

RESOLUTION NO. 03-027  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO GRANT APPROVAL FOR PLANNED DEVELOPMENT 02-018  
(PASO ROBLES NON-PROFIT HOUSING CORP./OAK PARK SENIOR HOUSING)

WHEREAS, Planned Development 02-018 has been filed by the Paso Robles Non-Profit Housing Corp. (PRNPHC), and is a proposal to develop 40 apartment units for low income seniors on a 1.1 acre site located on the northeast corner of 28th and Park Streets; and

WHEREAS, the site is designated by the General Plan for Residential Multiple Family, Medium Density land use and is zoned R-3; and

WHEREAS, Municipal Code Section 21.23B.030.A.4 requires adoption of a development plan in conjunction with any multi-family residential development consisting of 5 or more dwelling units; and

WHEREAS, PRNPHC has stated that all 40 of the proposed dwelling units are to be reserved for exclusive occupancy by persons who are both “seniors” as defined by California Civil Code Section 51.3 and “lower income” persons and/or households as defined by California Health and Safety Code Section 50079.5 (those earning 80% or less of the County’s Median Income); and

WHEREAS, Section 65915 of the California Government Code provides the following:

- a. That the City shall offer at least a 25% density bonus and one “developer incentive” to developers who propose that 20% or more of the dwelling units in a housing project be reserved for lower income households;
- b. Defines “developer incentive” as a reduction in site development standards, a modification of zoning code requirements, or other regulatory incentives proposed by the developer or the city which result in identifiable cost reductions;
- c. Requires that a deed restriction limiting occupancy of the project site for a period of not less than 30 years be recorded against the property; and

WHEREAS, the proposed 40 units exceeds the allowable density for the site as established for the Residential Multiple Family, Medium Density Land Use Category of the General Plan and by the R-3 Zone; and

WHEREAS, the Redevelopment Agency of the City of Paso Robles has approved a grant of Low and Moderate Income Housing (LMIH) funds to support this project, for which Section 33334.3(f) of the California Health and Safety Code requires recordation of a deed restriction restricting occupancy to lower income persons for a minimum of 55 years; and

WHEREAS, pursuant to Section 65915 of the California Government Code and the standards established for Planned Development applications, the applicant is requesting a modification of the following zoning standards as developer incentives:

- a. Reduction of the storage space requirement set forth in Section 21.16I.185.C from 250 cubic feet per unit to 160 cubic feet per unit;
- b. Reduction of the interior side setbacks set forth in Section 21.16I.160.C.1.c from 15 feet (for a three-story building) to 8 and 11 feet; and

WHEREAS, the project was presented to the Development Review Committee in an open public meeting on April 7, 2003, and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Expanded Initial Study was prepared for this project, which found potential significant impacts to oak trees that could be mitigated if the project was revised to incorporate certain mitigation measures; and

WHEREAS, the applicants have agreed to revise the project to incorporate the mitigation measures listed in the Expanded Initial Study and have signed a mitigation agreement to that effect; and

WHEREAS, an Expanded Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a mitigated Negative Declaration was approved by the Planning Commission on April 22, 2003, and

WHEREAS, the arborist's report for this project recommends approval of a non-circular Critical Root Zone (CRZ) for the 5 oak trees and concludes that with implementation of 13 mitigation measures that the oaks should suffer no adverse impacts; and

WHEREAS, an alternative site layout in which the building would be moved further to the east so as to not encroach into the circular CRZ for Tree #1 (the 58" oak on the northwest corner of the site) is not feasible; the building is situated to require the least amount of grading and retaining walls and to retain private yard areas for existing apartments in Oak Park Public Housing; grading could create new threats to the roots of several oaks; retaining walls would increase the cost of the building to the point where it would not be financially feasible for very low income apartments; and

WHEREAS, Municipal Code Section 10.01.055.A provides that the Planning Commission may approve development that encroaches into a (non-circular) CRZ if it can make findings that there exist extenuating circumstances warranting such an encroachment; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2003, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed planned development; and

WHEREAS, at its meeting of April 22, 2003, the Planning Commission took the following actions regarding this planned development amendment:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed development plan;
- b. Conducted a public hearing to obtain public testimony on the proposed development plan;

NOW, THEREFORE, BE IT FOUND AND DETERMINED, by the Planning Commission, that based on the foregoing recitals, facts and analysis presented in the staff reports, public testimony received and subject to the conditions of approval listed below, that:

1. The project's design and intensity (density) is consistent with the goals and policies of the general plan, the purpose and intent of the R-3 zoning district, and with all other adopted codes, policies standards, and plans of the City (Section 21.23B.050.A);
2. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city (Section 21.23B.050.B);

