

RESOLUTION NO. 92-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT ON THE  
WOODLAND PLAZA II AS ADEQUATE

WHEREAS, the applicant, Halferty Development Company, has proposed to rezone an approximate 39 acre site from PM (Planned Industrial) to RC (Regional Commercial), and to construct an approximate 425,000 square foot shopping center in three development phases, located at the southwest corner of Niblick and South River Roads (referred to as the Woodland Plaza II project); and

WHEREAS, the shopping center constitutes a "project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, consideration of the project is a discretionary action of the Planning Commission of the City of Paso Robles (City), and the City is defined under CEQA as the "lead agency" for the project; and

WHEREAS, in its capacity as lead agency, the City has overseen the preparation of an environmental impact report (EIR) on the probable environmental effects of the proposed project; and

WHEREAS, a draft of the EIR on the Woodland Plaza II project was circulated to all responsible agencies and other interested agencies, organizations, and individuals for a period of forty-five (45) days concluding July 14, 1992, ; and

WHEREAS, copies of the Draft EIR on the Woodland Plaza II project were also available throughout the forty-five day period referenced above for public inspection and review at City Hall and the public library; and

WHEREAS, the City received thirteen (13) letters commenting on the content of the Draft EIR by the close of the forty-five day review period referenced above; and

WHEREAS, on July 14, 1992, the Planning Commission of the City of Paso Robles conducted a public hearing and took testimony from thirteen (13) persons on the Woodland Plaza II EIR; and

WHEREAS, responses to the comments contained in the thirteen letters and made by the thirteen (13) speakers have been prepared and the Final EIR has been modified, enhanced or refined in response to these comments; and

WHEREAS, public testimony raised no new issues or concerns related to the environmental impacts of the Woodland Plaza II project not previously addressed in the EIR or adequately responded to by the City's consultant, staff or legal counsel in the Final EIR; and

WHEREAS, the Planning Commission of the City of Paso Robles has had the opportunity to review and consider the content of the EIR for the proposed Woodland Plaza II project and has itself heard testimony regarding the EIR from the public at hearings conducted on July 14, 1992 and August 25, 1992; and

WHEREAS, on August 25, 1992, the Planning Commission adopted Resolution 92-049 which made the determination that the Final EIR for the Woodland Plaza II project fully and adequately addresses, identifies and evaluates all potential environmental consequences of the proposed development of the Woodland Plaza II project and fully conforms to the requirements of the California Environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA (CEQA Guidelines), and certification of the EIR in its present form is appropriate, responsible, and in the interests of the citizens of the City of Paso Robles and the State of California; and

WHEREAS, on September 4, 1992, an appeal of the Planning Commission's August 25, 1992 action of EIR certification was filed by Mr. Chris Ivey at the Community Development Department along with the required fees, and

WHEREAS, on October 6, 1992 the City Council of the City of Paso Robles conducted a duly-noticed public hearing to consider facts as presented in the staff report prepared for this appeal application, and to accept public testimony regarding the appeal, and

WHEREAS, Section 15185 of the State CEQA Guidelines, relating to administrative appeals on the adequacy of environmental documents, provides that the decision-making body to which an appeal has been made shall consider the environmental document and determine that it has been completed in compliance with CEQA; and

WHEREAS, the City Council also received and considered copies of the Final EIR prepared for the Woodland Plaza II Project (hereinafter also referred to as "the project").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1 - Impact on Downtown:

- a. The City determined not to include economic information in the EIR pursuant to Section 15131 of the CEQA Guidelines.
- b. Economic information and analysis regarding the project site was included in professional market analyses prepared independently under contract to the City of Paso Robles entitled "Paso Robles Market Trends and Potentials" (January 1990) and "Feasibility Assessments for Auto & Home Improvement, Regional Shopping & Factory Outlet Lodging and Conference Centers" (April 1990); both reports were prepared by Nudelman Associates, Retail Management Consultants, and both of the above referenced reports were presented to and

considered by the City, are on file in the Community Development Department at the City of Paso Robles.

