

RESOLUTION NO.: 03-074

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES,
APPROVING A MITIGATED NEGATIVE DECLARATION AND ESTABLISHING A MITIGATION
MONITORING/REPORTING PROGRAM FOR THE SAN LUIS OBISPO COUNTY SUPERIOR
COURTHOUSE AT 940 SPRING STREET (APPLICANT: COUNTY OF SAN LUIS OBISPO)

WHEREAS, the County of San Luis Obispo has filed a Planned Development and Waiver application on behalf of the California Superior Court of San Luis Obispo County seeking approval of a new Superior Court facility to be constructed and operated on an approximately 1.4-acre site at 940 Spring Street (Assessor Parcel Number 009-151-002);

WHEREAS, City approval is sought for the new facility in accordance with the long-term ground lease by and between the City and the County for the site and its development and use as a Superior Court facility;

WHEREAS, the Project site is bounded encompasses an approximately 1.4-acre site bounded by 9th Street on the south, Spring Street on the west, 10th Street on the north, and Park Street on the east; and

WHEREAS, the City's Economic Strategy and its General Plan call for retaining and expanding the North County Municipal Courts in the Downtown. Emphasis is placed on continued revitalization of Downtown as a Commercial/Entertainment Center that accommodates a Government Center (Public Safety, Library/City Hall, and County Courts), caters to the tourists and provides professional office space; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Rules and Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment along with a proposed Mitigated Negative Declaration, a Mitigation Monitoring/Reporting Program/Plan, and a Public Hearing Notice; and

WHEREAS, at its October 14, 2003 meeting, the Planning Commission held a duly noticed public hearing to accept public testimony on the proposed Mitigated Negative Declaration, Mitigation Monitoring/Reporting Program/Plan, Planned Development PD 03-005, and Waiver 03-007 for the new Superior Court facility; and.

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

WHEREAS, public notice of the proposed Mitigation Monitoring/Reporting Program/Plan was given as is required by Section 15097 of the State Guidelines for Implementation of the California Environmental Quality Act; and

WHEREAS, based on the information and analysis contained in the Initial Study (including the proposed Mitigation Measures and the proposed Mitigation Monitoring/Reporting Program/Plan), the staff report, and public testimony received, the Planning Commission, using its own independent judgment, finds that all potentially significant effects of the new Superior Court facility ("Project") on the environment can and will be avoided or mitigated to a level of insignificance by:

1. Imposing the specified mitigation measures in the Initial Study as Conditions of Approval for the new Superior Court facility;

2. Requiring the applicant to make, or to agree to make, revisions to the Project so as to incorporate the mitigation measures in the Initial Study into the Project, as set forth in the attached acknowledgement statement (as set forth in the attached Mitigation Agreement and Mitigation Monitoring/Reporting Plan/Program; and,
3. Requiring compliance with the Mitigation Monitoring/Reporting Program/Plan that establishes the program for reporting on, or monitoring, the changes incorporated into the Project by the Planning Commission so as to allow for the adoption of Mitigated Negative Declaration.

NOW, THEREFORE, the Planning Commission of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

1. Find and determine that Planned Development PD 03-005 and Waiver 03-007 will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the Planning Commission (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).
2. Adopt a Mitigated Negative Declaration for Planned Development PD 03-005 and Waiver 03-007 for the new Superior Court facility at 940 Spring Street.
3. Establish a Mitigation Monitoring/Reporting Program/Plan for Planned Development PD 03-005 and Waiver 03-007 for reporting on and/or monitoring how the changes set forth as Mitigation Measures are incorporated into the Project design as well as the facility construction and operation.

PASSED AND ADOPTED THIS 14th day of October 2003, by the following roll call vote:

AYES: Ferravanti, Flynn, Kemper, Steinbeck, and Johnson

NOES: None

ABSENT: Calloway

ABSTAIN: Warnke

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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