

Attachment 10

RESOLUTION 24-XXX (C)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING VESTING TENTATIVE TRACT MAP PR 22-0054 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 Tract 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 Tract 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 circulated for a 30-day public review period beginning on September 11, 2023 and October 10, 2023, and notice 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

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

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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 and the MMRP prepared for the proposed project, and to accept public testimony and written comments on the Development Plan, Oak Tree Removal Permit, Vesting Tentative Tract Map, and Conditional Use Permit; 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, the MMRP, 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 and MMRP prepared for the proposed project, and to accept public testimony on the Development Plan, Oak Tree Removal Permit, Vesting Tentative Tract Map, and Conditional Use Permit; 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; and

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 Tract 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:

1. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities because both lots are substantial in size and provide opportunities for the building to be designed in a manner that achieves passive heating or cooling. All buildings will be required to meet the energy efficiency requirements of the California Building Codes for commercial, light industrial and warehouse type buildings.
2. The subdivision and the provisions for its design and improvement are consistent with the general plan for the City of El Paso de Robles ("General Plan"), and the City of El Paso de Robles zoning ordinance ("Zoning Ordinance"), because:

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- a. The Tentative Tract Map provides for land uses compatible with the commercial light-industrial land use classifications, and the provisions for design and improvements promote the goals and objectives of the General Plan because it provides for two large parcels that can accommodate campus-like industrial development in an area for attractive businesses and industries; and
- b. The Tentative Tract Map provides for land uses compatible with the C3-PD zoning district, and the provisions for design and improvements comply with the implementation policies and objectives of the Zoning Ordinance because the proposed parcels meet the minimum lot size requirement and would not create any lots without street frontage.
3. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map because the resulting parcels would meet the minimum lot size requirement of the zoning district.
4. The subdivision design and improvements proposed in the Tentative Tract Map are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat because there are no significant drainage features, riparian habitat, or wetlands that were observed on the site.
5. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes, including the zoning and building codes.
6. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with easements acquired by the public at large for access through or use of the subject site because the tract map acknowledges existing easements for road purposes.
7. As conditioned, the design of lots, streets, open space, drainage, sewers, water, and other improvements is consistent with the General Plan, the Zoning Ordinance since the map requires all utilities including sewer and water to be extended to serve all parcels.
8. The discharge of waste into an existing sewer system from development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the local water quality control board because all buildings within the subdivision will be required to hook up to the existing public sewer system that exists in the streets adjacent to this project.

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 October 10, 2023, 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 2023-__, including the MND and MMRP, as if fully set forth herein.

Section 4: Recommendation for Approval. The City Council approves Vesting Tentative Tract Map PR 22-0054, subject to the following:

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<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Vesting Tentative Tract Map PR 22-0022

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