- c. The Final Environmental Impact Report prepared for the City's General Plan Update, prepared by ERCE, and certified by the City Council in August of 1991, contains economic information and analysis relating to the regional commercial use of this particular 39 acre site, and that document is on file in the Community Development Department at the City of Paso Robles.

SECTION 2 - Solid Waste Impacts:

- a. Pursuant to Section 15128 of the CEQA Guidelines the Initial Study prepared by the City staff and included within the Final EIR, summarizes that the solid waste generated from this project will have an insignificant impact on the City owned and operated landfill, based on participation in recycling programs, compliance with mitigation measures established under the ongoing County Waste Management Plan, and the following facts:
  - b. The City of Paso Robles owns and operates an 80-acre landfill located approximately six (6) miles east of the City of Paso Robles off Highway 46.
  - c. There is currently approximately 100 tons per day of refuse being taken to the landfill.
  - d. At its completion, the project is anticipated to generate less than 6 tons per day (in the absence of recycling) of waste which would be transported to the City owned and operated landfill.
  - e. Under California law Cities must plan to accommodate solid waste streams to the year 2006.
  - f. Based on a recent study by Penfield & Smith, the landfill life calculations, assuming implementation of recycling within the City, estimates the useful life to the year 2052. This useful life estimation takes into account both residential and commercial waste generation increases throughout the City.
  - g. The City is required to meet the mandates of AB 939 for solid waste reduction.
  - h. The City has undertaken an aggressive program of curbside recycling and greenwaste reuse consistent with the assumptions of the Penfield & Smith study.
  - i. The City will soon be considering the implementation of a Source Reduction and Recycling Element as required by the Integrated Waste Management Board to meet the goals of the AB 939 requirements.

- j. The proposed commercial project will be participating in recycling of materials generated by the site in conformance with the City guidelines and AB 939 requirements.
- k. City staff discussions with Mr. Dale Gomer who operates Paso Robles Waste Disposal (the waste disposal franchisee for the City of Paso Robles), further confirm that the solid waste generated by the proposed project would not have a significant or negative effect on the ability of Paso Robles Waste Disposal to provide services.
- l. Based on the referenced facts regarding waste generated by the project in relation to the available capacity at the Paso Robles landfill through the year 2052, the conclusion of the preliminary environmental studies being that impacts generated by this project would be negligible, is accurate and permissible pursuant to CEQA.

SECTION 3 - Alternatives:

- a. CEQA requires that an EIR provide reasonable consideration to alternatives before approving a project.
- b. The Final Environmental Impact Report (FEIR) for Woodland Plaza II (Rezone 91002, PD91010 and CUP 91010), SCH # 92021036 addresses alternatives to the proposed project on pages II-6 and II-8 (Table S: Summary of Environmental Impacts and Mitigation Measures), and in Chapter V of the Document (pages V-2 through V-8, plus Alternative Sites Map No. 9 and Table AP: Comparison of Alternatives to the Proposed Project;
- c. Alternatives examined in the FEIR include: No Project, other allowable uses, reduced scale project, alternative site, mitigated project; a table is provided to compare the merits of the alternatives. A map is provided identifying the alternative sites examined in the document. A total of four (4) alternative sites are addressed (in addition to the "No Project", "Other Allowable Uses", and "Reduced Scale Alternative".
- d. Consistent with Section 15126 (d) of the California Environmental Quality Act (CEQA), the FEIR for Woodland Plaza II examines the "No Project" alternative, analyzing the relationship between the Woodland Plaza II and alternative projects that a property owner could seek to develop in a manner consistent with the existing PM (Planned Industrial) land use category. Land uses permitted in the Planned Industrial Zone include a variety of land uses that can be characterized as generally more intensive than retail commercial goods and services. These more intensive Planned Industrial land uses include research laboratories and institutes, electronic products and instrument manufacturing, prototype production, precision machine shops appurtenant to any permitted use; printing and lithography; fabrication of

plastic products; storage warehouse; electrical and designing; public utility buildings and uses; furniture upholstery; furniture manufacturing; finished paper products; assembly and construction of paper products; garment manufacturing; laundry and dry cleaning plants.

