

RESOLUTION NO. 10-070
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
MAKING FINDINGS, ADOPTING STATEMENT OF OVERRIDING CONSIDERATIONS,
AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE REDEVELOPMENT OF OAK PARK PUBLIC HOUSING
(PD 10-001 AND TRACT 3024)

WHEREAS, an Environmental Impact Report (EIR) was prepared for the redevelopment of Oak Park Public Housing, a project that entails the demolition of 148 existing affordable housing units and construction of 302 new affordable housing units and development of a park with a community center, soccer field, basketball court, and volleyball court (“the Project”); the Project is located between 28th and 34th Streets and between Park Street and the railroad tracks; and

WHEREAS, at its meeting of May 11, 2010, the Planning Commission conducted a public hearing on the project and unanimously recommended that the City Council certify the EIR and approve the project; and

WHEREAS, a public hearing was conducted by the City Council on June 1, 2010; and

WHEREAS, the EIR was considered by the City Council after extensive review by City staff and other agencies on June 1, 2010, and with the comments of the Planning Commission and concerned public; and

WHEREAS, notices of said public hearing(s) were made at the time and in the manner required by law; and

WHEREAS, the potential environmental impacts of the project have been evaluated in accordance with the California Environmental Quality Act (CEQA) and the City’s Rules and Procedures for Implementation of CEQA; and

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing(s).

BE IT RESOLVED by the City Council as follows:

SECTION 1. Environmental Determination. The City Council hereby certifies that the Final EIR adequately identifies the Project’s potentially significant impacts, alternatives to the proposed Project, and recommended mitigation measures.

SECTION 2. Final EIR Findings and Statement of Overriding Considerations. Based upon all the evidence, the City Council makes the following findings and statement of overriding considerations in certifying the Final EIR:

1. The Final EIR has been completed in compliance with CEQA and was considered by the City prior to any approvals of the project.
2. The Final EIR reflects the independent judgment of the City
3. For each significant effect identified in the Final EIR under the categories of Air Quality, Biological Resources (Oak Trees), Paleontological Resources, Archaeological Resources, Hazardous Materials, and Noise, the approved mitigation measures contained in the Final EIR will avoid or substantially lessen the identified adverse environmental impacts of the project to a level where they are not significant and have been incorporated into the project.
4. The significant effects identified in the Historical Resources section of the EIR will not be fully mitigated to a degree where they are not significant with the incorporation of all of the identified mitigation measures contained in the Final EIR. However, the City Council finds that the adverse

environmental effects are acceptable and makes a statement of overriding considerations for those significant and unavoidable environmental impacts because:

- a. Based on maintenance records maintained by the Housing Authority, the rate of deterioration of the 70 year old dwelling units and expenses to repair them, has increased in recent years. In 2009, the plumbing in one unit was so badly deteriorated, that the unit was declared inhabitable and removed from service.
 - b. Based on a forensic investigation report prepared in 2005 for the Housing Authority, the cost to rehabilitate the units was estimated to be more than \$9.7 million.
 - c. The existing units contain asbestos and lead-based paint, both of which are recognized as serious health hazards.
 - d. The buildings' exteriors and public improvements (streets, recreation buildings, landscaping) are showing signs of aging that present a blighting influence on the greater neighborhood.
 - e. The existing landscaping, which features extensive use of lawns, which drain the City's water resources.
5. The City Council has identified the following overriding economic, social, and other public benefits of the project, which are additional reasons that the significant and unavoidable impacts identified in the Final EIR can be found acceptable, and hereby adopts them as a statement of overriding considerations:
- a. Based on the City's share of the Regional Housing Need as reported in the 2004 Housing Element, there is an acute need for additional 690 housing units that are affordable to low and very-low income households.
 - b. The existing pattern of development in Oak Park, at a density of about 7 units per acre in an area that is designated for multi-family residential at 12 units per acre, is inefficient. There are relatively large open spaces that are covered in lawn, which use too much water to maintain, and which do not usable for active recreation.
 - c. The City's Economic Strategy and General Plan promote compact urban development, which seeks to concentrate housing in urban settings to reduce sprawl and its attendant impacts to air quality, green house gases, energy consumption, water consumption, and traffic congestion. A compact urban form, at the General Plan density of 12 units per acre offers opportunities for alternative transportation modes (ride-sharing, transit, walking, bicycles), which reduces the impacts mentioned above.
 - d. The Project proposes to incorporate low impact design features which will reduce run-off and help improve the quality of groundwater.
 - e. The Project will provide improved recreational amenities, including a City Park and a new Community Center, that will benefit the neighborhood beyond the borders of Oak Park.
6. The Mitigation Monitoring Program, attached as Exhibit A to this resolution, has been reviewed by the City Council in conjunction with its review of the final EIR, and shall be carried out by the responsible parties by the identified deadlines.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June, 2010 by the following vote:

