

RESOLUTION NO. PC-XXXX-21

A RESOLUTION OF THE CITY OF SAN LUIS OBISPO PLANNING COMMISSION APPROVING A MINOR USE PERMIT AND THE DEVELOPMENT OF A MIXED-USE PROJECT CONSISTING OF 94 AFFORDABLE RESIDENTIAL UNITS FOR LOW-INCOME HOUSEHOLDS AND 924 SQUARE FEET OF COMMERCIAL SPACE WITHIN THE MANUFACTURING (M) ZONE. THE PROJECT INCLUDES A DENSITY BONUS OF 24% INCLUDING A REQUEST FOR AN AFFORDABLE HOUSING CONCESSION AND WAIVER FROM THE EDGE CONDITIONS STANDARDS FOR THE ORIENTATION OF BALCONIES AND WINDOW PLACEMENT ON THE SECOND AND THIRD FLOORS OF THE BUILDING SIDES FACING ADJACENT PROPERTIES LOCATED IN THE MEDIUM-DENSITY (R-2) ZONE AND AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION (ER#0286-2014), AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED AUGUST 25, 2021 (279 BRIDGE STREET, ARCH-0587-2020, USE-0412-2021, & AFFH-0413-2021)

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing in the Council Hearing Room of City Hall, 990 Palm Street, San Luis Obispo, California, on June 1, 2015, adopted the Mitigated Negative Declaration for the project, and approved a pre-fabricated bridge across Meadow Creek and an associated creek setback exception; and continued the review of the three shell buildings and associated site improvements and tree removals to a date uncertain with directional items provided for the applicant and staff, pursuant to a proceeding instituted under ARCH-0286-2014 & ER#0286-2014, Devin Gallagher, applicant, and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing in the Council Hearing Room of City Hall, 990 Palm Street, San Luis Obispo, California, on May 1, 2017, found the project consistent with the Community Design Guidelines and approved the project Resolution No. 1007-17, pursuant to a proceeding instituted under ARCH-0255-2019, Devin Gallagher, applicant; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing in the Council Hearing Room of City Hall, 990 Palm Street, San Luis Obispo, California, on September 9, 2019, reviewed changes to the previously approved project and recommended that the Planning Commission find the project consistent with the Community Design Guidelines, pursuant to a proceeding instituted under ARCH-0255-2019, Devin Gallagher, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on September 25, 2019, approving the mixed-use project and an associated addendum to the Mitigated Negative Declaration, pursuant to a proceeding instituted under ARCH-0255-2019 and USE-0526-2019, Devin Gallagher, applicant; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing in the Council Hearing Room of City Hall, 990 Palm Street, San Luis Obispo, California, on July 19, 2021, recommending the Planning Commission find the project consistent with the Community Design Guidelines with identified directional items, pursuant to a proceeding instituted under ARCH-0587-2020, AFFH-0413-2021, & EID-0494-2021, Scott Smith, HASLO, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, August 25, 2021, pursuant to a proceeding instituted under ARCH-0587-2020, USE-0412-2021, AFFH-0413-2021, & EID-0494-2021, Scott Smith, HASLO, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo has duly considered all evidence, including the testimony of the applicant, interested parties, and evaluation and recommendations by staff, presented at said hearing; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Planning Commission hereby grants final approval to the project (ARCH-0587-2020, USE-0412-2021, & AFFH-0413-2021), based on the following findings:

1. The project is consistent with Land Use Element Policy 2.3.6 “Housing and Businesses” and 3.8.5 (Mixed Uses) because the project provides residential dwellings within a commercial district near neighborhood commercial centers, major activity nodes and transit opportunities. Housing at this location is and can be compatible with the proposed and existing commercial uses on-site and on adjacent properties.
2. The project is consistent with Housing Element Policies 6.1 and 7.4 because the project supports the development of more housing in accordance with the assigned Regional Housing Needs Allocation and establishes a new neighborhood development, with pedestrian and bicycle linkages that provide direct, convenient and safe access to adjacent neighborhoods consistent with the Community Design Guidelines.