- e. The minimum rear yard requirement for Planned Industrial zone land uses is ten (10) feet where it abuts residentially zoned property; in contrast, the project being evaluated in the FEIR reflects buildings no closer than 60 feet from the nearest residential zoned property. The project addressed in the FEIR provides a minimum 25 foot front and side yard setbacks; in contrast, the Planned Industrial Zone would provide 15 foot setbacks in comparable locations.
- f. In addition to the increased setbacks reflected in the project plans and FEIR, the site plan for the project reflects landscaping of front, side, and rear yard locations. The site plan and FEIR give particular attention to the relationship to the adjacent residential development to the south of the subject site. The project plans also provide for substantial on-site landscaping and designated open space areas.
- g. In terms of an analysis of the potential development under the existing Planned Industrial zoning of the subject property, the FEIR concludes that, "...in the long term, the mitigated project has the advantage of minimizing significant impacts below the potential levels of the no project alternative;
- h. Also consistent with Section 15126 (d) of the California Environmental Quality Act (CEQA), the FEIR for Woodland Plaza II examines the alternatives of "other allowable uses", "reduced scale alternative project", and "alternative sites(s) at Highway 46/101 Intersection and Golden Hill-Union-Road sites. The document discusses the impact of State and Federal court cases on environmental assessment and summarizes the guidance provided. Issues of feasibility are addressed for the alternative sites.
- i. Section 15126 (d) of the California Environmental Quality Act (CEQA) addresses the "rule of reason" that "requires the EIR to set forth only those alternatives necessary to permit a reasoned choice". "An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. (Residents Ad Hoc Stadium Committee v. Board of Trustees (1979) 89 Cal. App. 3d 274)." In this respect, the alternatives that were examined reflect recommendations as to alternative sites identified by a professional market analysis prepared independently under contract to the City of Paso Robles entitled "Paso Robles Market Trends and Potentials" (January 1990) and "Feasibility Assessments for Auto & Home Improvement, Regional Shopping & Factory Outlet Lodging and Conference Centers" (April 1990);

both reports were prepared by Nudelman Associates, Retail Management Consultants.

- j. Section 15126 (d) of the California Environmental Quality Act (CEQA) provides that "...the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed. County of Inyo v. City of Los Angeles, 124 Cal App. 3d 1)" Section 15126 (d) of the California Environmental Quality Act (CEQA) does not require an analysis of archeological or biological impacts to alternative sites, and to do so would be cost prohibitive.
- k. The Final EIR adequately and responsibly discusses reasonable alternatives to the project, consistent with the requirements of CEQA.

SECTION 4 - Archaeological:

- a. Appendix K of the California Environmental Quality Act (CEQA), dictates how lead agencies, in this case the City, are to handle archaeological resources. The following facts and references taken from the Final Environmental Impact Report (FEIR) show how the subject environmental document complies with CEQA requirements:
- b. Section III of Appendix K of CEQA requires that if a project may affect an archaeological resource, "the agency shall determine whether the effect may be a significant effect on the environment." The section further prescribes that, "If a project may cause damage to an important archaeological resource, the project may have a significant effect on the environment." The section then lists a series of qualifying situations which would define an important archaeological resource as important as follows:

"A. Recognized significance in California or American history, or recognized scientific importance in prehistory.

B. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;

C. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;

D. Is at least 100 years old and possesses substantial stratigraphic integrity; or

E. Involves important research questions that historical research has shown can be answered only with archaeological methods."

