

# Attachment 2

## RESOLUTION 23-XXX (A)

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH 2023030497) AND MITIGATION MONITORING AND REPORTING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR ROLLING HILLS APARTMENT PRJOECT (PLANNED DEVELOPMENT 22-08 AND OAK TREE REMOVAL 22-16)

#### (ROLLING HILLS APARTMENT PRJOECT MITIGATED NEGATIVE DECLARATION)

WHEREAS, the City of Paso Robles has received an application from Red Tail Land Development, LLC to construct a 135-unit multi-family residential project; and

WHEREAS, the project site is approximately 6.12-acres and is located at the intersection of Creston Road and Rolling Hills Road; and

WHEREAS, the proposed residential development is a 135-unit apartment project, consisting of seven, three-story buildings, and a one-story clubhouse. Of the 135 units, there are 62 one-bedroom / one-bathroom apartments, 52 two-bedroom / two-bathroom apartments, and 21 three-bedroom / two-bathroom apartments. A total of 267 onsite parking spaces are provided. There are numerous on-site trees, including three native oak trees, of which one tree is proposed for removal; and

WHEREAS, the Project will require the following entitlements: Planned Development PD 22-08 and Oak Tree Removal 22-16, which are to be approved by separate action; and

WHEREAS, the site has a General Plan land use designation of Residential Multiple Family, High Density 20 units per acre (RMF-20); and is within the R4-20, Multiple-Family Residential zoning district; and

WHEREAS, multifamily residential is an allowed use in the R4-20 zoning district; and

WHEREAS, in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA”), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq., the “CEQA Guidelines”), the City prepared an Initial Study/Mitigated Negative Declaration (SCH #2023030497) (“MND”) that analyzed the proposed Project’s environmental impacts. The MND was made available to the public for review from March 17, 2023 through April 5, 2023, and is attached hereto as Exhibit A; and

WHEREAS, 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, this 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, incorporating by reference the environmental findings and analysis of the MND, as if fully set forth herein; 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: Air Quality, Biological Resources, Cultural Resources, Transportation, and Tribal Cultural Resources. With the implementation of this MMRP, all potential environmental effects will be reduced to a less than significant level. These mitigation measures are provided and discussed in more detail in the exhibits of this resolution; and

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WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable, and will also be imposed as enforceable conditions of approval for the project. 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, one written comment letter (see Exhibit C) was received on the MND, with response to comment incorporated into the staff report, this Resolution, and its attachments; and

WHEREAS, the Planning Commission recommended by unanimous vote of 7-0 that 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, the MMRP, the staff report prepared for this City Council hearing, including all attachments, this Resolution and its attachments, and testimony received as a result of the public notice, the City Council finds there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with the incorporation of the mitigation measures imposed on the Project; and

WHEREAS, pursuant to CEQA the City Council has independently reviewed the MND and, all comments received 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, the City Council find 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 measures, 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 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).

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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 and the State Clearinghouse 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 SCH 2023030497
- B. Exhibit B – Mitigation Monitoring and Reporting Plan
- C. Exhibit C – Public Comment Letters Received