3. The project is consistent with Conservation and Open Space Element Policy 4.4.3 because the project promotes higher-density, compact housing to achieve more efficient use of public facilities and services and to improve the job/housing balance.
4. As conditioned, the project is consistent with the Zoning Regulations for Mixed-Use Projects (Section 17.70.130), since the proposed building design complies with objective design criteria and performance standards for mixed-use development by providing internal compatibility between the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, and use of open space.

Minor Use Permit Findings

5. As conditioned, the establishment, maintenance, or operation of the proposed project will not, in the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City because the project has been designed to address noise, glare, and pedestrian traffic that is compatible and consistent with the mix of residential and commercial uses on site.
6. As conditioned, the proposed project is consistent with the General Plan Land Use Element for this location since the project proposes to construct a mixed-use building that includes commercial service uses and residential uses that are consistent with activities envisioned by the Services and Manufacturing Land Use designation.
7. As conditioned, the project complies with all applicable provisions of the Zoning Regulations as described within the property development standards for the Manufacturing (M) zone and mixed-use development. The proposed uses are compatible with the project site and with existing and potential uses in the vicinity which include commercial services and residences.
8. As conditioned, the mixed-use project is compatible at this location because the project is surrounded on three sides by existing residential dwellings, and located away from the primary street frontage which serves primarily existing commercial uses. The proposed residential and commercial activities are compatible with existing and future land uses in the vicinity because the project has been designed to orient commercial uses toward the street and residential private open space areas are located internal to the site.
9. The site is physically suitable in terms of public utilities, traffic generation, and public emergency vehicle access, because the proposed project is within an existing developed neighborhood that provides adequate utilities, vehicle parking, and site circulation. The site is adequate for the project in terms of size, configuration, topography, and other applicable features, and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use.

Development Review Findings

10. As conditioned, the project is consistent with the Community Design Guidelines for commercial and multi-family housing design and infill development because the architectural style is complementary to the surrounding neighborhood and is designed consistent with the prevailing setback pattern of the neighborhood.
11. As conditioned, the project design is consistent with the Community Design Guidelines by providing a variety of architectural treatments that add visual interest and articulation to the building design that are compatible with the design and scale of the existing structures in the surrounding neighborhood (CDG, Chapter 5.3).
12. As conditioned, the project respects the privacy of adjacent residences through appropriate building orientation and windows that minimize overlook and do not impair the privacy of the indoor or outdoor living space of neighboring structures.
13. The proposed height, mass and scale of the project will not negatively alter the overall character of the neighborhood or the street's appearance because the development is designed in a manner that does not deprive reasonable solar access to adjacent properties. The project incorporates vertical and horizontal wall plan offsets, which provide a high-quality and aesthetically pleasing architectural design.

Density Bonus and Alternative Incentives Findings

14. The proposed project qualifies for an 80% density bonus by providing 100% of the base density units as dedicated housing for low-income households. The project will provide quality affordable housing consistent with the intent of Chapter 17.140 of the Zoning Regulations, the requested 24% density bonus and reduction to site development standards are necessary to facilitate the production of affordable housing units associated with a mixed-use development project. The requested density bonus and reduction to site development standards are necessary to facilitate the production of affordable housing units.
15. The requests for a density bonus and reduction to site development standards are necessary to facilitate the production of affordable housing units, consistent with the intent of Housing Element programs 2.17, 6.10, and 6.19, and the alternative affordable housing incentives outlined in Section 17.140.070 of the Zoning Regulations.
16. The requested waiver to the site development standard which requires window placement to be offset by 12-inches from adjacent existing structures along the second and third floor, is appropriate because the windows are necessary for egress for occupancy of the dwelling units in compliance with the California Building Code which does not result in any identified specific adverse impact to the public health, safety, or physical environment consistent with State and Federal Law.

Sign Regulations

17. The proposed monument sign is consistent with the intent and purpose of the Sign Regulations, the sign is of similar size as other properties in the vicinity with the same zoning and provides for a superior design that does not result in visual clutter on the property.

