

RESOLUTION NO.: 04-026

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 03-013 AND CONDITIONAL USE PERMIT 03-017
(EAGLE ENERGY, INC.)

APN: 025-421-027

WHEREAS, Bob Fisher on behalf of Eagle Energy, Inc. has filed an application for Planned Development Permit 03-012 to reconstruct the existing fuel sales, mini-market and restaurant on the 2.2 acre site, located on the northeast corner of Golden Hill Road and Highway 46 East (2400 Golden Hill Road); and

WHEREAS, in conjunction with the development plan, the applicant has submitted an application for Conditional Use Permit 03-017 for the construction of a new drive through car wash and the replacement of the existing highway oriented sign with a new 30-foot tall highway oriented sign; and

WHEREAS, the new development would consist of constructing a new card lock and commercial fuel islands with new canopies, construction of a new 4500 square foot convenience store with drive through food sales, construction of a new drive through car wash, the construction of a 4,200 square foot bulk oil warehouse, constructing a new highway oriented sign, and constructing a new structure around the existing above ground fuel tank; and

WHEREAS, the project would be constructed in four phases; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 27, 2004, to open the public hearing and continue consideration of the subject application to the February 24, 2004 Planning Commission hearing in order to allow the Applicant additional time to provide the City with the necessary traffic study, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 24, 2004 to continue the open public hearing and continue consideration of the subject application to the March 9, 2004 Planning Commission hearing in order to allow the Applicant additional time to provide the City with the necessary traffic study, and

WHEREAS, a public hearing was conducted by the Planning Commission on March 9, 2004, to

consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Mitigated Negative Declaration, and

WHEREAS, the Borkey Area Specific Plan (BASP) requires Planning Commission approval of a Planned Development for all development projects within the BASP, and

WHEREAS, an Initial Study was prepared for this project (on file with the Community Development Department) and a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act, and

WHEREAS, the Initial Study identified the following environmental topics as having the potential for significant impacts as a result of this project:

Air Quality
Biological

WHEREAS, the Initial Study identified a series of environmental mitigation measures that are contained in the conditions of approval for the proposed project, and when implemented, the Initial Study concludes these measures will reduce said impacts to a less than significant level, and

WHEREAS, public notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code, and

WHEREAS, based on the information contained in the Initial Study prepared for this development plan application, the proposed mitigation measures, the mitigation contract signed by the applicant, the staff report, and testimony received as a result of the public notice, the City, using its own independent judgment, finds that all potentially significant effects of the project on the environment can and will be avoided or mitigated to a level of insignificance by:

1. Imposing the specified mitigation measures on future development; and
2. Compliance with the Mitigation Contract that allows for further development specific, CEQA review.”

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve a Mitigated Negative Declaration for Planned

Development 03-013 and Conditional Use Permit 03-017 subject to the applicant complying with the following mitigation measures contained in the Resolutions approving Planned Development 03-013 and Conditional Use Permit 03-017:

<u>Condition No.</u>	<u>Topic of Mitigation</u>
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Planned Development 03-013 Resolution:

14	Biological (oak tree)
26-35	Air Quality

PASSED AND ADOPTED THIS 9th day of March, 2004, by the following roll call vote:

AYES: Ferravanti, Flynn, Hamon, Johnson, Kemper, Mattke, Steinbeck

NOES: None

ABSENT: None

ABSTAIN: None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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