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RESOLUTION 24-XXX (B)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 22-20, CONDITIONAL USE PERMIT 23-14,
AND OAK TREE REMOVAL PERMIT 23-11
2930 UNION ROAD, APN: 025-362-043**

APPLICANT – COVELOP/MD3

WHEREAS, the City of Paso Robles has received applications from Kirk Consulting on behalf of Covelop/MD3, requesting a commercial subdivision, development plan, conditional use permit, and oak tree removal permit, to develop an approximate 14-acre site with six (6) commercial/light industrial buildings totaling 240,327± square feet; and

WHEREAS, the Project will require the following entitlements: Planned Development PD 22-20, Oak Tree Removal 23-11 for six (6) native oak trees, Vesting Tentative Parcel Map PR 22-0054, and Conditional Use Permit 23-14; and

WHEREAS, the site has a General Plan land use designation of Commercial Service (CS) and is in the Commercial Light-Industrial zoning district, Planned Development zoning overlay (C3-PD); and

WHEREAS, Vesting Tentative Parcel Map PR 22-0054 would subdivide Parcel 6, which is currently 6.76 (net) acres, into two parcels where Parcel A would be 4.03 acres and Parcel B would be 2.73 acres. Existing Lot 13 is approximately 7 acres and while included as part of the development plan, is not included in the subdivision; and

WHEREAS, commercial and light-industrial uses, included warehousing, are allowed uses in the C3-PD zoning district, and are not considered detrimental to the City's efforts to revitalize the downtown; and

WHEREAS, this project is located in the geographic area east of Golden Hill Road, south of Union Road and Highway 46 East, and is subject to Zoning Code Section 21.13.030F, to ensure the project is designed in a manner that is compatible with the neighboring land uses, including the residentially zoned property to the south of Lot 13; 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, 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, an Initial Study and a Draft Mitigated Negative Declaration (MND) SCH 2023090132 were prepared and circulated for a 30-day public review period beginning on September 11, 2023 and October 10, 2023, and notice thereof was provided 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

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WHEREAS, the Development Review Committee (DRC) reviewed the design of the project at their meeting on July 31, 2023, where they were in favor of the project and recommended that the project be scheduled before the Planning Commission for review. The DRC requested more detailed information related to internal pedestrian connectivity, truck turning movements, and additional perspective views of buildings would be helpful for the Planning Commission to review; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 10, 2023 to consider the Final MND prepared for the proposed project, and to accept public testimony and written comments on the Development Plan, Oak Tree Removal Permit, Vesting Tentative Parcel Map, Conditional Use Permit, and environmental determination. At the close of this public hearing, the Planning Commission recommended, on a 5-0 vote (two Commissioners were absent), that the City Council adopt the MND and the proposed Project with the addition of conditions of approval to address the APCD letter; and

WHEREAS, a public hearing was conducted by the City Council on November 7, 2023 to consider the Final MND prepared for the proposed project, and to accept public testimony on the Development Plan, Oak Tree Removal Permit, Vesting Tentative Parcel Map, Conditional Use Permit, and environmental determination; and

WHEREAS, on November 7, 2023 just prior to the start of the City Council meeting information was provided by Lozeau Drury, LLP, on behalf of SAFER, indicating concerns with the project MND; and

WHEREAS, on 5-0 vote the City Council unanimously continued the item to the December 5, 2023, City Council agenda to allow staff and the applicant time to review the information provided from SAFER; and

WHEREAS on December 5, 2023, the City Council continued the item to a date uncertain; and

WHEREAS, on January 31, 2023, the City Clerk received a letter from Lozeau Drury, LLP, withdrawing the previous comments on the MND for the project, indicating that SAFER and the applicants have reached an agreement resolving the issues raised in their comments on the project.

WHEREAS, the project was duly noticed for the February 20, 2024 City Council Agenda; and

WHEREAS, a public hearing was conducted by the City Council on February 20, 2024, to consider the Final MND and MMRP prepared for the proposed project, and to accept public testimony on the Development Plan, Oak Tree Removal Permit, Vesting Tentative Parcel Map, and Conditional Use Permit.