SECTION 2. Environmental Review. A Mitigated Negative Declaration was adopted by the Architectural Review Commission on June 1, 2015. The Planning Commission hereby adopts the Addendum to the adopted Mitigated Negative Declaration of Environmental Review, finding that: 1) the minor technical changes addressed in the Addendum do not materially change the findings and conclusions of the adopted Mitigated Negative Declaration; 2) no substantial changes are proposed or would occur that would require major revisions to the adopted Mitigated Negative Declaration; 3) no new significant environmental effects are identified and there would not be a substantial increase in the severity of previously identified significant effects; 4) the project would not result in any significant effects that would be substantially more severe than what was identified in the adopted Mitigated Negative Declaration; and 5) the applicant will comply with all adopted mitigation measures.

Aesthetics

Mitigation Measure AES 1: All freestanding light post shall be eliminated and replaced with bollard lighting depicted elsewhere on project plans.

- **Monitoring Plan, AES 1:** Final plans shall be reviewed Community Development Planning staff as part of the Building Permit application package, who shall require modifications as necessary for consistency with City standards and to ensure that light spillage into the creek corridor or across property lines will not occur, prior to department sign off and issuance of permits.

Mitigation Measure AES 2: All freestanding bollard lighting shall be located outside required yard and creek setbacks.

- **Monitoring Plan, AES 2:** Final plans shall be reviewed Community Development Planning staff as part of the Building Permit application package, who shall ensure that all lighting is outside required yard and creek setbacks, prior to department sign off and issuance of permits.

Air Quality

Mitigation Measure AQ 1: Prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the Asbestos ATCM regulation. An exemption request must be filed with the APCD. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos

ATCM. This may include development of an Asbestos Dust Mitigation Plan and Asbestos Health and Safety Program for approval by the APCD.

- Monitoring Plan, AQ 1: All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor compliance with APCD requirements. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction. The applicant shall provide documentation of compliance with APCD requirements to City staff prior to issuance of any grading or building permits.

Mitigation Measure AQ 2: Any scheduled disturbance, removal, or relocation of utility pipelines shall be coordinated with the APCD Enforcement Division at (805) 781-5912 to ensure compliance with NESHAP, which include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM.

- Monitoring Plan, AQ 2: All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor compliance with APCD requirements. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction.

Mitigation Measure AQ 3: During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor the dust control program and modify practices, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Community Development and Public Works Departments prior to commencement of construction.

- a) Reduce the amount of disturbed area where possible.
- b) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site, and from exceeding the APCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency will be required whenever wind speeds exceed 15 m.p.h. and cessation of grading activities during periods of winds over 25 m.p.h. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
- c) All dirt stock pile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.

- d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities.
 - e) Exposed grounds that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.
 - f) All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h) Vehicle speed for all construction vehicles shall not exceed 15 m.p.h. on any unpaved surface at the construction site.
 - i) All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
 - j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
 - l) All PM10 mitigation measures required shall be shown on grading and building plans.
 - m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD's limit of 20% opacity for no greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- Monitoring Plan, AQ 3: All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction.

Mitigation Measure AQ 4: Prior to any construction activities at the site, the project proponent shall ensure that all equipment and operations are compliant with California Air Resource Board and APCD permitting requirements, by contacting the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

- **Monitoring Plan, AQ 4:** All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor compliance with APCD requirements. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction. The applicant shall provide documentation of compliance with APCD requirements to City staff prior to issuance of any grading or building permits.

Mitigation Measure AQ 5: To reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project and export soil from the site, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
 - a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - ii. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of restricted area, except as noted in Subsection (d) of the regulation.
 - b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
2. Diesel Idling Restrictions Near Sensitive Receptors (residential homes). In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
 - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.

- c. Use of alternative fueled equipment is recommended.
 - d. Signs that specify the no idling areas must be posed and enforces at the site.
- 3. Soil Transport. The final volume of soil that will be hauled off-site, together with the fleet mix, hauling route, and number of trips per day will need to be identified for the APCD. Specific standards and conditions will apply.
- **Monitoring Plan, AQ 5:** All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction. The applicant shall provide documentation of compliance with APCD requirements to City staff prior to issuance of any grading or building permits.

Mitigation Measure AQ 6: To confirm the health risks to residents of the development are below APCD thresholds, screening level health risk assessments shall be completed and provided to the APCD for review and approval prior to the issuance of business permits when required by the APCD.

