

# Attachment 4

## RESOLUTION 24-XXX (B)

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING DEVELOPMENT PLAN 22-11 FOR THE SPRING STREET AFFORDABLE HOUSING AND MIXED-USE PROJECT INCLUDING BUILDING HEIGHT AND ON-SITE PARKING-RELATED CONCESSIONS FOR AN AFFORDABLE HOUSING DENSITY BONUS AND CONDITIONAL USE PERMIT 23-07 FOR A WINETASTING ROOM

1745 SPRING STREET / APN: 008-283-012

#### DEVELOPMENT PLAN 22-11 CONDITIONAL USE PERMIT 23-07

#### 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 project 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 extend the Resort/Lodging Overlay District to include the project site located at 1745 Spring Street (APN 008-283-012); 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 site; and

WHEREAS, the project includes 1 residential unit restricted to a very-low-income household (17% of the allowed density units), which entitles 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; and

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

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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

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, the project was scheduled for a public hearing at the Planning Commission on August 13, 2024, but was continued to August 27, 2024, and subsequently continued until 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, accepted public testimony regarding the project, and on a vote of 5-1 adopted Resolution PC 24-024, recommending the City Council approve Development Plan 22-11 and Conditional Use Permit 23-07; and

WHEREAS, the City Council held a public hearing on October 1, 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.

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 Planning Commission makes the following findings:

## **Development Plan Findings**

- a. The design and intensity of the proposed development plan is consistent with the goals and policies established by the general plan; the zoning code, particularly the purpose and intent of the zoning district in which the development project is located; and all other adopted codes, policies, standards, and plans of the city. The intent of the Resort/Lodging overlay district is to "provide a means through which the city council (and, through the development review process, the planning commission) can consider and selectively provide appropriate locations resort hotels, motels, bed and breakfast inns, and similar forms of visitor-serving lodging (along with related accessory/ancillary land uses)." With the application of the Resort/Lodging district, hotels are an allowed use. As such, upon approval of the request for a rezone to Resort/Lodging district, this property will be subject to the standards and regulations of the Resort/Lodging district. The parking deficit is a product of an affordable housing density bonus concession. The

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parking deficit will be partially remedied by the elimination of several driveway approaches and striping for new angled parking on 18<sup>th</sup> Street adjacent to the project.

- b. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city because, as mitigated, air quality, noise, and hazardous materials impacts are reduced to a less than significant level.
- c. The proposed development plan accommodates the aesthetic quality of the city as a whole, especially where development will be visible from gateways to the city and scenic corridors because it is a well-designed project with adequate landscaping. As conditioned, the project is generally consistent with the design guidelines for a Main Street Commercial style building.
- d. 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 (e.g., privacy) impact because as mitigated, no amplified music is permitted in the outdoor areas. The height of the building is similar to the new buildings of the Paso Market Walk to the north of the project and are appropriate on an arterial street.
- e. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stream courses, oak trees, vistas, historic buildings and structures because the site is flat and fully disturbed with no native oak trees or stream courses.
- f. The proposed development plan contributes to the orderly development of the city as a whole because it put residences and tourist-serving uses near the downtown, transit lines, schools, restaurants, and stores.
- g. 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 with the application of the Resort/Lodging district, hotels are an allowed use. The parking reduction concession that results in a parking deficit will be partially remedied by elimination of several driveway approached and striping of new angled parking on 18<sup>th</sup> Street adjacent to the project.
- h. The proposed project maintains and enhances significant natural resources on the site because there are no significant natural resources on the site, which was previously developed as a gas station.
- i. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area, and would not have an adverse effect on the public views from nearby roads and other public vantage points because the project includes an affordable housing density bonus concession for building height and the project is adjacent to the Paso Market Walk which includes buildings of similar height.

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- j. 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 the intensity is allowed as a state affordable housing density bonus project.
- k. The development would be consistent with the purpose and intent of this chapter and would not be contrary to the public health, safety, and welfare because as mitigated, it will address all potential environmental impacts.
- l. Notwithstanding anything to the contrary, the project will include 2 affordable housing density bonus concessions as follows and as further detailed in the corresponding staff report of this Resolution:
  - (1) Height exception for portions of the building exceeding 36 feet (“Height Concession”); and
  - (2) Parking reduction of 5 parking spaces to address the deficit of required onsite parking spaces for the project (“Parking Concession”).
- m. No substantial evidence exists at this time to support written findings to the contrary, as required under Government Code Section 65915(d)(1), to deny the Height Concession and Parking Concession.
- n. Granting the Height Concession and Parking Concession will not have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions) upon public health and safety or on any real property that is listed in the California Register of Historical Resources.
- o. Granting the Height Concession and Parking Concession would not be contrary to state or federal law.

## **Conditional Use Permit Findings**

- p. The establishment, maintenance, and operation of the winetasting room will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood setting because the conditions of approval prohibit any outdoor seat to be at least 50 feet from the southern property line where a funeral home is located, and mitigation measures prohibit amplified sound outdoors unless a noise study and appropriate noise mitigation are provided.
- q. The establishment, maintenance, and operation of the proposed winetasting room will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City because conditions and mitigation measures prohibit amplified sound outdoors unless a noise study and appropriate noise mitigation are provided.
- r. The establishment, maintenance, and operation of the proposed winetasting room will not be detrimental to the City’s efforts to revitalize the downtown because it is a tourist-oriented business located in the downtown area.

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- s. The establishment, maintenance, and operation of the proposed winetasting room, under the circumstances of the particular case, would be compatible with the goals, policies, and intent of the Zoning Ordinance specifically for the Resort/Lodging overlay district, which is intended for lodging and other tourist-serving businesses.

Section 3: The project, as mitigated by Mitigated Negative Declaration SCH 2024070401, will not result in a significant impact on the environment. All potential environmental impacts of the project have been fully analyzed in the MND. There is no substantial evidence in the administrative record to support a fair argument that the project may result in any significant environmental impacts beyond those analyzed and mitigated in the proposed MND.

Section 4: The City Council approves Development Plan 22-11 and Conditional Use Permit 23-07, subject to the conditions of approval and standards set forth in the following Exhibits:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
<b>A</b>	<b>Site-Specific Conditions of Approval</b>
<b>B</b>	<b>Standard Conditions of Approval</b>
<b>C</b>	<b>Project Plans</b>

Section 5: Development Plan 22-11 and Conditional Use Permit 23-07 shall be effective the same day Rezone 23-01 becomes effective.

APPROVED THIS 1<sup>st</sup> day of October 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John R. Hamon, Jr., Mayor

ATTEST:

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Melissa Boyer, City Clerk