within the City. The *Uptown/Town Centre Specific Plan* is designed to meet the goals established in the City's general plan by providing a framework for future development within the planning area. The specific plan provides a direct linkage between the City's general plan and detailed plans for development, and will direct the character and arrangement of future development within the specific plan area.

## 2.2 SPECIFIC PLAN DEVELOPMENT PROCESS

The *Uptown/Town Centre Specific Plan* was prepared through a process that included interviews with City staff and key stakeholders, workshops with the community, and a design charrette that focused on taking the knowledge, base information, and direction gained to produce the desired outcomes that will become the constituent elements of the specific plan.

The evolution of the plan was based on extensive community input throughout all phases of the planning process. The public process consisted of three phases: Pre-Charrette Outreach, the Charrette, and Post-Charrette Outreach.

The Pre-Charrette Outreach consisted of conducting an extensive existing-conditions analysis, interviewing interested stakeholders (municipal officials, developers, business owners, and community members), and engaging the public in three Discovery Workshops in which the consultant team presented their analysis and fielded comments and questions from the public. This phase was brought to a close during the Pre-Charrette Study Session, whereby the consultant team presented the discovery findings to the City Council and Planning Commission in May 2008.

Building upon the input and findings of the Pre-Charrette Outreach, the Charrette phase brought all interested parties together for five intensive days to participate in the Charrette. Everyone with a stake or

interest of any kind participated directly with the consultant team to develop and review ideas—from their initial inception to their finalization as draft-level content for the specific plan.

The Charrette, which was completed in May 2008, included interaction with each of the design components (street and parking design, landscape and open space, form-based zoning code) being developed simultaneously in response to issues and needs posed by participants in the Pre-Charrette Outreach as well as public input during the Charrette. City staff was involved throughout the Charrette to facilitate meetings with individuals or groups (e.g., downtown merchants groups, historic preservation groups, neighborhood representatives, and business/land owners) as needed. At the end of each day, the consultant team presented to the community what had been studied, achieved, and proposed.

The Post-Charrette Outreach began with the Post-Charrette Study Session, whereby the consultant team presented the recommendations developed during the Charrette to the City Council and Planning Commission. Based on community and stakeholder input, the draft specific plan was prepared and, in July 2009, released for public review and comment.

The next phase in the specific plan development process was to initiate the preparation of the EIR with the release of the Notice of Preparation (NOP), which occurred in August 2009.

The purpose of the NOP is to solicit comments on potential environmental issues to be studied further from the public. Additionally, a public Scoping Session was held by the City in September 2009 to review and discuss the EIR process, answer questions, and receive input.

The purpose of public and agency review of the NOP is to assist in the identification of the potential environmental effects of the project as proposed to assist the lead agency in

1. focusing the EIR on the effects determined to be potentially significant;
2. identifying the effects determined not to be significant;
3. explaining the reasons for determining that potentially significant effects would not be significant; and
4. identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

During the comment period, written comments were received from three agencies, as well as organizations and individuals, as summarized in **Table 2.0-1, Summary of Comments on the NOP**. Written comments are provided in **Appendix 2.0**.

**Table 2.0-1  
Summary of Comments on the NOP**

Commenter	Comment Summary
County of San Luis Obispo – Air Pollution Control District	<p>Noted that demolition activities have the potential to impact air quality including issues related to asbestos containing material (ACM). Indicated that ACM encountered during demolition and removal would be subject to certain regulatory requirements.</p> <p>Noted that the project site is located in an area of naturally occurring asbestos (NOA) which has been identified by the California Air Resources Board (ARB) as a toxic air contaminant. Activities would be subject to the requirements of the ARB's Construction, Grading, Quarrying, and Surface Mining Operations.</p> <p>Noted that certain operations may require the use of construction equipment and may be subject to ARB registration requirements.</p> <p>Noted that individual uses may require issuance of APCD permits for operation.</p> <p>Requested that the EIR assess air quality impacts from both construction and operational phases, and that the Specific Plan has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan.</p> <p>Requested that the EIR contain a range of alternatives.</p> <p>Indicated that the EIR should contain a consistency analysis against the Clean Air Plan.</p> <p>The EIR should identify methods for the Specific Plan to support smart growth, minimize health risks, and support alternative modes of transportation.</p> <p>Noted that the EIR should contain an evaluation of greenhouse gas.</p>
California Public Utilities Commission	<p>Identified previous pedestrian fatality at an existing railroad crossing.</p> <p>Suggested mitigations to avoid train and vehicular conflicts.</p>
California Native American Heritage Commission	<p>Noted potential for adverse impacts to archaeological resources and provided provisions to assess adverse impacts.</p>