- **Monitoring Plan, AQ 6:** Confirmation with compliance with APCD regulations shall be provided with business permit applications as applicable. All mitigation measures shall be shown on grading and building plans. In addition, the contractor shall designate a person or persons to monitor compliance with APCD requirements. The name and telephone number of such persons shall be provided to the APCD, Community Development and Public Works Departments prior to commencement of construction. The applicant shall provide documentation of compliance with APCD requirements to City staff prior to issuance of any grading or building permits.

Biological Resources

Mitigation Measure BIO 1: The final geotechnical engineering report shall be prepared to ensure that caisson foundations in lieu of over-excavated building pads with shallow foundations are utilized where adjacent to riparian setbacks.

- **Monitoring Plan, BIO 1:** All mitigation measures shall be shown on grading and building plans and be clearly visible to contractors and City inspectors. Final plans and supporting materials shall be reviewed by the City's Community Development staff and Natural Resources Manager as part of the Building Permit application package, who shall confirm the conclusion and recommendations of the final geotechnical engineering report and use of caisson foundations and provide site inspections as necessary to ensure implementation.

Mitigation Measure BIO 2: To reduce potential impacts to nesting birds to a less than significant level, vegetation removal and initial site disturbance for any project elements shall be conducted between September 1st and January 31st outside of the nesting bird season. If vegetation removal is planned for the bird nesting season (February 1st to August 31st), then, preconstruction nesting bird surveys shall be required to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required.

If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist, and in accordance with CDFW standards and the Migratory Bird Treaty Act as may be applicable. Nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist. As such, avoiding disturbance or take of an active nest would reduce potential impacts on nesting birds to a less-than-significant level.

- **Monitoring Plan, BIO 2:** All mitigation measures shall be shown on grading and building plans and be clearly visible to contractors and City inspectors. Final plans and supporting materials shall be reviewed by the City's Planning staff and Natural Resources Manager as part of the Building Permit application package, who shall confirm the conclusion and recommendations of the preconstruction nesting bird surveys and provide site inspections as necessary to ensure implementation.

Mitigation Measure BIO 3: Prior to ground disturbing activities, a qualified biologist shall conduct a pre-construction survey within 30 days of initial ground disturbance to identify whether any upland wildlife species are using any portion of the project areas where ground disturbance is proposed. If ground dwelling wildlife species are detected a biological monitor shall be present during initial ground disturbing and/or vegetation removal activities to attempt salvage and relocation efforts for the wildlife that may be present, such as common reptiles and small mammals. The salvage and relocation effort for non-listed wildlife species would further reduce the level of this less than significant impact.

- **Monitoring Plan, BIO 3:** All mitigation measures shall be shown on grading and building plans and be clearly visible to contractors and City inspectors. Final plans and supporting materials shall be reviewed by the City's Planning staff and Natural Resources Manager as part of the Building Permit application package, who shall confirm the conclusion and recommendations of the preconstruction surveys and provide site inspections as necessary to ensure implementation.

Mitigation Measure BIO 4: The applicant shall obtain Clean Water Act (CWA) regulatory compliance in the form of a permit from the Corps or written documentation from the Corps that no permit would be required for the proposed bridge crossing. Should a permit be required, the applicant shall implement all the terms and conditions of the permit to the satisfaction of the Corps.

Corps permits and authorizations require applicants to demonstrate that the proposed project has been designed and will be implemented in a manner that avoids and minimizes impacts on aquatic resources. Compliance with Corps permitting would also include obtaining a CWA 401 Water Quality Certification from the Regional Water Quality Control Board. In addition, the Corps may require compensatory mitigation for unavoidable permanent impacts on riparian habitat to achieve the goal of a no net loss of wetland values and functions. As such, regulatory compliance would reduce potential impacts on waters of the U.S. to a less-than-significant level.

- Monitoring Plan, BIO 4: All mitigation measures shall be shown on grading and building plans and be clearly visible to contractors and City inspectors. Final plans and supporting materials, including documentation of compliance with any Corps permitting or compensatory mitigation requirements shall be reviewed by the City's Planning staff and Natural Resources Manager as part of the Building Permit application package, who shall confirm the adequacy of CWA/Corps compliance.