- c. CEQA does not require that phase II testing (systematic testing usually involving excavation) be conducted in order to determine if any of the aforementioned criteria apply to an archaeological resource.
- d. The identified archaeological site, CA-SLO-993, was first discovered in conjunction with a secondary site north of Niblick Road (CA-SLO-992) by Robert and Rinell Gibson in 1978 (Page IV-C2 of the FEIR).
- e. Robert Gibson's observations of the two recorded sites included notations that a greater number of habitation-indicating artifacts existed on the southern site (CA-SLO-993) than on the northern site. (Page IV-C2 of the FEIR)
- f. Extensive testing was conducted on CA-SLO-992 on the north side of Niblick Road in conjunction with the development of Woodland Plaza I (Page IV-C3 of the FEIR). Based on the July, 1991 report prepared by Gibson, Atwood and Singer, documenting the recovery program conducted on CA-SLO-992, the site qualified as important under CEQA's Appendix K.
- g. With the importance of CA-SLO-992 established, and the documented characteristics of CA-SLO-993 being larger in scale and potentially richer in number of artifacts, archaeologist and EIR consultant Clay Singer concludes on Page IV-C4 of the FEIR, "In the case of CA-SLO-993, surveys and testing have already demonstrated that Sections B,C,D and E (of CEQA's criteria for determining whether an archaeological resource is important) are all applicable, and that intact portions of the site fit the definition of an "important archaeological resource."
- h. Clay Singer identifies within the Final EIR that, "excavations at CA-SLO-993 could reveal the presence of a mortuary area," (Page IV-C10, and also outlines the appropriate procedures for dealing with human remains per CEQA Appendix K (Page IV-C6 of the FEIR).
- i. Recommended mitigation measures are summarized on (Page IV-C10 of the FEIR) where it is stated that, "The recommended mitigation for the western part of the site should be similar to that which occurred at CA-SLO-992, but should be of a higher magnitude. The mitigation program should begin with a written research proposal and sampling method, progress to an extensive excavation and data recovery stage, and conclude with a synthesis of data and a comprehensive report. In addition, the program should incorporate both short and long term educational goals which could involve the Pioneer Museum and the local school district."
- j. The mitigation program for CA-SLO-992 which this project mitigation is likened to is described on Page IV-C3 of the FEIR, and the report which was completed in July, 1991 is on

file in the Community Development Department of the City of Paso Robles. Chapter 3.0 (Pages 23 through 27) of that report, completed July, 1991, provides precise detail as to the following elements of a recovery program: establishment of site bearings, depth and number of test holes, preparation of the site for excavation, method of excavation, method of recording data, and methods for sample processing and analysis.

- k. The short term elements of the mitigation program which Clay Singer recommends at Page IV-C10 of the FEIR are clearly stated and self explanatory, summarizing standard elements of a mitigation recovery program as previously cited in this document and meet the requirements of Section VI of Appendix K of the CEQA Guidelines. The long term mitigation program recommends educational goals which are described in discussions on Page IV-C8 of the FEIR and detailed on Page IV-C11 of the FEIR, noting that such long term programs would involve: "creation and enhancement of local museums, and ... to create hands-on educational programs which involve real archaeological deposits and materials".
- l. The Cultural Resources Section of the FEIR contained a typographical error on Page IV-C12, which was corrected by the environmental consultant, David Foote, at the Planning Commission meeting of August 25, 1992. The clarification was that "Ideally, the western (rather than the eastern) portion of the site should remain undisturbed." Within the context of the remainder of the Cultural Resources section of the FEIR it is clear that the western portion of the site is the more significant of archaeological resources.
- m. The Native American Heritage Commission in Sacramento was sent copies of both the Notice of Preparation (NOP) for the Draft EIR and a full copy of the Draft EIR. No response was received during the 30 day comment period on the NOP or during the 45 day public comment period on the Draft EIR. However, Larry Meyers, of the American Heritage Commission contacted the City on September 24, 1992 and stated that he had read the Cultural Resources section of the Final EIR and that he was satisfied with the adequacy of its contents.
- n. Based on existing information and data, the Final EIR appropriately identifies CA-SLO-993 as being an important archaeological resource as required by Appendix K of the CEQA Guidelines, then further proceeds to clearly establish the elements of a mitigation and recovery program which would need to take place in the event that the project was not redesigned to avoid the archaeological site.
- o. The Final EIR adequately and responsibly discusses impacts to archaeological resources of this Project, consistent with the requirements of CEQA.

