

# Attachment 2

## RESOLUTION 23-XXX (A)

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH 2022120593) AND MITIGATION MONITORING AND REPORTING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR STRAVINSKI-DAOU DEVELOPMENTS (PLANNED DEVELOPMENT 22-04, OAK TREE REMOVAL 22-06, TENTATIVE PARCEL MAP PR 22-0022, AND PLANNED DEVELOPMENT 22-09)

WHEREAS, the City of Paso Robles has received applications from SDG Paso Robles 413, LLC and Daou Vineyards, LLC to subdivide a single parcel located at 5175 Airport Road (APN 025-434-002) into two parcels, which will be built in two phases: Parcel 1 being Phase 1 and Parcel 2 being Phase 2; and

WHEREAS, Phase 1 would accommodate the SDG Paso Robles 413, LLC proposal to construct an approximately 196,000 square-foot building for wine storage and distribution; and

WHEREAS, Phase 2 would accommodate the Daou Vineyards, LLC proposal to construct an approximately 157,000 square foot wine production facility; and

WHEREAS, Phase 1 and Phase 2 are collectively referred to as the “Project” for purposes of the California Environmental Quality Act (CEQA); and

WHEREAS, the Project will require the following entitlements: Planned Development PD 22-04, Oak Tree Removal 22-06, and Tentative Parcel Map PR 22-0022, and Planned Development 22-09; and

WHEREAS, the site has a General Plan land use designation of Business Park (BP) and is in the Industrial zoning district, Planned Development zoning overlay (M-PD); and

WHEREAS, wine storage and distribution are an allowed use in the M zoning district; and

WHEREAS, Tentative Parcel Map PR 22-0022 would subdivide the 19.75-acre lot into two roughly equal parcels, each approximately 9.87-acres in size; 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 site is in Safety Zone 5 of the Airport Land Use Plan, the Traffic Pattern Zone, where warehouse and distribution facilities are compatible land uses; 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 Draft Mitigated Negative Declaration (MND) SCH 2022120593 was prepared and circulated for a 30-day public review period beginning on December 23, 2022 and January 24, 2023 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) with the State Clearinghouse; (2) filing an NOI with the San Luis Obispo County Clerk; (3) placing an NOI in the Tribune Newspaper, a newspaper of general circulation; (4) mailing the NOI to various interested persons, agencies, and tribes; and (5) posting the NOI on the City website; and

WHEREAS, the MND was made available during the public review period at the Paso Robles Community Development Department and on the City’s web page; and

WHEREAS, mitigation measures have been incorporated into the MND and will be imposed on the project through the adoption of a Mitigation Monitoring and Reporting Plan (MMRP) in compliance with CEQA Guidelines Section

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15074(d). These mitigation measures are imposed on the project to address potential environmental effects to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Noise, Transportation, and Tribal Cultural Resources. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. These mitigation measures are provided in the exhibits of this resolution; and

WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

WHEREAS, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

WHEREAS, four written comment letters (see Exhibit C) were received on the MND, with responses included as Exhibit D to this Resolution; and

WHEREAS, in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq., the “CEQA Guidelines”), the City prepared an Initial Study/Mitigated Negative Declaration (SCH #2022120593) (“MND”) that analyzed the proposed Project’s environmental impacts. The MND was made available to the public for review from December 23, 2022 through January 24, 2023. On January 24, 2023, the Planning Commission conducted a duly noticed public hearing and considered the entire administrative record (as of that date), including staff reports, the MND, MMRP, and oral and written testimony from interested persons, all of whom were given an opportunity to be heard. Resolution No. 2023-\_\_ recommends adoption of the MND and MMRP, and, among other things, properly assesses the environmental impact of the Project in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 2023-\_\_, including the MND, as if fully set forth herein.; and

WHEREAS, the Planning Commission recommended on 6 consecutive votes of 6-0-1 (one Commissioner absent) the City Council adopt the MND and approve the proposed Project; and

WHEREAS, based on the information and analysis contained in the MND prepared for this Project, the MMRP, the staff report prepared for this City Council hearing, including all attachments, this Resolution and its attachments, and testimony received as a result of the public notice, the City Council finds there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the Project; and

WHEREAS, pursuant to CEQA the City Council has independently reviewed the MND and, all comments received regarding the MND, and neither additional information submitted to the City nor other circumstances have produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review of the Project under State CEQA Guidelines section 15073.5, and based on the whole record before it, the City Council find that the MND was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the MND reflects the independent judgment and analysis of the City.

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

SECTION 1. The matters set forth in the recitals to the Resolution are true and correct statements and are incorporated herein as substantive findings of this Resolution.

SECTION 2: The City Council has reviewed and considered the MND and record of proceedings for the Project, including all oral and written comments received during the comment period, the MMRP, the staff report prepared for this City Council hearing, including all attachments, and this Resolution with its attachments. Based on the City’s independent review and analysis, the City Council finds that the MND and the record of proceedings contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the

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MND has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3: Based on the MND and the record of proceedings, including all written and oral evidence presented to the City Council, the MMRP, the staff report prepared for this City Council hearing including all attachments, and this Resolution with its attachments, the City Council finds that all environmental impacts of the Project are less than significant with the mitigation set forth in the MND and the MMRP. The City Council further finds that there is no substantial evidence in the record of proceedings supporting a fair argument that the Project may result in significant environmental impacts. The City Council finds that the MND, MMRP, the staff report prepared for this City Council hearing with its attachments, and this Resolution with its attachments, all contain a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City. 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. Based on these findings, the City Council approves and adopts the MND for this Project, which is attached to this Resolution as Exhibit “A”, pursuant to Public Resources Code section 21080, subdivision (c)(2).

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 Plan 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 as Exhibit “B” 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

SECTION 6: The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings on which these findings have been based are located at the Paso Robles Community Development Department, located at 1000 Spring Street, Paso Robles, California 93446. The custodian of these documents is the City Clerk of the City of Paso Robles.

APPROVED this 21<sup>st</sup> day of February 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Melissa Boyer, City Clerk

Exhibits:

- A. Exhibit A – Initial Study and Mitigated Negative Declaration SCH 2022120593 (See Attachment 6 to this report)
- B. Exhibit B – Mitigation Monitoring and Reporting Plan

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- C. Public Comment Letters Received
- D. City's Response to Public Comment Letters
- E. Memo from Central Coast Transportation Consulting dated February 1, 2023