



Air Pollution Control District  
San Luis Obispo County

**VIA EMAIL ONLY**

March 31, 2023

Darcy Delgado  
City of Paso de Robles Community Development Department  
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Paso Robles, CA 93446  
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SUBJECT: APCD Comments Regarding the Rolling Hills Apartment Complex Mitigated Negative Declaration

Dear Darcy Delgado:

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 Mitigated Negative Declaration (MND) for the proposed project located at 1049 Creston Road in Paso Robles. The project proposes to develop a multifamily apartment site consisting of 135 dwelling units located within seven, three story buildings, a one-story clubhouse (2,804 square-foot), a pool (1,184 square-foot), and 267 onsite parking spaces on 6.2 acres. Adjacent properties consist of single-family residential properties to the north, west, northeast, and southeast, a preschool located to the east, religious institutions to the south and southwest, and commercial properties to the east. The site has been historically used for agricultural purposes and is currently vacant. The Paso Robles Municipal Airport is located approximately 3.25 miles northeast of the proposed project site. The proposed construction is estimated to be completed in 17 months.

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The following comments are formatted into 3 sections. The **(1) General Comments** section states information pertinent to the applicant, lead agency, and/or public. The **(2) Air Quality** and **(3) Greenhouse Gas Emissions** sections may state mitigation measures and/or rules and requirements which the APCD recommends be set as conditions of approval for the project.

The **applicant** or **agent** should contact the APCD Engineering & Compliance Division about permitting requirements stated in the (1) General Comments section. The **lead agency** may contact the APCD Planning Division for questions and comments related to proposed conditions of approval in the (2) Air Quality and (3) Greenhouse Gas Emission sections. Both Divisions can be reached at 805-781-5912.

Please Note: The APCD recently updated the [Land Use and CEQA Webpage](#) on the [slocleanair.org](http://slocleanair.org) website. The information on the webpage displays the most up-to-date guidance from the SLO County APCD, including the [2021 Interim CEQA Greenhouse Gas Guidance](#), [Quick Guide for Construction Mitigation Measures](#) and [Quick Guide for Operational Mitigation Measures](#).

## (1) General Comments

### Infill within Urban Reserve Lines & Village Reserve Lines

The APCD encourages balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. The APCD supports the project proponents on their use of infill development, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.

### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators;
- Internal combustion engines; and
- Tub grinders.

### Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:

- Portable generators and equipment with engines that are 50 hp or greater;

### Residential Wood Combustion

Residential wood burning devices such as wood or pellet stoves or inserts installed in new dwelling units after May 15, 2020 shall have particulate matter emission rates not exceeding 2.0 g/hr and must be certified by the U.S. Environmental Protection Agency (EPA) "Step 2" New Source Performance Standard. The list of EPA certified wood stoves and inserts can be found at [epa.gov/compliance/epa-certified-wood-heater-database](http://epa.gov/compliance/epa-certified-wood-heater-database). Additionally, residential wood burning devices such as fireplaces must comply with [APCD Rule 504](#) to be eligible for installation in new dwelling units. The APCD encourages the use of lower emission heating alternatives that can be used in place of wood burning devices.

## (2) Air Quality

### CONSTRUCTION PHASE

#### Construction Phase Impacts - Exceeds Threshold(s)

To assess the accuracy of the modeling accomplished by the project's consultant, APCD modeled the project with the current web version of CalEEMod. We found similar construction phase impacts. To adequately mitigate potential ozone precursor emissions in excess of APCD's 2.5 ton per quarter threshold, **we recommend only low volatile organic compound (VOC) paint usage that has an VOC content of no more than 50 grams per liter be added as a mitigation measure to the project's construction phase.** Additionally, as the project is located within 1,000 feet of a preschool and single-family residences, the applicant correctly identified APCD's Fugitive PM10 Mitigation Measure language in the Green House Gas Emission Analysis, but the applicant did not include this air quality mitigation measure in the Mitigation Monitoring and Reporting Plan in Attachment 9 to the MND. **APCD recommends the Fugitive Dust Mitigation Measures listed below for inclusion in the Mitigation Monitoring and Reporting Plan.**

#### Fugitive Dust Mitigation Measures: Expanded List

Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit ([APCD Rule 401](#)) and minimize nuisance ([APCD Rule 402](#)) impacts:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: [Products Available for Controlling Dust](#);
- c. All stockpiled dirt should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
- e. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114;
- f. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out

prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

- g. All fugitive dust mitigation measures shall be shown on grading and building plans;
- h. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
- i. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- j. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- k. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- l. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
- n. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

## OPERATIONAL PHASE

### Operational Phase Impacts - Below Threshold

Based on the APCD's operational phase emission estimates using the most recent CalEEMod computer model, the operational phase would likely be less than the APCD's significance threshold values identified in Table 3-2 of the CEQA Air Quality Handbook. **Therefore, APCD is not requiring any operational phase criteria pollutant mitigation measures for this project.**

## (3) Greenhouse Gas Emissions

The project proponent evaluated the greenhouse gas (GHG) emissions based on the outdated bright-line and service population GHG thresholds and determined the operational phase emissions and combined construction emissions (1,421 MT CO<sub>2</sub>e per year) were more than the bright-line threshold and less than the service population threshold. The bright-line and service population GHG thresholds for commercial and residential projects in the 2012 SLO County APCD Handbook are AB 32 based and project horizons are now beyond 2020; SLO County APCD does not

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recommend the use of these thresholds in CEQA evaluations. The APCD developed the [2021 Interim CEQA Greenhouse Gas Guidance](#) document to provide administrative clarification on the SLO County APCD Handbook's thresholds of significance for GHG emissions and to provide information on current trends, best practices, and legislation.

The 1,421 MT CO<sub>2</sub>e per year exceeds an interim GHG threshold of 690 metric tons of carbon dioxide equivalent emissions per year the city may find to be applicable for this project. This interim threshold is in the spirit of SB 32's 2030 GHG reduction target. APCD modeled the project emissions using the most recent CalEEMod computer model and determined that the 2027 unmitigated operational GHG emissions for the proposed project, including amortized construction GHGs (17 MT CO<sub>2</sub>e per year) would total 740 MT CO<sub>2</sub>e per year. However, using the following mitigation measures, the project proponent could achieve a 13% reduction in operational GHG emission and achieve operational plus amortized construction emissions of 643 MT CO<sub>2</sub>e per year:

- **The applicant commit to the project receiving 3Cprime power from Central Coast Community Energy; and**
- **The applicant commits to using a landscape provider that will use only zero-emission landscape equipment for the Rolling Hills Apartment Complex.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 805-781-5912.

Sincerely,



ASHLEY GOLDLIST  
Air Quality Specialist

ASG/edc

cc: Kim Berry, Red Tail Land Development, LLC (kberry@rtacq.com)