

# Exhibit D

## Site Specific Conditions of Approval – OTR25-09 (P25-0080)

### Planning Division Conditions:

1. An oak tree removal permit shall be issued prior to removal of an oak tree.
2. Prior to removal of Oak Tree No. 4, provide the written agreement between applicant and adjacent property owner.
3. The following precautions shall be taken to ensure protection of Tree No. 10:
  - Do not till or trench within the TPZ to install landscaping or irrigation.
  - Install only drought tolerant and preferably California native plants beneath the tree canopy.
  - Irrigation shall be drip-type and all supply hoses shall be routed above ground.
  - Do not install overhead sprinkler irrigation because it will introduce too much moisture and potentially rot the tree's roots.
  - Do not install weed block cloth beneath the canopy of the tree. It restricts rainwater from percolating into the soil.
  - Allow permeable surface treatments (e.g., mulch, decomposed granite, or permeable pavers) subject to approval by the project arborist.
  - Do not construct permanent concrete or brick patios beneath the canopy of the tree.
4. Prior to any construction or ground disturbing activities, the project arborist shall meet with all contractors involved with the development of this project to review tree protection measures. Any new contractors brought on site shall also meet or communicate with the project arborist by phone or video conference to ensure they are aware of all tree protection measures.
5. If construction occurs during the months of June through November, the TPZ shall be irrigated to a depth of 12 inches 1 time before construction begins, which will ensure the tree is properly hydrated. Additional irrigations during construction may be recommended by the project arborist.
6. Monitoring of tree protection measures and construction around the tree by the project arborist shall occur throughout the construction of the project on a weekly basis or as required by the City of Paso Robles.
7. Hand-dig or hydro excavate trench at limits of grading around tree to expose roots. Trench shall be dug to a depth of 2'. If any roots 1" diameter or larger are discovered, they shall be cut with a sterilized pruning saw or reciprocating saw. All root cutting shall be supervised by the project arborist.
8. Prior to construction activities, install tree protection fencing at limits of grading. Set fencing at a 60' radius measured from the outside of trunk of tree and encircle the entire TPZ of the tree. Fencing shall be made of chain-link fence panels 6' H x 8' W. Affixed panels to driven steel posts. Project arborist to verify all are correctly installed. Fencing may be removed upon completion of construction activities.

# Exhibit D

## Mitigation Measures – Conditions of Approval:

MM BIO-1: Vegetation removal and initial site disturbance shall be conducted between September 1 and January 31 outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season (February 1 to August 31), then preconstruction nesting bird surveys shall be conducted by a qualified biologist to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required.

If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. Nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist.

MM BIO-2: To avoid direct take of SJKF during construction in accordance with the CDFW and San Luis Obispo County Guide to SJKF Mitigation Procedures Under CEQA, the project owner shall adopt the Standard Kit Fox CEQA Mitigation Measures and shall be included on development plans. The following measures shall be implemented:

- A maximum 25 mph speed limit shall be required at the project site during construction activities.
- All construction activities shall cease at dusk and not start before dawn.
- A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
- Exclusion zone boundaries shall be established around all known and potential SJKF dens.
- All excavations deeper than 2 feet shall be completely covered at the end of each working day, or fitted with wildlife escape ramps.
- All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
- All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
- All food-related trash shall be removed from the site at the end of each workday.
- Project-related equipment shall be prohibited outside of designated work areas and access routes.
- No firearms shall be allowed in the project area.
- Disturbance to burrows shall be avoided to the greatest extent feasible.
- No rodenticides or herbicides should be applied in the project area.
- Permanent fences between any remaining habitat areas shall allow for SJKF passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level).
- To avoid take of any SJKF and/or active SJKF dens, within 30 days prior to the initiation of site disturbance, implement the SJKF den survey and den closure protocol for unoccupied dens. Any SJKF occupied dens shall be avoided until the SJKF leave the den/site.

# Exhibit D

- Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

MM CUL-1 In the event that cultural resources including human remains are encountered during ground disturbance activity, the project shall stop all activity within a 100-foot radius of the find and the project archaeologist shall access the situation with the County Coroner to verify the next steps and determine when construction may resume.