SECTION 5 - General Plan consistency:

- a. Section IV-A of the Final Focused Environmental Impact Report (FEIR) discusses land use compatibility between the proposed commercial center and the surrounding properties and their respective uses. This section of the EIR clearly states the applicable general plan policies associated with the land use categories, as well as evaluates compliance with those policies, and recommends specific mitigation measures. Comprehensive analysis within the FEIR can be documented as follows:
- b. Applicable General Plan Policies applying to a) residential lands, b) public rights of way, and c) the Salinas River, are stated on Pages IV-A2 and A3 of the FEIR.
- c. Evaluation of the project's compliance with those policies is contained in Section IV-A3: "Environmental Impacts," beginning on Page IV-A3 and ending on Page IV-A12 of the FEIR. In this evaluation, the specific topics of setbacks, walls and screening, sensitive building orientation, and protection of view corridors are discussed in detail.
- d. Specific mitigation measures are discussed and recommended in Section IV-A4 : "Mitigation Measures," beginning on Page IV-A13 and ending on Page IV-A16 of the FEIR. Specific recommended measures, such as increasing the planted screen buffer along the western project boundary from 10 feet to 32 feet and to soften the graded slopes is an example of how the FEIR identifies how the project can be modified to lessen impacts identified within previous sections of the same chapter regarding land use compatibility (Page IV-A16 of the FEIR).
- e. The Final EIR adequately and responsibly discusses consistency of this project with the General Plan, as required under the provisions of CEQA.

SECTION 6 - Biological Resources:

- a. On Page IV-B14 of the EIR, it is stated, "Several options exist to mitigate the project impact of habitat loss", and the report goes on to list these options.
- b. Section IV-B7: "Analysis of Significance" states that, "The loss of about three acres of riparian habitat is a significant adverse effect", and further states that the proposed encroachment by the project into these areas would be inconsistent with General Plan, Fish and Game and CEQA guidelines.
- c. Section IV-B7 of the FEIR further goes on to restate mitigation measures identified on Page IV-B14 of the FEIR, and reads, "Without the implementation of one of these options

a,b, or c, a Statement of Overriding Considerations would be required if the project were approved." This statement evidences that with appropriate mitigation measures incorporated into the project, that special findings would not have to be made, and therefore the project would be in compliance with General Plan, Fish and Game and CEQA Policies and Guidelines.

- d. From reading in context the information provided within the FEIR, it is clear that the conclusion of the "Analysis of Significance" is that the project can be mitigated to a point of insignificance (and therefore compliance reached with all appropriate policies and guidelines), but without appropriate mitigation measures, a Statement of Overriding Consideration would have to be adopted.
- e. Design guidelines for bank protection or referred to on Page IV-D5 of the FEIR. One example of a design guideline on that same page is as follows: "The vegetative protection could be any plant material that both slows the rate of flow adjacent to the bank and binds the soil to the bank with root structure. Probably the most successful and acceptable vegetative protection would be a thick stand of willow trees planted along the toe of the fill bank."
- f. The Final EIR adequately and responsibly discusses impacts to biological resources of this Project, consistent with the requirements of CEQA.