Mitigation Measure BIO 5: The applicant shall obtain compliance with Section 1602 of the California Fish and Wildlife Code (Streambed Alteration Agreements) in the form of a completed Streambed Alteration Agreement or written documentation from the CDFW that no agreement would be required for the proposed bridge crossing. Should an agreement be required, the property owners shall implement all the terms and conditions of the agreement to the satisfaction of the CDFW. The CDFW Streambed Alteration Agreement process encourages applicants to demonstrate that the proposed project has been designed and will be implemented in a manner that avoids and minimizes impacts in the stream zone. In addition, CDFW may require compensatory mitigation for unavoidable impacts on riparian habitat in the form of riparian habitat restoration of disturbed areas to the extent feasible and additional compensatory riparian tree plantings. Using the City-required creek setback area along Meadow Creek for riparian tree replacement would be an appropriate onsite compensatory mitigation approach. As such, regulatory compliance would reduce potential impacts on waters of the state to a less-than significant level.

- Monitoring Plan, BIO 5: All mitigation measures shall be shown on grading and building plans and be clearly visible to contractors and City inspectors. Final plans and supporting materials, including documentation of compliance with any CDFW permitting or compensatory mitigation requirements shall be reviewed by the City's Planning staff and Natural Resources Manager as part of the Building Permit application package, who shall confirm the adequacy of CDFW compliance.

Geology & Soils

Mitigation Measure GEO 1: A geotechnical engineering investigation shall be undertaken, and a comprehensive design-level report prepared based on the final approved design of the project. Additional borings will be required to address specific areas of the site once building layout and structural foundation loads are determined or can be reasonably estimated.

The report shall address site preparation and grading, total and differential settlement under the structure loads, retaining wall design parameters, slabs-on-grade, expansive soils, site-specific seismicity (including seismic loads on retaining walls), and any other items deemed relevant to the geotechnical engineer.

- Monitoring Plan, GEO 1: All mitigation measures shall be shown on grading and building plans. Community Development Planning and Public Works staff shall review the geotechnical analysis as part of the Building Permit application package prior to issuance of grading or construction permits.

Noise

Mitigation Measure NOI 1: Loading facilities shall be sited to orient away from residential development on adjacent properties, to increase the separation from noise-sensitive uses and to allow the buildings to attenuate any generated noise. The Architectural Review Commission will review final building design and layout to ensure that any loading docks are strategically located so as to attenuate noise generated on the site.

- Monitoring Plan, NOI 1: The Architectural Review Commission will review the site plan to ensure loading docks are located to attenuate generated noise effect on adjacent residential land.

SECTION 3. Action. The project conditions of approval do not include mandatory code requirements. Code compliance will be verified during the plan check process, which may include additional requirements applicable to the project. The Planning Commission hereby grants final approval to the project with incorporation of the following conditions:

Planning Division

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved by the Planning Commission (ARCH-0587-2020, USE-0412-2021, AFFH-0413-2021, & EID-0494-2021). A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions and code requirements of project approval listed as sheet number 2. Reference shall be made in the margin of listed items as to where in plans requirements are addressed. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Director or Architectural Review Commission, as deemed appropriate.
2. The project phasing schedule includes three phases: (1) Site improvements, commercial structure, and residential structure I (32 residential units), (2) Senior housing structure II (32 units), (3) the remaining site improvements and residential structure III (30 units). This phased approach anticipates 20 months of construction per phase. If the required building permits are not issued for the site development within three years of this discretionary action, the approval shall expire. Requests for renewals may be granted in conformance with §17.104.070.