The draft specific plan and the draft EIR have been circulated for public review and comment. Public comments on the draft EIR are reviewed and responded to, and revisions to the EIR are made in response to public comments received where appropriate. In addition, the EIR mitigation measures are then formulated into policies or action items, as appropriate, and incorporated into the specific plan. Following completion of the draft EIR 45-day review and comment period, a final draft of the proposed specific plan and a final EIR will be prepared for review and consideration by both the Planning Commission and the City Council. Once these documents are complete, the public hearing process will be initiated.

The adoption of a specific plan as part of the City's general plan, or any amendments thereto, generally must follow the procedures set forth in California Government Code Section 65450 et seq.<sup>2</sup> At least one public hearing must be held by the City Planning Commission, followed by one public hearing by the City Council.

Chapters 1 through 4 of the *Uptown/Town Centre Specific Plan* are adopted by resolution and Chapter 5 by ordinance, to apply to all property within the plan boundaries. Adoption of the specific plan would require approval of amendments to the City's general plan and zoning code. This plan and its contents work in concert with the El Paso de Robles Municipal Code and supersede it when items appear in both documents.

At the conclusion of the public hearing process, the City Council will be asked to approve the specific plan with or without changes after having first taken action to certify the EIR as to its compliance with the provisions of the *California Environmental Quality Act (CEQA) Guidelines* and the City's *Rules and Procedures for the Implementation of CEQA*.

### 2.3 LEGAL AUTHORITY

This EIR has been prepared in accordance with CEQA, the *State CEQA Guidelines*, and the City's Rules for the Implementation of CEQA. In accordance with the *State CEQA Guidelines*, the purpose of an EIR is to<sup>3</sup>

*Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

This EIR fulfills the requirements for a program EIR. Although the legally required contents of a program EIR are the same as those of a project EIR, program EIRs are typically more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a project EIR. As provided in the *State CEQA Guidelines*, a program EIR may be prepared on a series of actions that may be characterized as one large project.<sup>4</sup> Use of a program EIR provides the City (as Lead Agency) with the opportunity to consider broad policy alternatives and programwide mitigation measures and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis.

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<sup>2</sup> California Government Code, Title 7, Division 1, Chapter 3, Article 5, "Authority for and Scope of General Plans," Section 65300 et seq.

<sup>3</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15121(a).

<sup>4</sup> *State CEQA Guidelines*, Section 15168.

Agencies generally prepare program EIRs for programs or a series of related actions that are linked geographically; are logical parts of a chain of contemplated events, rules, regulations, or under the same authority; and have generally similar environmental effects that can be mitigated in similar ways.

Once a program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document is necessary. However, if the program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the program EIR scope and additional environmental documents may not be required.<sup>5</sup> When a program EIR is relied on for a subsequent activity, the Lead Agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities.<sup>6</sup> If a subsequent activity would have effects not within the scope of the program EIR, the Lead Agency must prepare a new Initial Study leading to either a Negative Declaration, Mitigated Negative Declaration, or an EIR. In this case, the program EIR still serves a valuable purpose as the first-tier environmental analysis. The *State CEQA Guidelines* encourage the use of program EIRs, citing five advantages:<sup>7</sup>

- Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR
- Focus on cumulative impacts that might be slighted in a case-by-case analysis
- Avoidance of continual reconsideration of recurring policy issues
- Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them
- Reduction of paperwork by encouraging the reuse of data (through tiering)

In practice, this Program EIR would be used for subsequent activities that include implementation of "Action Items" in order to implement the goals and policies of the specific plan.

## 2.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

### 2.4.1 Lead Agency

The City of Paso Robles is the Lead Agency under CEQA for this EIR. The City has the discretionary authority to determine whether or how to approve the *Uptown/Town Centre Specific Plan*.

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<sup>5</sup> *State CEQA Guidelines*, Section 15168(c).