SECTION 7 - Storm water runoff Quality:

- a. Sections 708 (Industrial Interceptors (Clarifiers) and Separators), Section 710 (Minimum Requirements for Auto Wash Rack), Section 711 (Grease Traps), and Section 712 (Grease Interceptors for Commercial Kitchens), of the State's Uniform Plumbing Code (UPC) dictate specific health and safety criteria for the proper handling of wastes which may be harmful to drainage systems, and public or private sewers. The health and safety criteria outlined in the noted UPC sections would prohibit a point source (user) from dumping any hazardous waste/pollutants into the drainage system, and would require pretreatment before such waste was discharged into the City's sewer system.
- b. The establishment of each point source (user) within the proposed center would be subject to obtaining a Certificate of Occupancy from the Community Development Department's Building Division, at which time compliance with all State health and safety standards would be enforced.
- c. Chapter IV of the Final Environmental Impact Report (FEIR) addresses stormwater runoff quality with specific attention to hydrocarbon sources generated by the use of automobiles and its existence within the asphalt.

- d. Point sources (specific potential users/occupants within the center) were specifically not evaluated within the FEIR based on technical State requirements already in effect which govern the proper disposal of potential hazardous materials associated with such users as dry cleaners, gas stations or automotive services, and the existence of adequate controlling mechanisms to enforce those technical requirements.
- e. City staff discussions with LSA Associates, the EIR sub-consultants who prepared the Noise Section (IV-H) of the FEIR, determined that noise levels associated with on-site parking lot sweeping would be no more intensive than noise levels generated by truck related activity associated with project operations.
- f. Page IV-H18 of the FEIR recommends specific mitigation relating to project operations impacts (including the more intense noise generator of truck deliveries). These mitigation recommendations include the construction of an eight (8) foot high solid masonry wall to separate the project from the adjoining residential uses, in order to mitigate noise impact below a level of significance.
- g. Page VI-E4 of the FEIR discusses several methods of dealing with urban runoff, including hydrocarbon separators. The FEIR section states that although such separators are sometimes required by agencies such as Fish and Game, "...if these devices are not properly maintained they may actually increase the concentration of pollutants in the silt and sediment flushed from the system during the season's first heavy rain." The discussion concludes that based on that potential risk for increased in concentration to pollutants, that, "These separators may not provide a significant improvement to the quality of the stormwater runoff and are not warranted in this situation."
- h. The Final EIR adequately and responsibly discusses impacts to water quality, storm drainage runoff and noise impacts associated with this Project, consistent with the requirements of CEQA.

SECTION 8 - Geologic Impacts:

- a. Pursuant to Section 15128 of the CEQA Guidelines the Initial Study prepared by the City staff and included within the Final EIR, summarizes that the seismic hazards associated with a developed project would be negligible, based on the project being conditioned to undertake a geotechnical study prior to design and technical review, that recommendations of that study are incorporated into building design prior to issuance of any construction permits, and the following facts:
- b. The Soils Engineering report prepared by Earth Systems, dated March 9, 1988, for the adjacent Bonita Homes residential

project (Tract 1508), concluded that the development of homes (including homes developed into areas of fill equivalent to that which is proposed for the Woodland Plaza II project) is suitable without any unusual engineering provisions. This report is on file in the Building Division at the City of Paso Robles.

- c. The Soils Engineering report prepared by Pacific Geoscience, dated February 12, 1990, for the Woodland Plaza I project on the north side of Niblick Road (commercial development constructed on fill adjacent to the Salinas River within 100 feet of the project site), concluded that the type of development proposed was suitable subject to engineered foundation recommendations. This report is on file in the Building Division at the City of Paso Robles.
- d. Chapter 3.12 (Soils) of the Environmental Impact Report prepared by QUAD consultants for the construction of the Niblick Bridge in August of 1980, specifies the types of soils in the Salinas River area and the impacts associated with construction in these areas. As indicated in the EIR prepared for the Niblick Bridge, when the bridge was constructed it required special soils related measures to be applied in project construction techniques.
- e. Mitigation of special soils conditions are a function of proper engineering to avoid any negative impact to health or safety. Therefore, the conclusion of the Initial Study prepared for the Woodland Plaza II project was that any construction would require special engineered construction techniques, and that these special requirements would be determined through the preparation of a Soils Engineering Report (Geotechnical report) which is a standard requirement in conjunction with other construction reports and documents.
- f. The Final EIR adequately and responsibly discusses geologic impacts of this Project, consistent with the requirements of CEQA.