3. Plans submitted for a building permit shall call out the colors and materials of all proposed building surfaces and other improvements. Colors and materials shall be consistent with the color and material board submitted with the Development Review application; however, plans shall demonstrate compliance with the Architectural Review Commission's direction to incorporate an additional accent color on the building elevations, subject to the satisfaction of the Community Development Director.
4. Plans submitted for a building permit shall include recessed window details or equivalent shadow variation, and all other details including but not limited to awnings, and railings. Plans shall indicate the type of materials for the window frames and mullions, their dimensions, and colors. Plans shall include the materials and dimensions of all lintels, sills, surrounds recesses and other related window features. Plans shall demonstrate the use of high-quality materials for all design features that reflect the architectural style of the project and are compatible with the neighborhood character, to the approval of the Community Development Director.
5. Plans submitted for a building permit shall include a revised railing system for the balconies that provides a screened design that visually obscures views of storage on the balconies and provides additional privacy between existing and new residential units, subject to the satisfaction of the Community Development Director.
6. Plans submitted for a building permit shall demonstrate compliance with the Architectural Review Commission's direction to reduce the height of the screening features surrounding the interior playground courtyard to provide a balance of vehicle screening and pedestrian safety, subject to the satisfaction of the Community Development Director.
7. The property owner shall be responsible for maintaining and updating the current parking calculation for the commercial component of the project upon the submittal of Planning and Building permits for tenant changes or improvements, and/or each business license, to ensure the site does not become under-parked.
8. All surface parking spaces must be available for common use and not exclusively assigned to any individual use, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.
9. Plans submitted for a building permit shall clearly depict the location of all required short and long-term bicycle parking for all intended uses, plans submitted for construction permits shall include bicycle lockers or interior space within each residential unit or other area for the storage of at least one bicycle per residential unit. Short-term bicycle racks such as "Peak Racks" shall be installed in close proximity to, and visible from, the main entry into the buildings (inverted "U" rack designs shall not be permitted). Sufficient detail shall be provided about the placement and design of bike racks and lockers to demonstrate compliance with relevant Engineering Standards and Community Design Guidelines, to the satisfaction of the Public Works and Community Development Directors.

10. Plans submitted for building permit shall include a photometric plan, demonstrating compliance with maximum light intensity standards not to exceed a maintained value of 10 foot-candles. The locations of all lighting, including bollard style landscaping or path lighting, shall be included in plans submitted for a building permit. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of working drawings. All wall-mounted lighting shall complement building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut-sheets on the submitted building plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City's Night Sky Preservation standards contained in Chapter §17.70.100 of the Zoning Regulations.
11. Mechanical and electrical equipment shall be located internally to the building. With submittal of working drawings, the applicant shall include sectional views of the building, which clearly show the sizes of any proposed condensers and other mechanical equipment. If any condensers or other mechanical equipment is to be placed on the roof, plans submitted for a building permit shall confirm that parapets and other roof features will adequately screen them. A line-of-sight diagram may be required to confirm that proposed screening will be adequate. This condition applies to initial construction and later improvements.
12. The storage area for trash and recycling cans shall be screened from the public right-of-way consistent with §17.70.200 of the Zoning Regulations. The subject property shall be maintained in a clean and orderly manner at all times, free of excessive leaves, branches, and other landscape material. The applicant shall be responsible for the clean-up of any landscape material in the public right-of-way.
13. The applicant shall submit a landscaping plan containing an irrigation system plan with submittal of working drawings for a building permit. The legend for the landscaping plan shall include the sizes and species of all groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans. The surfaces and finishes of hardscapes shall be included on the landscaping plan. The landscape plans shall provide trees planted along the southern perimeter of the project site to be of a greater maturity to provide additional screening between the existing and new structures, minimum size 36-inch box, subject to the satisfaction of the Community Development Director.
14. Plans submitted for construction permits shall include elevation and detail drawings of all walls and fences. Fences, walls, and hedges will comply with the development standards described in the Zoning Regulations (§17.70.070 –Fences, Walls, and Hedges).

