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RESOLUTION 23-XXX (B)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING PLANNED DEVELOPMENT 22-04 AND OAK TREE REMOVAL PERMIT 22-06

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 157,220 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, as part of the entitlements required for Phase 1, an application for Planned Development 22-04, Oak Tree Removal 22-06, and Tentative Parcel Map PR22-0022 has been filed by SDG Paso Robles 413, LLC; 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, Oak Tree Removal Permit (OTR 22-06) proposes the removal of 3 native oak trees, totaling 102-inches of diameter; 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, in compliance with the California Environmental Quality Act (CEQA), an initial study and mitigated negative declaration (SCH 2022120593) were prepared for the project and were circulated between December 23, 2022 and January 24, 2023.

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 upon the facts and analysis presented in the staff report, public testimony received, and subject to the conditions listed below, the City Council makes the following findings:

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Development Plan Findings

1. The design and intensity of the proposed development plan is consistent with the goals and policies established by the general plan and the zoning code, particularly the purpose and intent of the zoning district in which a development project is located, because the project would provide for additional industrial and warehouse uses consistent with the Business Park land use and Industrial zoning designations.
2. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, as a result of the site planning demonstrating substantial setbacks and adequate landscaping; and
3. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way, based on the mixture of quality materials and landscaping.
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 impacts as outlined in the MND prepared for this project and specifically with the incorporation of the 7-foot tall sound wall or berm to provide noise attenuation to the property to the north.
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stream courses, oak trees, vistas, and historic buildings and structures; because even although existing structures will be demolished to support the new development, none of the structures were found to meet historic eligibility criteria. Additionally, although three oak trees will be removed, additional mitigation oak trees will be planted onsite.
6. The proposed development plan contributes to the orderly development of the city as a whole by providing a well-designed project that is suitable for the location where it is proposed and surrounding land uses including commercial and light industrial uses, and the existing rural residential in the vicinity.

Planned Development Overlay District Findings

1. The granting of this permit will not adversely affect the policies, spirit and intent of the general plan, applicable specific plans, the zoning code and all other adopted codes, policies and plans of the city because industrial and warehousing uses are consistent with the intent of the Business Park General Plan land use designations.
2. The proposed project maintains and enhances significant natural resources on the site because it will retain three of six oak trees and will incorporate additional replacement oak trees into the site's landscape plan.
3. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surround area, and would not have an adverse effect on the public views from nearby roads and other public vantage points because it is a business park of similar scale and architectural quality as other business parks in the vicinity.

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4. The proposed project's design and density of the developed portion of the site is compatible with the established character and scale of surrounding development and would not be a disharmonious or disruptive element to the neighborhood because it is a business park of similar scale and architectural quality as other business parks in the vicinity.
5. The development would be consistent with the purpose and intent of this Planned Development District chapter of the Zoning Ordinance and would not be contrary to the public health, safety, and welfare because it does not include significant modification from code requirements as can be permitted in the PD Overlay district.
6. Modification of the standards as set forth in this chapter or elsewhere in the zoning ordinance shall only be approved upon a finding that greater public benefit would be achieved through such modifications. Additionally, for planned development projects that are seeking an increase in allowable building heights, modification of the height limitations shall only be approved upon a finding that the proportion, scale, and nature of the project is such that the modifications would not create an adverse visual impact nor compromise the safety of occupants. The project does not include a modification of the height limit.

Oak Tree Removal Permit Findings

1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation: *For the three (3) valley oak trees (Tree Nos. 1, 2, and 3), although rated from poor (Tree No. 2) to fair (Tree Nos. 1 and 3) condition, the necessity of the requested action is to allow reasonable use of the property for which it has been zoned by allowing construction of the project, including the expansion of public utilities along Airport Road which necessitates the removal of Tree Nos. 1 and 2, and the configuration of the parking lot which necessitates removal of Tree No. 3.*
2. The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees: *The building has been considered for alternative designs and the site plan has undergone changes to retain the three other oak trees on the property (Tree Nos. 4, 5, and 6); therefore, every reasonable effort has been made to avoid impacting oak trees.*
3. The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed: *The tree removals will not affect the soil or water retention of the site.*
4. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole: *Mitigation trees (totaling 25.5-inches in diameter) are being provided with the new landscape plan for the project to mitigate for the loss of Trees. 1, 2, and 3.*

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5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support: *Three other oak trees will be retained, and new trees will be planted on the property.*

Section 3. 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 recommended to City Council approval of the Project and adoption of the MND. On February 21, 2023, City Council conducted a duly noticed public hearing and considered the entire record of proceedings, including staff reports and their attachments, 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.

Section 4. The City Council hereby approves Planned Development 22-04 and Oak Tree Removal Permit 22-06, subject to the following:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Title Sheet
D	Detailed Site Plan
E	Building Elevations
F.1-F.2	Renderings
G	Rendered Site Plan
H.1-H.10	Landscape Plans
I	Tentative Parcel Map
J	Topographic Map
K	Preliminary Demolition Plan
L	Preliminary Grading Plan
M	Preliminary Site Sections
N	Preliminary Utility Plan
O	Preliminary Offsite Improvement Plan

APPROVED this 21st day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

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Melissa Boyer, City Clerk

Exhibits: A-O (attached)