<sup>6</sup> *State CEQA Guidelines*, Section 15168(c)(3).

<sup>7</sup> *State CEQA Guidelines*, Section 15168(h).

## 2.4.2 Responsible Agencies

In addition to the City, there are other public agencies with discretionary authority over certain aspects of the specific plan. These agencies are called “responsible agencies,” and they are responsible for carrying out/implementing a specific component of the specific plan or for approving a project (such as an annexation or an amendment of the City’s sphere of influence) that implements the goals and policies of the City’s general plan. The *State CEQA Guidelines* defines a “responsible agency” as

*A public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For purposes of CEQA, responsible agencies include all public agencies other than the lead agency that have discretionary approval authority over the project.*<sup>8</sup>

The following provides a list of those applicable responsible agencies for this specific plan:

- There are several responsible agencies that implement various local, state, and federal regulations and permits regarding the use of water resources. The San Luis Obispo County Flood Control District, California Department of Water Resources, and Central Coast Regional Water Quality Control Board are the primary agencies responsible for the protection of watersheds, floodplains, and water quality. The San Luis Obispo County Department of Health is the primary agency responsible for establishing design standards and permitting septic tanks and wells. The federal government administers the National Pollutant Discharge Elimination System (NPDES) permit program, which regulates discharges into surface waters. The NPDES permit is administered by the State Water Resources Control Board. Discharge limits, under the NPDES permits, for minerals and pollutants are established and regulated by the California Regional Water Quality Control Board. Section 404 of the Clean Water Act prohibits the discharge of dredged or fill materials into Waters of the United States or adjacent wetlands without a permit from the U.S. Army Corps of Engineers.
- The State and/or County Geologist is responsible for the review and approval of the City’s program for minimizing exposure to geologic hazards and for regulating surface mining activities.
- Caltrans has jurisdiction over access to U.S. Highway 101 and Highway 46. Any improvements to these as a result of the specific plan would require their approval.

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<sup>8</sup> *State CEQA Guidelines*, Section 15181

### 2.4.3 Trustee Agencies

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. The *State CEQA Guidelines* designate four agencies as trustee agencies:<sup>9</sup>

- The California Department of Fish and Game with regards to fish and wildlife, native plants designated as Rare or Endangered, game refuges, and ecological reserves;
- the State Lands Commission, with regard to state-owned “sovereign” lands, such as the beds of navigable waters and state school lands; and
- the California Department of Parks and Recreation, with regard to units of the state park system; and
- the University of California, with regard to sites within the Natural Land and Water Reserves System.

## 2.5 INTENDED USES OF THE EIR

This EIR is as an informational document for use in the City’s review and consideration of the *Uptown/Town Centre Specific Plan*. It is to be used to facilitate creation of a specific plan that incorporates environmental considerations and planning principles into a cohesive policy document. The specific plan will guide subsequent actions taken by the City in the project area in its review of new development projects.

This EIR provides a thorough and objective disclosure of the possible environmental consequences associated with the proposed specific plan, as defined in **Section 3.0, Project Description**. The information and analysis in this EIR will be used

- by the City Council in its determination as to the acceptable development for in the Specific Plan area;
- by the Planning Commission in its formulation of a recommendation to the City Council as to the scope and content of the specific plan;
- by responsible, trustee, other reviewing agencies in providing recommendations as to feasible mitigation measures and the ability to avoid significant impacts or reduce them to acceptable levels through imposition of the mitigation measures;
- by responsible and trustee agencies when reviewing/approving components of the specific plan and/or when reviewing/approving projects that implement certain components of the specific plan; and
- by the general public in their review of the proposed project.

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<sup>9</sup> *State CEQA Guidelines*, Section 15386.

## 2.6 SCOPE AND CONTENT OF THIS PROGRAM EIR

Based on a preliminary review of the proposed project consistent with *State CEQA Guidelines*, the City of Paso Robles Community Development Department has determined that an EIR should be prepared for this proposed project.<sup>10</sup>

In August 2009, an NOP of an EIR was prepared and circulated for public and agency comment. The City also held a public scoping meeting to solicit comments on the scope and content of the EIR on September 3, 2009. The NOP and comments/responses received are contained in **Appendix 2.0**.