15. The location of any required backflow preventer and double-check assembly shall be shown on all site plans submitted for a building permit, including the landscaping plan. Construction plans shall also include a scaled diagram of the equipment proposed. Where possible, as determined by the Utilities Director, equipment shall be located inside the building within 20 feet of the front property line. Where this is not possible, as determined by the Utilities Director, the back-flow preventer and double-check assembly shall be located in the street yard and screened using a combination of paint color, landscaping and, if deemed appropriate by the Community Development Director, a low wall. The size and configuration of such equipment shall be subject to review and approval by the Utilities and Community Development Directors.
16. The design of proposed structures shall incorporate noise attenuating construction techniques that reduces noise exposure to acceptable levels. Exposure in outdoor activity areas must not exceed 60 dB and indoor exposure must not exceed 45 dB consistent with the City's Noise Ordinance. Plans submitted for construction permits must clearly indicate and describe noise attenuation measures, techniques, and materials, and demonstrates their compliance with noise levels limits.
17. Prior to building occupancy, the owner of the property shall provide a Residential Noise Notice in writing for residential occupants stating that the property is located within a commercial zone in an urban-type environment and that noise levels may be higher than a strictly residential area.
18. Any new proposed signage in addition to the monument sign shall be reviewed by the Planning Division to ensure appropriateness for the site and compliance with the Sign Regulations. Signage shall coordinate with building architecture and the type of land use. The Director may refer additional signage to the ARC if it seems excessive or out of character with the project.

Housing Programs – Community Development Department

19. Prior to issuance of building permits, the City and the applicant shall enter into an Affordable Housing Agreement, to be recorded in the office of the county recorder. The agreement shall specify mechanisms or procedures to assure the continued affordability and availability of the low-income households, to the satisfaction of the Community Development Director.

Engineering Division – Public Works/Community Development

20. Projects involving the construction of new structures requires that complete frontage improvements be installed or that existing improvements be upgraded per city standard. Municipal Code (MC) 12.16.050.
21. The building plan submittal shall correctly reflect the right- of-way width, location of frontage improvements, front property line location, and all easements. All existing frontage improvements including street trees shall be shown for reference.

22. Any sections of damaged or displaced curb, gutter, sidewalk, and driveway approach shall be repaired or replaced to the satisfaction of the Public Works Department.
23. Development of the driveway and parking areas shall comply with the Parking and Driveway Standards for dimension, maneuverability, slopes, drainage, and materials. Alternative paving materials are recommended for water quality and/or control purposes and in the area of existing or proposed trees and where the driveway or parking area may occur within the dripline of any tree. Alternative paving material shall be approved to the satisfaction of the Planning Department.
24. The applicant/developer shall consider the use of a shared accessible path of travel from the public right- of-way with the adjoining property located at 285 Bridge Street. The existing sidewalk serving 285 Bridge appears to be established to a point near the bridge crossing. A shared path could limit the amount of existing landscape and/or trees to be removed and could potentially preserve the existing parking layout and limit the area of site disturbance. A separate access easement or amendment of the existing easement agreement may be required.
25. The building plan submittal shall include a complete site utility plan. All existing and proposed utilities along with utility company meters shall be shown. Existing underground and overhead services shall be shown along with any proposed alterations or upgrades. All new wire services shall be underground. All work in the public right- of-way shall be shown and noted.
26. Provisions for trash, recycle, and green waste containment, screening, and collection shall be approved to the satisfaction of the City and San Luis Obispo Garbage Company. The respective refuse storage area and on-site conveyance shall consider convenience, aesthetics, safety, and functionality. The trash enclosure shall be designed in accordance with the City Design Guidelines and City Engineering Standard 1010.13 for water quality treatment.
27. The building plan submittal shall include a complete grading and drainage plan. The plan shall consider historic offsite drainage tributary to this property that may need to be accepted and conveyed along with the improved on -site drainage. This development may alter and/or increase the storm water runoff from this site or adjoining sites. The improved or altered drainage shall be directed to the street and not across adjoining property lines unless the drainage is conveyed within recorded easements or existing waterways.
28. The building plan submittals shall include a complete drainage report. The report shall show compliance with the Waterway Management Plan Volume III, Drainage Design Manual.
29. This property is located within a designated flood zone as shown on the Flood Insurance Rate Map (FIRM) for the City of San Luis Obispo. As such, all new structures and appurtenant utilities shall comply with all Federal Emergency Management Agency (FEMA) requirements and the City's Floodplain Management Regulations per MC Chapter 17.84.