AYES: **Gilman, Hamon, Steinbeck, Strong and Picanco**

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

**Exhibit A to Resolution 10-070
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The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type:Project, ongoing, cumulative

Monitoring Department or Agency:Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans:When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation:When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks:Area for describing status of ongoing mitigation measure, or for other information.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<p>6.2-1 The project as proposed incorporates the following Project Design Features (PDFs) listed in the San Luis Obispo County <i>CEQA Air Quality Handbook</i> that will mitigate the air quality impacts of the project:</p> <ul style="list-style-type: none"> • Orient buildings toward streets with automobile parking in the rear to provide a pedestrian-friendly environment; • Provide a pedestrian-friendly and interconnected streetscape to make walking more convenient, comfortable, and safe (including appropriate signalization and signage); • Provide good access to/from the development for pedestrians, bicyclists, and transit users; • Design and build compact communities in the urban core to prevent sprawl; • Increase density within the urban core and urban reserve lines; • No residential wood burning appliances; • Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel to adjacent land uses; and • Develop recreational facility (e.g., parks, gym, pool, etc.) within one quarter of a mile from site. • These project features would mitigate project emissions of ROG and NOX to a less than significant level. 	Project	Community Development	Yes		

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<p>6.2-2 The project as proposed incorporates the following Project Design Features (PDFs) that will mitigate the GHG emissions impacts of the project:</p> <ul style="list-style-type: none"> • Proximity to bike path/bike lanes; • A pedestrian access network that internally links all uses and connects to all existing/planned external streets and pedestrian facilities contiguous with the project site; • Site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential and nonresidential uses that impede bicycle or pedestrian circulation are eliminated. • Provide a low-income housing component on-site • Infill development • Project does not feature fireplaces or wood burning stoves. • These project features would mitigate project GHG emissions to a less than significant level. 	Project	Community Development	Yes		
<p>6.3-1 In the event that previously unknown paleontological resources are encountered during excavation and/or construction activities, the City of El Paso de Robles shall be notified immediately and work within 100 feet of the find shall stop to allow a certified paleontologist to evaluate and appropriately remove the find for preservation, identification, analysis, and the eventual storage of paleontological resources found during excavation and/or construction activities.</p>	Project	Community Development	N/A		
<p>6.3-2 If unique archaeological resources are accidentally discovered during demolition and site clearing, work shall be halted and the area shall be staked off. The City of Paso Robles shall notify the State Historic Preservation Office (SHPO)/tribal historic preservation officer (THPO) and the Director of the Archaeological Regional Research Center within 48 hours to arrange for an immediate evaluation of the find by a qualified archaeologist. The qualified archaeologist shall determine whether or not the site is a historical resource as defined by 36 CFR 800.4(c). If it is determined that the site is a historic resource, the Housing Authority of the City of Paso Robles/City of Paso Robles shall refer to the provisions of 36 CFR 800.13 to determine the potential adverse effects of the project on the historical resource pursuant to Section 106 of the National</p>	Project	Community Development	N/A		