3. The proposed development plan accommodates the aesthetic quality of the city as a whole (Section 21.23B.050.C);
4. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (e.g., privacy) impacts (Section 21.23B.050.D);
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stress courses, oak trees, vistas, historic buildings and structure (Section 21.23B.050.E);
6. The proposed development plan contributes to the orderly development of the city as a whole (Section 21.23B.050.F);

BE IT FURTHER FOUND AND DETERMINED, by the Planning Commission that, given the infeasibility of relocating the proposed building and given the arborist's recommendation for a non-circular CRZ, as discussed in foregoing recitals, there exist extenuating circumstances that warrant exception to the rule of not encroaching into a circular CRZ, and the proposed project may be built as shown in the project plans referenced in Condition #4 below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles to approve Planned Development 02-018, subject to the following conditions set forth below.

**STANDARD CONDITIONS:**

1. The applicant shall comply with all those standard conditions which are indicated on "Exhibit A" to this resolution. NOTE: All checked standard conditions shall apply unless superseded by a site specific condition.
2. Pursuant to submittal requirements and Standard Condition B-1 of the standard conditions attached as Exhibit "A", prior to issuance of a Certificate of Occupancy, the applicant shall provide, on a 3.5 inch disk or IBM-compatible CD, a copy of all signed and stamped approved plans, exhibits, resolutions, submittal materials, and other documentation pertaining to approval of this application for electronic archiving. The applicant may elect to have the City send out the documents for scanning at the applicant's expense.

**SITE SPECIFIC CONDITIONS:**

***NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede or supplement the standard condition.***

3. This Planned Development authorizes the construction of 40 multi-family dwelling units for exclusive occupancy by "lower income" senior households as defined by California Health and Safety Code Section 50079.5 and Civil Code Section 51.3. This Planned Development also authorizes modifications of the zoning standards for multi-family developments as follows:
  - a. Reduction of the storage space requirement set forth in Section 21.16I.185.C from 250 cubic feet per unit to 160 cubic feet per unit;
  - b. Reduction of the interior side setbacks set forth in Section 21.16I.160.C.1.c from 15 feet (for a three-story building) to 8 and 11 feet.

4. The project shall be constructed so as to substantially conform with the following exhibits established by this resolution. (NOTES: (1) Site-specific Conditions listed below require that some of the following exhibits be revised for subsequent acceptance by either the Development Review Committee or City Staff. (2) Reductions of Exhibits B-H are attached to this resolution; full-sized copies of Exhibits B-H and Exhibit I are on file in the Community Development Department.)

EXHIBIT	DESCRIPTION
B	Master Site Plan (Sheet A2)
C	Floor Plans (Sheets A3 through A6)
D	Building Elevations (Sheet A8)
E	Preliminary Landscaping Plan (Sheet L1)
F	Preliminary Grading and Utility Plans (Cannon Associates Sheets 2, 3, and 5)
G	Lighting Details
H	Critical Root Zone (CRZ) Map (Annotated Sheet A2 – received 3/13/03)
I	Color and Materials Board

5. The project shall be developed in a single phase, including all amenities and improvements reflected on the submitted exhibits. Any proposal to develop the project in multiple phases shall be subject to Planning Commission consideration and approval as part of a subsequent amendment to this Planned Development. Prior to granting approval of any phasing plan, the City may impose additional conditions upon this Planned Development relative to phasing which are necessary to protect the public health, safety and welfare and orderly development of the City.
6. Future identification signs may be located at project entrances in accordance with the City's zoning codes subject to review and approval by the Development Review Committee. Signs shall be visually compatible with walls, landscaping and other features of the subdivision's character. Lighting on signage shall be kept to a minimum and shall be fully-shielded.
7. Prior to issuance of a building permit, the property owner shall record an instrument, to be approved by the City Attorney, naming the City of El Paso de Robles as the sole agent for pumping and delivering the overlyer's groundwater water rights.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a renter's lease agreement to the City for review and approval. Said lease agreement shall inform all prospective renters that, as provided for in Municipal Code Sections 9.06.030 and 21.22.160, parking spaces may not be used for storage of trailers, boats, or inoperative vehicles.
9. If, during grading or construction, archaeological or historical resources are unearthed, work shall stop and the applicant and/or its contractor shall contact the Community Development Department so that appropriate mitigation measures can be identified and implemented per CEQA requirements.
10. The following oak tree mitigation measures shall be completed:
  - a. The final grading and building plans shall clearly show the following information from Scovell Tree Surgery's Report, dated February 28, 2003, as supplemented by a site plan demarking Critical Root Zones received by the Community Development Department on March 12, 2003 (Exhibit H)
    - (1) A Critical Root Zone (CRZ) shall be established around each tree. The CRZ for Tree #1 shall be 20 feet to the east, 23 feet to the north, and 25 feet to the south and west; the CRZ for Tree #2 shall be 10 feet to the north and 18 feet to the south, east, and west; the

