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RESOLUTION 23-XXX (B)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING THE 135-UNIT ROLLING HILLS APARTMENT PROJECT (PLANNED DEVELOPMENT 22-08 AND OAK TREE REMOVAL PERMIT 22-16)

(ROLLING HILLS APARTMENT PROJECT DEVELOPMENT PLAN)

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 Permit 22-16; 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, as part of the Planned Development approval and in accordance with PRMC chapter 21.16I.140, the applicant has requested modifications to the Zoning Code, Section 21.16I.210, General Architectural Requirements, which include the following:

- a. Modification to allow multi-family buildings to exceed the limit of four to eight dwelling units per building; and
- b. Modification to allow multi-family buildings to exceed the maximum of four dwelling units sharing a common entrance to a multi-family building.

WHEREAS, the Development Review Committee (DRC) reviewed the design of the project at their meeting on December 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, in compliance with the California Environmental Quality Act (CEQA), an initial study and mitigated negative declaration (SCH 2023030497) were prepared for the project and were circulated between March 17, 2023 and April 5, 2023.

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.

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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:

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 multi-family housing at an appropriate density on an infill lot near school, services, and transit; and
2. The project is consistent with the zoning code, and the purpose and intent of the R4-20 zoning district, since the project is a high-density multi-family project; 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 the project is a well-designed residential 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 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 an infill site, is substantially set back from the public right-of-way and neighboring residential uses to the north and west, and is designed so line of sight from the three-story buildings is limited based on the setbacks 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 well-designed project that includes needed housing.
8. With the granting of modifications to Section 21.16I.210, General Architectural Requirements, the project will not create a physical hazard or negative visual impact when viewed from a street or neighboring property, because it enables the applicant to design a project that matches the density of the site, and results in fewer buildings and greater setbacks from adjacent residences, mitigating potential negative visual impacts from neighboring properties.

Oak Tree Removal Permit Finding

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 it being in poor condition, having structural issues, past failures, and the likelihood of future failure once frontage improvements for Rolling Hills Road are made which is within the tree's critical root zone.*

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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 the tree could be retained since the apartment buildings have been designed around the tree. Based on the condition of the tree, it is recommended for removal.*
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 11-inches in diameter) are being provided with the new landscape plan 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: *Two 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”), 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. On March 28, 2023, the Planning Commission recommended City Council approval of the Project and adoption of the MND, subject to the City Council’s consideration of additional comments that could be made until the end of the circulation period. 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 22-08 and Oak Tree Removal Permit 22-16, subject to the following:

EXHIBIT	DESCRIPTION
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Project Plans

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

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AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Melissa Boyer, City Clerk

Exhibits: A-C (attached)