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<p>Historic Preservation Act. It is found that the project will result in an adverse effect to historic resources, the City of Paso Robles shall continue consultation with the SHPO/THPO and other consulting parties with regard to a resolution and executing a Memorandum of Agreement pursuant to 36 CFR 800.6. If it is determined that no adverse effect would occur, a finding of no significant effect shall be proposed in consultation with SHPO/THPO. The SHPO/THPO will have 30 days to review proposed finding. The City of Paso Robles shall carry out the undertaking in accordance with 36 CFR 800.5(d)1 if there is an agreement with or no objection to the finding. If the SHPO/THPO disagrees with the finding, further consultation would be required pursuant to 36 CFR 800.5(c)2.</p>					
<p>6.3-3 If human remains are found during demolition and site clearing, there shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the coroner of San Luis Obispo County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) and the tribal historic preservation officer (THPO) within 24 hours. The NAHC/THPO shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or their authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>	Project	Community Development	N/A		
<p>6.3-4 Existing structures within the project site shall be photographed according to Historic American Building Survey (HABS) Level 1 standards for photography prior to demolition. Views shall include all exterior elevations for each</p>	Project	Community Development	N/A		

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building, important interior features, key spatial relationships among buildings, and exterior hardscape features. The negatives and archival quality prints of this documentation shall be donated to an appropriate repository, such as the Paso Robles Historical Society or the Paso Robles Public Library.					
6.5-1: Prior to the issuance of demolition permits, a licensed asbestos assessment contractor shall conduct a study of all on-site structures to identify all asbestos-containing materials, and submit a report presenting the findings of the study to the City of Paso Robles for review and approval.	Project	Public Works: Building Division	N/A		
6.5-2: Prior to the issuance of demolition permits, a licensed lead-based paint assessment contractor shall conduct a study of all on-site structures to identify all lead-based paint, and submit a report presenting the findings of the study to the City of Paso Robles for review and approval.	Project	Public Works: Building Division	N/A		
6.5-3: All asbestos-containing materials shall be removed by a licensed asbestos removal contractor according to the requirements the San Luis Obispo County APCD. Certification of removal shall be approved by the San Luis Obispo County APCD or the City of Paso Robles prior to demolition of any existing structure.	Project	Public Works: Building Division	N/A		
6.5-4: All lead-based paint materials shall be removed by a licensed lead-based paint removal contractor according to the requirements of CCR Sections 1532.1 et seq. and 35001 et seq. Certification of removal shall be approved by the City of Paso Robles prior to demolition of any existing structure.	Project	Public Works: Building Division	N/A		
6.10-1 Prior to issuance of a building permit, a noise study identifying design features to meet the maximum allowable 45 db(A) L _{dn} noise levels within residential units from rail line noise shall be prepared and submitted to the Planning Department for review and approval. Measures to reduce interior noise levels to an acceptable level may include, but are not limited to, installation of noise-insulating windows, the provision of mechanical ventilation or air conditioning to allow for windows to remain closed.	Project	Public Works: Building Division	N/A		
10.0-1: Seasonal Restriction. Removal of trees during initial site development should be limited to the period between September 1 and January 31. If tree removal or construction is to occur during the bird nesting season (February 1 through August 31), a City-approved biologist shall conduct a survey at the site for	Project	Community Development	N/A		