CRZ for Tree #3 25 feet to the north, south, east, and west; the CRZ for Tree #4 shall be 16 feet to the south and 25 feet to the north, east, and west; the CRZ for Tree #5 shall be 12 feet to the east, 17 feet to the north, and 25 feet to the west and south. (NOTE: CRZ's shall be plotted as indicated on the CRZ Map – Exhibit H.)

- (2) No underground utilities or services shall be placed under any CRZ.
  - (3) Tree Protection Notes shall be placed on all plans.
  - (4) No machine trenching shall be allowed inside any CRZ.
- b. Prior to construction , the following shall be completed:
- (5) The construction supervisor shall meet with the Certified Arborist prior to beginning any work to ensure tree protection measures are in place and to discuss work procedures. The certified arborist shall inform the City to verify that this meeting has taken place.
  - (6) Fencing shall completely enclose all CRZ's prior to commencing work and shall remain until all grading and construction are completed. All building materials shall be stored outside all CRZ's.
  - (7) Tree pruning prior to start of construction shall be performed by a Certified Arborist using strict tree pruning guidelines by the International Society of Arboriculture. All wood chips generated from pruning shall be used inside the CRZ's.
  - (8) Prior to construction, all trenching along or inside all CRZ's shall be hand dug. Any roots 2 inches or greater shall be flush cut and sealed out using tree seal to reduce impacts on the tree and encourage recovery.
- c. During construction, the following mitigation measures shall be implemented:
- (9) No grading shall be performed inside of any of the CRZs of the five oaks.
  - (10) Pavers shall be used under the CRZ of trees numbered 3, 4, and 5 in the parking lot.
  - (11) All trees have been impacted by cars parking under the CRZ's for years. An auger shall be used to fracture the soil under all five CRZs.
  - (12) If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Certified Arborist so that appropriate treatments can be applied.
  - (13) Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not be construction personnel.
11. Prior to issuance of a Certificate of Occupancy, a Bus Shelter, of the dark green metal type installed at various locations in the City, shall be installed in a location on Spring Street, near 28th Street, to be determined by the Directors of Public Works and Administrative Services.
  12. Prior to issuance of a building permit, the Building Elevations (Exhibit D) shall be modified to provide additional architectural articulation on the East and West Elevations. Revised Building Elevations shall be subject to approval by the Development Review Committee.
  13. Prior to issuance of a Certificate of Occupancy, a detailed landscaping and irrigation plan shall be submitted for review and approval by the Development Review Committee. Said landscaping plan shall include the following revisions to the Preliminary Landscaping Plan (Exhibit E):
    - a. Replace the grass lawn beneath the CRZ of Trees #1 and 2 with ground cover appropriate for preserving mature oak trees;

- b. Provide ample landscaping materials to screen the electrical transformer vault and double detector check valve.
  - c. "Finger" planters in the parking lot shall be a minimum of 6 feet wide.
14. Prior to issuance of a Certificate of Occupancy, the applicant shall submit, for City Staff approval, a lighting detail for wall-mounted lighting (to replace that in Exhibit G) that fully-shields the bulb from view from of-site.
  15. Prior to issuance of a building permit, the applicant shall record an easement for the private waterline that traverses the senior housing site to the benefit of the Housing Authority of the City of Paso Robles.
  16. Prior to issuance of a building permit, Lot Line Adjustment PRAL 02-191 by which the senior housing site is to be created, shall be completed and the appropriate map and/or deeds recorded.
  17. Prior to issuance of a building permit, any outstanding City Development Application Fees that may be due for this development plan application shall be deposited with the City.
  18. 28th Street shall be improved with curb, gutter and sidewalk in accordance with West Side Standard A-12 from Park Street to the Railroad right-of-way.
  19. A City standard street light shall be installed on the 28th Street frontage mid-block between Park Street and the railroad right-of-way.
  20. Unless otherwise explicitly excepted, all development shall occur in compliance with City Zoning Code standards and consistent with all other adopted City Codes and standards.

PASSED AND ADOPTED THIS 22nd day of April, 2003 by the following Roll Call Vote:

AYES: Steinbeck, Calloway, Kemper, Ferravanti, Flynn, Warnke, Johnson

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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