

# Attachment 2

## RESOLUTION 23-XXX (A)

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR NUTWOOD RV AND SELF STORAGE DEVELOPMENT (PLANNED DEVELOPMENT 22-13, CONDITIONAL USE PERMIT 22-13 AND OAK TREE REMOVAL PERMIT 23-01)

#### (NUTWOOD RV AND SELF STORAGE MITIGATED NEGATIVE DECLARATION)

WHEREAS, the City of Paso Robles has received an application from DRA Commercial, LLC to construct an RV and self-storage facility of approximately 155, 231 square feet located within four (4) buildings; and

WHEREAS, the project site is approximately 5.53-acres and is located at 65 Nutwood Circle, east of Theatre Drive; and

WHEREAS, the General Plan designation is Regional Commercial (RC), and the zoning designation is Highway Commercial with a Planned Development Overlay (C2-PD). In addition to the PD requirement, Paso Robles Municipal Code (PRMC) Table 21.16.200 of the Zoning Code requires the approval of a Conditional Use Permit (CUP) for commercial storage/mini storage buildings;

WHEREAS, the Project will require the following entitlements: Planned Development PD 22-13, CUP22-13 and Oak Tree Removal Permit 23-01; and

WHEREAS, Oak Tree Removal Permit 23-01 would remove one of the five native oak trees located on the parcel, totaling 46-inches of diameter removed; and

WHEREAS, as allowed by PRMC Table 21.22.01, CUP22-13 allows for a reduction of parking since it has been demonstrated that the parking demand is less than the required standard. Parking is reduced from the required 52 spaces to 9 parking spaces with CUP22-13; 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) was prepared and is being circulated for a 20-day public review period beginning on March 24, 2023 and ending April 12, 2023 by: (1) filing an NOI with the San Luis Obispo County Clerk; (2) placing an NOI in the Tribune Newspaper, a newspaper of general circulation; (3) mailing the NOI to various interested persons, agencies, and tribes; and (4) posting the NOI on the City website; and

WHEREAS, the MND was made available during the public review period at the Paso Robles Community Development Department and on the City's web page; and

WHEREAS, mitigation measures have been incorporated into the MND and will be imposed on the project through the adoption of a Mitigation Monitoring and Reporting Plan (MMRP) in compliance with CEQA Guidelines Section 15074(d). These mitigation measures are imposed on the project to address potential environmental effects to: Aesthetics, Biological Resources, Air Quality and Greenhouse Gas Emissions. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. These mitigation measures are provided in the exhibits of this resolution; and

WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

WHEREAS, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

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WHEREAS, public review of the MND is ongoing and no written comments have been received, considered and responded to from the public, as well as any responsible, trustee, and interested agencies, on the MND thus far; and

WHEREAS, pursuant to State CEQA Guidelines section 15025(c), the Planning Commission as the advisory body making a recommendation to City Council considered the MND in draft form, and recommended that the City Council approve it, subject to review of additional comments received after the Planning Commission hearing; and

WHEREAS, in accordance with CEQA, the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq., the “CEQA Guidelines”), the City prepared an MND that analyzed the proposed Project’s environmental impacts. The MND is made available to the public for review from March 24, 2023 through April 12, 2023. On March 28, 2023, the Planning Commission conducted a duly noticed public hearing and considered the entire administrative record (as of that date), including staff reports, the MND, MMRP, and oral and written testimony from interested persons, all of whom were given an opportunity to be heard; and

WHEREAS, the MND is included in Exhibit A of this resolution; and

WHEREAS, the Planning Commission met on March 28, 2023 and recommended on a vote of 7-0 the City Council adopt the MND and approve the proposed Project; and

WHEREAS, based on the information and analysis contained in the MND prepared for this Project and testimony received as a result of the public notice, the Planning Commission recommends the City Council find there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the Project; and

WHEREAS, pursuant to CEQA the City Council has independently reviewed the MND and, all comments received thus far regarding the MND, and neither additional information submitted to the City nor other circumstances have produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review of the Project under State CEQA Guidelines section 15073.5, and based on the whole record before it, finds that the MND was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the MND reflects the independent judgment and analysis of the City.

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

Section 1. The matters set forth in the recitals to the Resolution are true and correct statements and are incorporated herein as substantive findings of this Resolution.

Section 2. The City Council has reviewed and considered the MND and record of proceedings for the Project, including all oral and written comments received during the comment period, the MMRP, the staff report prepared for this City Council hearing, including all attachments, and this Resolution with its attachments. Based on the City’s independent review and analysis, the City Council finds that the MND and the record of proceedings contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the MND has been completed in compliance with CEQA and the State CEQA Guidelines.

Section 3. Based on the MND and the record of proceedings, including all written and oral evidence presented to the City Council, the MMRP, the staff report prepared for this City Council hearing including all attachments, and this Resolution with its attachments, the City Council finds that all environmental impacts of the Project are less than significant with the mitigation set forth in the MND and the MMRP. The City Council further finds that there is no substantial evidence in the record of

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proceedings supporting a fair argument that the Project may result in significant environmental impacts. The City Council finds that the MND, MMRP, the staff report prepared for this City Council hearing with its attachments, and this Resolution with its attachments, all contain a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City. No new significant environmental effects have been identified in the MND and any changes to the MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5. Based on these findings, the City Council approves and adopts the MND for this Project, which is attached to this Resolution as Exhibit “A”, pursuant to Public Resources Code section 21080, subdivision (c)(2).

Section 4. The City Council has also reviewed and considered the MMRP for the Project that has been prepared pursuant to the requirements of Public Resources Code section 21081.6 and finds that such Plan is designed to ensure compliance with the mitigation measures during Project implementation. The City Council therefore approves and adopts the MMRP for the Project, which is attached to this Resolution as Exhibit “B” and made a condition of Project approval.

Section 5. The City Council directs Staff to file a Notice of Determination with the County of San Luis Obispo within five (5) working days of the Project approval.

Section 6. The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings on which these findings have been based are located at the Paso Robles Community Development Department, located at 1000 Spring Street, Paso Robles, California 93446. The custodian of these documents is the City Clerk of the City of Paso Robles.

APPROVED this 18<sup>TH</sup> day of April 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Melissa Boyer, City Clerk

Exhibits:

- A. Exhibit A – Initial Study and Mitigated Negative Declaration (See attachment 4 to this report)
- B. Exhibit B – Mitigation Monitoring and Reporting Plan (See Attachment 4 to this report)