Consistent with the *State CEQA Guidelines*, the City of Paso Robles Community Development Department has identified the following probable environmental effects of the project, which will be addressed in the EIR for this project:<sup>11</sup>

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Minerals
- Noise
- Population and Housing
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

This EIR evaluates potential impacts in each of these areas. It addresses both the site-specific and cumulative impacts of the proposed project as required by the *State CEQA Guidelines*.

The City of Paso Robles Community Development Department has determined that there is not a likelihood of potentially significant effects related to the following environmental topics:

- Agricultural Resources

As stated, a principal objective of CEQA is that the environmental review process be a public one. In meeting this objective, the EIR must inform members of the general public, decision makers, and technically oriented reviewers of the physical impacts associated with a proposed project. To this end, specific features have been incorporated into this EIR to make it more understandable for non-technically oriented reviewers, yet provide the technical information necessary for City personnel.

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<sup>10</sup> *State CEQA Guidelines (CEQA)*, Section 15060.

<sup>11</sup> *State CEQA Guidelines (CEQA)*, Section 15082.

A description of the organization of this EIR and the content of each section is provided below to assist the reader in using this EIR as a source of information about the proposed project. Sections of the Draft EIR following this introduction are organized as follows.

**Section 1.0, Executive Summary**, presents a concise summary of the environmental information, conclusions, and analysis in this EIR.

**Section 2.0, Introduction**, provides information on the CEQA process and organization of the EIR.

**Section 3.0, Project Description**, presents a detailed description of the proposed project, including identification of all discretionary approvals required to allow the implementation of the proposed project.

**Section 4.0, Cumulative Scenario**, describes the basis for cumulative analyses and lists the related projects considered.

**Section 5.0, Environmental Setting**, describes the environmental setting of the project site and surrounding areas including a brief description of existing land uses and zoning.

**Section 6.0, Environmental Analysis**, provides analysis of the various issues and topics determined in the NOP to have the potential for environmental impacts. Also provided are mitigation measures, cumulative impacts, and discussion of the consistency of the proposed specific plan with the City's general plan.

**Section 7.0, Alternatives**, discusses alternatives to the proposed project that have been developed and analyzed to provide additional information on ways to avoid or lessen the impacts of the proposed project. The alternatives include the "No Project Alternative," along with other alternatives.

**Section 8.0, Growth-Inducing Impacts**, contains a discussion of the potential for the proposed project to remove impediments to growth, foster economic growth, result in a precedent-setting action, and encroach upon or develop an isolated open space.

**Section 9.0, Significant Irreversible Environmental Changes**, briefly discusses those environmental topics for which the City has determined the proposed project would not result in a significant impact, significant effects of the proposed project, and significant irreversible environmental changes.

**Section 10.0, References**, lists the principal documents, reports, maps, and other information sources reviewed or referenced in the preparation of this EIR.

**Section 11.0, Organizations and Persons Consulted**, lists persons involved in the preparation of this draft EIR or who contributed information incorporated into the draft EIR.

**Appendices** to this EIR include technical information and other materials used in its preparation.

## 2.7 AVAILABILITY OF THE DRAFT EIR

The draft EIR for the proposed project is directly distributed to numerous agencies, organizations, and interested groups and persons for comment during the 45-day public review and comment period. The draft EIR is also available for review at the following location:

City of El Paso de Robles  
Community Development Department  
1000 Spring Street  
Paso Robles, California 93446

In addition, the draft EIR is available on the City's Web site, <http://www.prcity.com>.

Copies of this draft EIR have been sent to the State Clearinghouse, responsible agencies, agencies that have commented on the NOP, and all other interested parties that have requested notice and copies of the draft EIR. A complete distribution list is included in **Appendix 2.0**.

Interested individuals, organizations, responsible agencies, and other agencies can provide written comments to:

City of El Paso de Robles  
Community Development Department  
1000 Spring Street  
Paso Robles, California 93446  
Contact: Ed Gallagher, City Planner

Your comments may also be sent by fax to (805) 237-3904 or by e-mail to [ed@prcity.com](mailto:ed@prcity.com). Please put "Downtown Specific Plan/Uptown & Town Centre EIR" in the subject line.

Agency responses should include the name of a contact person within the commenting agency.