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

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

Section 2: Findings. 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 the development project is located, because the project would provide for additional commercial, light-industrial, and warehouse uses consistent with the Commercial Service land use and Commercial Light-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 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 required setbacks and adequate landscaping, screening, and separation from neighboring uses.
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 project design documents and the MND prepared for this project.
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 although six 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 and future Chandler Ranch residential area to the south of Lot 13.

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 commercial, light-industrial, and warehousing uses are consistent with the intent of the Commercial Service General Plan land use designation.
2. The proposed project maintains and enhances significant natural resources on the site because it will retain two of eight oak trees and will incorporate additional replacement oak trees into the site's landscape plan for the six oak trees to be removed.
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 will provide commercial, light-industrial,

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and warehouse buildings of similar scale and architectural quality as other businesses in the vicinity.

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 similar scale and architectural quality as other businesses 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.

Conditional Use Permit Findings:

1. The project has been designed in a manner that provides a 6-foot decorative masonry wall and a 10-foot-wide landscape planter which will provide visual screen from the residentially zoned land (North Chandler Ranch) to the south as required by Section 21.13.030.F.1a & b., as a result of the wall and the planter area, and since this project is not proposing any outdoor storage of equipment or materials, the project has been designed to adequately screen the site from the residential land to the south.
2. The project has been designed with commercial and light-industrial uses that do not create noise, visual and/or land use impacts to neighboring land uses, because of the design of the project providing perimeter setbacks, walls, fencings, landscape planters to help separate the project from neighboring land uses.
3. The Covelop/MD3 project includes commercial light-industrial uses along with warehousing, which are uses that will not have a detrimental effect on the city's goal to revitalizing the downtown.
4. Accordingly, the requested use will not, in these particular circumstances, be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood of the proposed use, nor will the use be injurious or detrimental to property or improvements in the neighborhood, or the general welfare of the City.

Oak Tree Removal Permit Finding

1. For the six (6) valley oak trees (Tree Nos. 1, 2, 3, 4, 9 and 11), although rated very poor condition, the necessity of the requested action is to allow reasonable use of the property

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for which it has been zoned by allowing construction of the project. Because these trees are rated in “very poor” condition, their health and status as a potential public nuisance/danger of falling warrant their removal, especially as mitigation trees will be planted.

2. Because the building has been considered for alternative designs and the site plan has undergone changes to retain the two healthiest oak trees on the property (Tree Nos. 10 and 13), every reasonable effort has been made to avoid impacting oak trees, consistent with Paso Robles Municipal Code Section 10.01.050.D. Additionally, mitigation trees (totaling 67.7-inches in diameter) are being provided with the new landscape plan for the project to mitigate for the loss of Trees. 1, 2, 3, 4, 9 and 11.
3. The removal of the requested oak trees will not have a long-term negative impact on soil retention, water retention, or diversion or increased flow of surface waters, as mitigation trees will be planted, two trees will remain onsite, and there are not otherwise grading, or drainage concerns raised by the application.
4. There are various oak trees in the general vicinity of the project site that will not be impacted by this action, and removal of the requested oak trees will not otherwise have long-term effects on shade areas, air pollution, or scenic beauty, as mitigation trees will provide such benefits in accordance with City standards.
5. Mitigation trees are proposed so as to ultimately retain the number of healthy trees that the subject parcel will support.

Section 3: Environmental Determination. In accordance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA”), and 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 #2023090132) (“MND”) that analyzed the proposed Project’s environmental impacts. The MND was made available to the public for review from September 11, 2023 through October 10, 2023. On February 20, 2024, the City Council conducted a duly noticed public hearing and considered the entire administrative record (as of that date), including staff reports, the MND, Mitigation Monitoring and Reporting Plan (“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 and MMRP, as if fully set forth herein.

Section 4: Approval. The City Council approves Planned Development 22-20, Conditional Use Permit 223-14, and Oak Tree Removal Permit 23-11, subject to the following:

EXHIBIT	DESCRIPTION
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Revised Plan Set
D	Oak Assessment Report

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APPROVED this 20th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk