

# Attachment 2

## DRAFT RESOLUTION PC 24-XXX (A)

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES RECOMMENDING THE CITY COUNCIL ADOPT MITIGATED NEGATIVE DECLARATION SCH 2024070401 FOR THE SPRING STREET AFFORDABLE HOUSING AND MIXED-USE PROJECT 1745 SPRING STREET / APN: 008-283-012

#### APPLICANT – TOBIN JAMES

**WHEREAS**, Tobin James, represented by George Garcia, has applied for Development Plan 22-11, Conditional Use Permit 23-07, and Rezone 23-01, a request for approval to construct a mixed-use building with 3,346 square feet of commercial space including a winetasting room, 16 hotels rooms, and 8 residential units (P22-0076) (collectively, the “project”); and

**WHEREAS**, the project is located at 1745 Spring Street; and

**WHEREAS**, the site has a General Plan land use designation of Mixed Use (MU-8) and is in the T3-F (Flex) zoning district where residential units are an allowed use, winetasting rooms are a conditionally allowed use when located on Spring Street, and hotels are not an allowed use; and

**WHEREAS**, the applicant has requested the City Council rezone the property to include the Resort/Lodging Overlay District and apply its standards upon the property; and

**WHEREAS**, the maximum density allowed in the T3-F zoning district is 12 density units/acre, or 6 density units for the 0.48-acre project site; and

**WHEREAS**, the project includes 1 residential unit restricted to a very-low-income household (17% of the total allowed density units), which qualifies the project to a 50% density bonus and up to 3 concessions consistent with California Government Code Section 65915; and

**WHEREAS**, the applicant has requested a 33% density bonus and an exception from the City’s height standards and an exception to its parking requirements both as concessions.

**WHEREAS**, the site was originally developed as a Chevron gas station in 1963. The station was demolished in 2003. Four leaking underground tanks were remediated on the property between 2003 and 2020; and

**WHEREAS**, the project was first reviewed by the Development Review Committee on January 30, 2023. At that time, staff described the architecture of the project as in the International Style. The Development Review Committee determined the design of the project was not compatible with the vision of the downtown and requested the applicant work with staff to prepare a more compatible project; and

**WHEREAS**, the project was redesigned and presented to the Development Review Committee for the second time on September 18, 2023. The majority of Development Review Committee members preferred the redesigned project, which is more similar to the Downtown Commercial architectural style included in the Architectural Guidelines of the Uptown/Town Centre Specific Plan. The Development Review Committee requested staff provide more information about the State’s requirements for affordable housing density bonuses especially as it relates to parking concessions and whether additional angled parking can be placed on 18th Street adjacent to the project; and

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**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 mitigated negative declaration (SCH 2024070401) were prepared for the project and were circulated between July 11, 2024 and August 9, 2024; and

**WHEREAS**, public notice of the proposed Mitigated Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

**WHEREAS**, the project was scheduled for a public hearing on August 13, 2024 but was continued to August 27, 2024. At the August 27, 2024 meeting, the hearing was continued to September 10, 2024; and

**WHEREAS**, the Planning Commission held a public hearing on September 10, 2024, and considered the facts as presented in the initial study and mitigated negative declaration and staff report prepared for this project, and accepted public testimony regarding the project; and

**WHEREAS**, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as of September 10, 2024, the Planning Commission recommends the City Council find that, as mitigated, there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment by the project; and

**WHEREAS**, pursuant to CEQA the Planning Commission has independently reviewed the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record before it as of September 10, 2024, recommends the City Council finds the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED:**

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

Section 2: Findings. The Planning Commission has independently reviewed the Initial Study and Mitigated Negative Declaration SCH 2024070401, and all comments received as of September 10, 2024 regarding the Negative Declaration as a result of the public notice, and based on the whole record before it, and hereby recommends the City Council finds that:

- a. The Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq.: "CEQA") and the State CEQA Guidelines;
- b. The Mitigated Negative Declaration contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission; and
- c. There is no substantial evidence supporting a fair argument that there would be a significant impact on the environment by the project.

Section 3: Recommendation. The Planning Commission of the City of El Paso de Robles, based on its independent judgment and analysis recommends the City Council adopt Mitigated Negative Declaration SCH 2024070401 (Exhibit

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A) for the Spring Street Affordable Housing and Mixed-Use Project Development Plan, Rezone, and Conditional Use Permit in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

Section 4: Notice of Determination. The Planning Commission recommends the City Council direct 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.

**PASSED AND ADOPTED** THIS 10<sup>th</sup> day of September 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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TY CHRISTENSEN, CHAIRPERSON

ATTEST:

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WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Exhibits:

- A. Exhibit A – Initial Study and Mitigated Negative Declaration SCH 2024070401
- B. Exhibit B – Comment Letter from the Santa Ynez Chumash Indians
- C. Exhibit C – Comment Letter from the Department of Toxic Substance Control
- D. Exhibit D – Comment Letter from the California Department of Conservation