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RESOLUTION 23-XXX (B)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING NUTWOOD RV AND SELF STORAGE PLANNED DEVELOPMENT 22-13, CONDITIONAL USE PERMIT 22-13 AND OAK TREE REMOVAL PERMIT 23-01

(NUTWOOD RV AND SELF STORAGE DEVELOPMENT PLAN)

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 withing 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, 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 Paso Robles Municipal Code (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 6 parking spaces with CUP22-13; and

WHEREAS, the Development Review Committee (DRC) reviewed the design of the project at their meeting on October 10, 2022, where they were in favor of the project and recommended that the project be scheduled before the Planning Commission for review; 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, in compliance with the California Environmental Quality Act (CEQA), an initial study and mitigated negative declaration (MND) were prepared for the project and are being circulated between March 24, 2023 and April 12, 2023; and

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 City Council makes the following findings:

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Development Plan Findings

1. The project is consistent with the goals and policies established by the General Plan and Zoning Ordinance, since the project would provide for areas for commercial service and light-industrial uses; and
2. The project is consistent with the zoning code, and the purpose and intent of the Regional Commercial zoning district, since the project is a commercial use; and
3. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, as a result of the landscaping and decorative quality building materials; and overall design and conditions of approval of the project; and
4. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; because it uses a mixture of quality building materials and landscaping; and
5. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts, as it is a compatible use for a regional commercial site and provides an aesthetic appearance with quality building materials and prominent landscaping; and
6. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, oak trees, and vistas, as it proposes to mitigate impacts to the oak tree if the tree removal request is approved; and
7. The proposed development plan contributes to the orderly development of the city as a whole by providing a project that is suitable for the location where it is proposed and surrounding land uses including commercial/light industrial, and the existing rural residential in the vicinity; and

Conditional Use Permit Findings

1. The establishment, maintenance, and operation of the proposed land use 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. The use is consistent with the other light industrial and commercial uses in the area. A traffic study prepared on November 10, 2022, concluded that traffic generated from the proposed use would be less than significant. In addition, studies on air quality and noise were also conducted and concluded less than significant impacts.
2. The establishment, maintenance, and operation of the proposed land use will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City. The project is conditioned to maintain the property and landscape in accordance with applicable zoning and General Plan standards, and to minimize impacts to neighboring uses.

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3. The establishment, maintenance, and operation of the proposed land use will not be detrimental to the city's efforts to revitalize the downtown since the use is being proposed on the South side of town in a commercial/industrial zone and this use is not permitted in the downtown zone.
4. The establishment, maintenance, and operation of the proposed land use, under the circumstances of the particular case, would be compatible with the goals, policies, and intent of the Zoning Ordinance, would be essential or desirable to the public convenience or welfare, and would not impair the integrity and character of the Zoning District in which it is located because it is a commercial/industrial zone where similar uses are permitted.

Oak Tree Removal Permit Findings

1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation: *One oak tree is proposed for removal due to its proximity to proposed structures. Design of the proposed buildings will place buildings/pavement within the critical root zone, mitigated construction measures are not guaranteed to save the tree from effects of construction due to stress, grading and compaction.*
2. The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom-building design and incurring extraordinary costs to save oak trees: *The site plan shows reasonable effort was made to avoid impacting the majority of oak trees on the site with four of the five oak trees being preserved. An alternative design that protects all five trees has been provided however the arborist cannot guarantee that the site plan would not add additional stressors causing a decline in the tree's health.*
3. The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed: *The tree removal will not affect the soil or water retention of the site.*
4. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole: *Mitigation trees (totaling 12-inches in diameter) will be provided on-site, at the recommendation of the arborist, for the project to mitigate for the loss of the tree proposed for removal.*
5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support: *Five other oak trees will be retained, and new trees will be planted on the property.*

Section 3. In accordance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq., the "CEQA Guidelines, the City prepared an Initial Study/Mitigated Negative

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Declaration (SCH #2022120593) (“MND”) that analyzed the proposed Project’s environmental impacts. The MND was made available to the public for review from March 24, 2023 through April 12, 2023. On March 28, 2023, the Planning Commission recommended to City Council approval of the Project and adoption of the MND. On April 18, 2023, City Council conducted a duly noticed public hearing and considered the entire record of proceedings, including staff reports and their attachments, the MND, 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 No. 2023- , including the MND, as if fully set forth herein.

Section 4. The City Council hereby approves Planned Development 22-13, Conditional Use Permit 22-13, and Oak Tree Removal Permit 23-01, subject to the following:

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

APPROVED this 18th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A - Nutwood Storage Site Specific Conditions

Exhibit B - Nutwood Storage Standard Conditions

Exhibit C - Nutwood Storage Project Plans

Exhibit D - Nutwood Storage Landscape Plan.