SECTION 9 - Light and Glare:

- a. The potential impacts of light and glare and recommendations for mitigation of such impacts are discussed in detail in the Final Environmental Impact Report (FEIR).
- b. The impact of project lighting on the adjacent residential properties is described on Page IV-A12 of the FEIR, with notation of the detriment of unshielded illumination sources, along with reflection of sunlight.
- c. The identified mitigation measures for project lighting impacts are discussed on page IV-A13 of the FEIR and read as follows: "Light fixtures in the rear service area adjoining the residential area should not exceed 14 feet high. The

fixtures should be full cut-off shielded luminaries. An illumination uniformity ratio of 4:1 should be achieved. A higher (less uniform) ratio would not be adequate for security and a lower (more uniform) ratio would create high footcandle intensities near the light source that could not be fully screened for the residences. The 4:1 illumination ratio appears to be a safe, reasonable level of lighting. Fixtures must be mounted in the buffer area and face the commercial buildings. Planting mitigation will further block glare and reflection off buildings." The section further states that "Building mounted fixtures should not be placed higher than 10 feet on the building and only at doorways."

- d. Figures 4, 5, 6 & 7 of the FEIR illustrate specific planting mitigation to occur along the southern boundary of the project site adjacent to the residential properties. Each figure illustrates recommended planting within a varied planter width to further mitigate referenced light and glare concerns.
- e. The Final EIR adequately and responsibly discusses the impacts of light and glare of this Project, consistent with the requirements of CEQA.

#### SECTION 10 - PROCESS COMPLIANCE:

The attached Exhibit "A" to this resolution is a letter dated July 17, 1992, from the State Clearinghouse of the Governor's Office of Planning and Research, which acknowledges that the City of Paso Robles has complied with the State Clearinghouse review requirements of the California Environmental Quality Act.

#### SECTION 11 - DENIAL OF APPEAL:

Based upon the consideration of the Final EIR for the Project, the testimony of staff, the staff reports and exhibits, the evidence and testimony presented at the Hearing, and the findings contained in Section 1 through 10 above, the City Council hereby finds and resolves that the Final EIR constitutes a good faith effort at full disclosure in compliance with the requirements of the California Environmental Quality Act. The City Council further finds and resolves that the Planning Commission's findings were supported by substantial evidence in the Record and were otherwise proper. Therefore, the appeal of Chris Ivey of Planning Commission Resolution 92-049 making CEQA findings is hereby denied.

#### SECTION 12 - ADMINISTRATIVE FINDINGS:

In accordance with Section 15185 of the State CEQA Guidelines, which requires findings under Section 15091 and 15093, if appropriate, in relation to administrative appeals on the adequacy of environmental documents, the City Council hereby

finds that the Final EIR for the Woodland Plaza II project fully and adequately addresses, identifies and evaluates all potential environmental consequences of the proposed development of the Woodland Plaza II project and fully conforms to the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and certification of the EIR in its present form is appropriate, responsible, and in the interests of the citizens of the City of Paso Robles and the State of California, and that the City Council of the City of Paso Robles has reviewed and considered the information contained in this EIR prior to taking any action on the proposed Woodland Plaza II project.

SECTION 13 - JUDICIAL REVIEW:

Except as may otherwise provided in Public Resources Code Section 21000 et seq. relating to challenges under the California Environmental Quality Act, judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

SECTION 14 - EFFECT DATE:

This Resolution shall take effect upon its adoption.


PASSED AND ADOPTED THIS 6th day of October, 1992 by the following roll call vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen

NOES: None

ABSENT: None

  
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MAYOR CHRISTIAN E. IVERSEN

ATTEST:  
  
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RICHARD J. RAMIREZ, CITY CLERK