



City Council Agenda Report

From: Darren Nash, City Planner

Subject: Appeal of the Planning Commission action on February 14, 2023, approving Planned Development 20-16 & Tentative Tract Map 3191(P21-0121)

Appellant – Brian Thorndyke - 2701 Germaine Way / APNs: 025-424-001, -002, -003, -004, -005, -006, -007, & -008

CEQA: Find that said action is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332, infill projects (Class 32)

Date: March 21, 2023

Facts

1. The project is located at 2701 Germaine Way, on the northwest corner of Wisteria Lane and Germaine Way (see Attachment No. 1 – Vicinity Map).
2. The 2.6-acre site is undeveloped but is currently improved with frontage improvements and utility stub outs.
3. On February 14, 2023, the Planning Commission, on a 6-0 vote (1 abstention), approved Resolution PC 23-006 (see Attachment No. 3), which does the following:
 - Tentative Tract 3191: re-subdivides the existing eight lots into six lots to accommodate the development of 6 buildings.
 - PD 20-16: establishes a master development plan over the six lots that provides conceptual site planning, building architecture, landscaping, and other details for the development of six buildings on the six parcels.
 - Lot 1 development plan: In conjunction with PD20-16, Mr. Thorndyke provided, and the Commission approved, site planning and architectural details for a 6,900 square foot (sf) building for Lot 1.
4. The Planning Commission's action to approve the project but imposed the following additional requirements:
 - The development plans for Lots 2-6, when filed for review pursuant to the master development plan, will each require review by the Planning Commission (as opposed to the Development Review Committee (DRC)), as proposed by the applicant.
 - Accessory outdoor storage yards on Lots 2 and 6 must be located behind the buildings as opposed to being located in-side yard areas.
5. Pamela Jardini of Planning Solutions, on behalf of Mr. Thorndyke, submitted a letter requesting the appeal (see Attachment No. 2).
6. This application is categorically exempt from environmental review per Section 15332 (in-fill development projects) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Options

1. Deny the appeal, upholding the Planning Commission's February 14, 2023, approval of Resolution PC23-006;
2. Approve the appeal, allowing the future project review for Lots 2-6 to be reviewed and approved by the Development Review Committee, and for accessory storage yards to be provided for the provided for with a requirement that storage yard fences be setback 5-feet beyond the face of a building, to provide for additional landscaping and decorative fencing;
3. Refer the project back to staff and/or Planning Commission for additional analysis;
4. Deny the project by adopting findings for denial;

Analysis and Conclusions

Site Plan Review

The Thorndyke project consists of six lots ranging in size from approximately 17,000 sf to 21,000 sf to allow for light-industrial/commercial development. Specific architectural and site planning information was provided for Lot 1, with only conceptual site planning and parking information provided for Lots 2-6. The applicant's intent was that the conceptual site planning provided for all six lots, along with the design guidelines, would act as a Master Development Plan that would provide the framework that would help guide future lot owners to design their projects on Lots 2-6. The intent was that each lot would file a subsequent site plan review application, which would then be reviewed and approved by the DRC.

Outdoor Storage Areas

The applicant's overall design for the six lots included outdoor storage areas as an accessory use to each building. While most were shown in areas that would appear to not be visible from the streets, there were two to three lots that showed storage areas that were on the side of the building (including Lot 1).

Planning Commission Action

The Planning Commission's action was to approve the project, including the addition of a requirement that Lots 2-6 come back to the Planning Commission for review. Typically, these reviews are approved by the DRC, but at the public hearing, members of the Planning Commission expressed concern that the master development plan did not contain adequate demonstration of how the design elements of Lots 2-6 would be consistent with each other, and with Lot 1's design. In addition, it was expressed that there could be parking issues that would need to be addressed, as the parking requirements for the types of uses that could exist within the six approved parcels vary, and it was not known at the time of approval of the master development plan what each specific use would require in terms of parking. Due to these concerns, the Planning Commission voted to approve the project, but with the requirement that the site plan review be approved by the Planning Commission. The Planning Commission also expressed concern related to the location of outdoor storage yards, which resulted in the Commission also requiring the accessory storage yards to be placed behind the buildings on future developed lots, as opposed to in the side yard areas.

As set forth in Paso Robles Municipal Code (PRMC) 21.23B.020(B), site plan review (as applicable to Lots 2-6) is ordinarily handled by the DRC, in conformance with overall project design guidelines adopted by the Planning Commission. PRMC 21.23B.040(B) also provides that the DRC "shall have the authority to approve or to deny site plan applications." However, PRMC 21.23B.050 states that in order to approve applications for development plans, the Planning Commission must be able to make all required findings set forth in the PRMC and may impose conditions of approval as necessary to

make those findings. In this instance, because the Planning Commission did not feel it could make all necessary findings as to the parking and aesthetic consistency associated with the future lots to be developed, it included these additional conditions of approval. Finally, PRMC 21.23B.060 expressly provides DRC the option to refer development project review (including site plan review) up to the Planning Commission if necessary to accomplish the purposes of the Zoning division of the Code, including if there are “unique circumstances about the design of a particular development project or about the quality of design in its neighborhood.” If the Council approves of the Planning Commission retaining the right to review subsequent site plans for Lots 2-6, the applicant would still have the right to seek review of Planning Commission determinations on those site plans by the City Council. (See PRMC 21.23B.100; PRMC Chapter 21.23A.)

Pursuant to PRMC 21.23A.050, the City Council has authority to modify, overrule, or sustain the decision of the Planning Commission. Staff has prepared a resolution to deny the appeal and uphold the Planning Commission’s decision in full, and a resolution to re-approve the project at the Council level with modifications to the two conditions of approval as requested by the appellant.

Fiscal Impact

There are no direct fiscal impacts from this action. However, the project is expected to have a positive economic impact which will provide warehouse and industrial uses in the Airport/Wisteria area of the City, which is considered part of a “Tech Corridor” supporting the City of Paso Robles’ economic development goals.

Recommendation

Staff recommends that the City Council review the entire record for this matter and determine whether to uphold the Planning Commission’s action and deny the appeal in full (Option 1), or approve the appeal (i.e., approve the project but with the appellant’s requested changes to the conditions of approval) by approving Resolution 23-XXX(B) (Option 2).

Attachments

1. Vicinity Map
2. Pam Jardini Letter requesting appeal
3. Planning Commission Resolution 23-006
4. Resolution 23-XXX(A) – Denying Appeal
5. Resolution 23-XXX(B) – Approving Appeal
6. Neighborhood Notice Affidavit
7. Legal Notice Affidavit