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<p>active nests two weeks prior to any scheduled tree removal, tree pruning, development, or grading. If active nests are located, setbacks for construction work would be required until the nest is no longer active or the young have fledged. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply.</p>					
<p>10.0-2 Prior to the removal of any oak tree 6 inches or more in diameter as measured at breast height (dbh), the project applicant shall apply to the Community Development Department for an oak tree removal permit. Subject to the approval of such permits, the applicant shall provide on-site replacement trees in accordance with the requirements of the City of Paso Robles Municipal Code Section 10.01.050.</p> <p>a. With the approval of PD 10-001, 10 oak trees (273 inches) are approved for removal as recommended by the Arborist Report. The mitigation for the removal of the trees is the requirement to plant 35 to 46 trees with 1.5 inch to 2-inch trunk caliper with the Oak Park community. Refer to the Tree Preservation Plan (Exhibit M) for the proposed placement of the trees. In the event that Tree No. 3 is able to be saved, the number of replacement trees would be reduced accordingly.</p> <p>b. Prior to the removal of any oak tree 6 inches or more in diameter as measured at breast height (dbh), the project applicant shall apply to the Community Development Department for an oak tree removal permit. Subject to the approval of such permits, the applicant shall provide on-site replacement trees in accordance with the requirements of the City of Paso Robles Municipal Code Section 10.01.050.</p>	Project	Community Development	N/A		
<p>10.0-3 In order to avoid impacts to existing oak trees, the project applicant shall implement the mitigation measures provided in the <i>Tree Preservation Plan for Oak Park</i> during all demolition and construction activities.</p> <p>The following mitigation measures/methods must be fully understood and followed by anyone working within the critical root zone of any native tree. Any necessary clarification will be provided by the arborists upon request.</p>	Project	Community Development	N/A		

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<p>a. It is the responsibility of the owner or project manager to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the critical root zone of any native tree and confirm they are trained in maintaining fencing, protecting root zones and conforming to all tree protection goals. It is highly recommended that each contractor sign and acknowledge this tree protection plan.</p> <p>b. Any future changes (within the critical root zone) in the project will need Project Arborist review and implementation of potential mitigation measures before any said changes can proceed.</p> <p>c. Fencing: The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked (with t posts 8 feet on center) at the edge of the critical root zone or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. Weather proof signs shall be permanently posted on the fences every 50 feet, with the following information:</p> <div data-bbox="216 1052 632 1295" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p align="center">Tree Protection Zone No personnel, equipment, materials, and vehicles are allowed Do not remove or re-position this fence without calling: A & T Arborists 434-0131</p> </div> <p>d. Soil Aeration Methods: Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include</p>					

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<p>water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.</p> <p>e. Chip Mulch: All areas within the critical root zone of the trees that can be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.</p> <p>f. Trenching Within Critical Root Rone: All trenching within the critical root zone of native trees shall be hand dug. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A Mandatory meeting between the arborists and grading contractor(s) must take place prior to work start.</p> <p>g. Grading Within The Critical Root Zone: Grading should not encroach within the critical root zone unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.</p> <p>h. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.</p> <p>i. Existing Surfaces: The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.</p> <p>j. Construction Materials and Waste: No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials either.</p> <p>k. Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the owner(s) or their designee to inform us prior to these events so we can make arrangements to be present. All monitoring will be documented on the field report form which will be</p>					

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<p>forwarded to the project manager and the City of Paso Robles Planning Department.</p> <ul style="list-style-type: none"> ● pre-construction fence placement inspection ● any other encroachment the arborist feels necessary <p>l. Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work done in these areas was completed to the standards set forth above.</p> <p>m. Pruning : Class 1 pruning has emphasis on aesthetics, removal of dead, dying, decaying weak branches and selective thinning to lesson wind resistance. Class 2 pruning is recommended where aesthetic conditions are secondary to structural integrity and tree health concerns. It shall consist of removal of dead, dying, decaying, interfering, obstructing and weak branches as well as selective thinning to lesson wind resistance. Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned prior to any grading activities to avoid any branch tearing.</p> <p>n. Landscape: All landscape within the critical root zone shall consist of drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation. For this site it is strongly recommended that drought tolerant native landscape is used with the approval of the arborist. This includes all city sidewalk/greenbelt areas.</p> <p>o. Utility Placement: All utilities, sewer and storm drains shall be placed down the roads and driveways and when possible outside of the critical root zones.</p>					

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<p>The arborist shall supervise trenching within the critical root zone. All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter.</p> <p>p. Fertilization and Cultural Practices: As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.</p>					