

Attachment 5

RESOLUTION 23-XXX (A)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
CERTIFYING MITIGATED NEGATIVE DECLARATION SCH 2022090384 FOR THE PETERBILT SALES AND
SERVICE CENTER AND OUTFRONT MEDIA BILLBOARD
2805 THEATRE DRIVE / APN: 009-851-022**

WHEREAS, an application for Planned Development 22-02, Rezone 22-03, and Conditional Use Permit 22-16 (P22-0017), was filed by Archer Paso Robles, LLC to construct a 25,000 square-foot building and a highway-oriented sign at 2805 Theatre Drive; and

WHEREAS, an application for Conditional Use Permit 23-03 was filed by Outfront Media to construct a new billboard to replace an existing billboard on the site (P23-0019); and

WHEREAS, the site has a General Plan land use designation of Regional Commercial (RC) and is in the Commercial Highway zoning district with Planned Development zoning overlay (C2-PD); and

WHEREAS, vehicle sales (of new vehicles and up to 25 percent or less of used vehicles and including auto service as an accessory use) is an allowed use in the C2 zoning district; and

WHEREAS, billboard signs are a conditionally allowed use on properties that are “adjacent to the 101 or 46 Corridors” including those “separated by frontage roads”; and

WHEREAS, the purpose and intent of the planned development (PD) district zoning overlay is to provide for innovation and flexibility in the design of residential, commercial, and industrial developments. Approval of a development plan is required for all development in the planned development overlay district; and

WHEREAS, the subject site is 6.6 acres; the project would utilize 4.1 acres and leave 2.5 acres for future development; and

WHEREAS, the Development Review Committee (DRC) reviewed the design of the project at their meeting on August 8, 2022 and forwarded the project to Planning Commission with a request for images of the existing Peterbilt pole sign (across the freeway on Ramada Drive) illuminated at night, and plans showing how the project will interact with a new mini-storage use proposed on the lot to the west; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City’s Procedures for Implementing CEQA, Initial Study and a Mitigated Negative Declaration SCH 2022090384 was prepared and circulated for a 20-day public review period beginning on September 21, 2022 and ending October 11, 2022; and

WHEREAS, public notice of the proposed Mitigated Negative Declaration was posted as required by Section 21092 of the California Public Resources Code; and

WHEREAS, the project was scheduled for a public hearing at the Planning Commission on October 11, 2022. On the day of the hearing, the City received a letter from Outfront Media (Exhibit E), which owns an existing billboard on the property that was proposed for removal with the project. The letter indicated actions taken

Attachment 5

by the City that resulted in the removal of the billboard would violate the 5th Amendment of the US Constitution and would be considered a taking requiring just compensation. The hearing was postponed to a future meeting in order for the City to prepare a response; and

WHEREAS, the Development Review Committee reviewed the design of a replacement billboard sign on April 17, 2023. The Development Review Committee members forwarded the project to the Planning Commission with a request for additional photographs of the existing billboard sign; and

WHEREAS, pursuant to CEQA, the initial study and mitigated negative declaration (SCH 2022090384) for the project, now including a new billboard, were redrafted based on new information received and recirculated for a 20-day public review period between May 12, 2023 and June 2, 2023; and

WHEREAS, public notice of the recirculated Mitigated Negative Declaration was posted as required by Section 21092 of the California Public Resources Code; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2023, and considered the facts as presented in the staff report prepared for this project, accepted public testimony regarding the project, and by a vote of 7-0 approved Resolution PC 23-026 recommending the City Council certify Mitigated Negative Declaration SCH 2022090384; and

WHEREAS, the City Council held a public hearing on June 20, 2023, and considered the facts as presented in the staff report prepared for this project, and accepted public testimony; and

WHEREAS, based on the information and analysis contained in the Mitigated Negative Declaration prepared for this project, and testimony received as a result of the public notice, the City Council finds that, as mitigated, there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment by the project; and

WHEREAS, pursuant to CEQA the City Council has independently reviewed the Initial Study, the Mitigated Negative Declaration, the MMRP, the staff report prepared for this City Council hearing (including all attachments), this Resolution (and its attachments), and all comments received regarding the Mitigated Negative Declaration, and, based on the whole record before it, finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the whole record before it, the City Council hereby finds that:

- a. The Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq.: "CEQA") and the State CEQA Guidelines;

Attachment 5

- b. No new significant environmental effects have been identified in the MND and any changes to the MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5;
- c. The Mitigated Negative Declaration contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the City Council; and
- d. There is no substantial evidence supporting a fair argument that there would be a significant impact on the environment by the project.

Section 3. The City Council of the City of El Paso de Robles, based on its independent judgment and analysis, hereby approves, and adopts Mitigated Negative Declaration SCH 2022090384 for the Peterbilt Sales and Service Center Development Plan, Rezone, and Conditional Use Permit, and Outfront Media Conditional Use Permit, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

Section 4. The City Council has also reviewed and considered the MMRP for the project that has been prepared pursuant to the requirements of Public Resources Code section 21081.6 and finds that such MMRP is designed to ensure compliance with the mitigation measures during project implementation. The City Council therefore approves and adopts the MMRP for the project, which is attached to this Resolution and made a condition of project approval.

Section 5. The City Council directs Staff to file a Notice of Determination with the County of San Luis Obispo and the State Clearinghouse within five (5) working days of the Project approval.

APPROVED this 20th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibits:

- A. Initial Study and Mitigated Negative Declaration SCH 2022090384 and Mitigation Monitoring and Reporting Plan
- B. Comment Letter from Dan Pitts
- C. Comment Letter from APCD
- D. Comment Letter from the California Department of Conservation
- E. Comment Letter from Outfront Media