30. This property is located in an AO (2' depth) Flood Zone; the water surface or base flood elevation (BFE) of a 100-year storm is 2' above adjacent grade. The structure and any exterior building service equipment including the sewer lift station must be raised, floodproofed, or proved to be inherently flood resistant to an elevation that is at least one foot above the BFE or 3' above the highest adjacent grade. Additional freeboard to 2' above the BFE may result in additional structure protection and savings on flood insurance and is strongly encouraged.
31. The property owner and/or future tenants shall manage any outdoor storage so that materials and accessory structures do not have a significant impact on the floodzone in accordance with the Drainage Design Manual and the Floodplain Management Regulations.
32. The project shall comply with Post Construction Stormwater Requirements as promulgated by the Regional Water Quality Control Board. The building plan submittal shall include a complete Post Construction Stormwater Checklist as available on the City's website.
33. A Private Stormwater Conveyance System Management and Maintenance Agreement (Operations and Maintenance Agreement) shall be provided in a format provided by the city. The agreement shall be recorded and shall reference any separate maintenance program documents and the approved building plans. An Operations and Maintenance Manual shall be provided in conjunction with the building plan submittal for all post construction Stormwater Control Measures (SCM's).
34. EPA Requirement: General Construction Activity Storm Water Permits are required for all storm water discharges associated with a construction activity where clearing, grading or excavations result in land disturbance of one or more acres. Permits are required until the construction is complete. To be covered by a General Construction Activity Permit, the owner(s) of land where construction activity occurs must submit a completed "Notice of Intent" (NOI) form, with the appropriate fee, to the State Regional Water Quality Control Board. An application is required to the State Board under their recently adopted Stormwater Multi-Application, Reporting, and Tracking System (SMARTS).
35. The building plan submittal shall include a copy of the Storm Water Pollution Prevention Plan (SWPPP) for reference. Incorporate any erosion control measures into the building plans as required by the Board, identified in the SWPPP, and in accordance with Section 10 of the city's Waterways Management Plan. The building plan submittal shall include reference to the Waste Discharger Identification (WDID) number on the grading and erosion control plans for reference.
36. Work adjacent to or within a channel or creek may require the approvals of California Department of Fish and Wildlife (CDFW), The Army Corp of Engineer's, and/or the Regional Water Quality Control Board. A copy of any required permits or a written permit waiver or exemption for the same shall be provided to the City prior to demolition, grading, and/ or building permit issuance.

37. The building plan submittal, grading plans, and drainage report shall incorporate any project specific permitting requirements from any higher governmental authority. The applicant/developer shall comply with the County Air Pollution Control District (APCD) standards and permit requirements related to Naturally Occurring Asbestos. APCD approval shall be secured prior to any ground disturbing activities.
38. The building plan submittal shall show all existing trees on the property with a trunk diameter of 3" or greater. Offsite trees along the adjoining property lines with canopies and/or root systems that extend onto the property shall be shown for reference. The plan shall note which trees are to remain and which trees are proposed for removal. Include the diameter and species of all trees. Tree canopies should generally be shown to scale for reference.
39. The existing willow and walnut trees located on the property shall be retained unless otherwise approved for removal by the City Arborist and the Community Development Director. A tree removal proposal will require a report from a certified arborist with a summary of why the tree(s) can't be saved. If approved for removal, compensatory tree(s) shall be incorporated into the building plan submittal.
40. Tree protection measures shall be implemented to the satisfaction of the City Arborist. The City Arborist shall review and approve the proposed tree protection measures prior to commencing with any demolition, grading, or construction. The City Arborist shall approve any safety pruning, the cutting of substantial roots, or grading within the dripline of trees. A city approved arborist shall complete safety pruning. Any required tree protection measures shall be shown or noted on the building plans. Contact the City Arborist at 781- 7023 to review and establish any required preservation measures to be included with the building permit submittal.
41. The proposed 6' privacy fencing located along the southerly property line shall be located at the top of bank or at a reasonable setback from the top of bank to the satisfaction of the Planning Division, Public Works Department, and Natural Resources Manager. The fence shall be extended to the easterly property line and then northerly to connect with the proposed privacy fence located along the easterly property line. If required by the City or other agencies with permit jurisdiction over the swale and brambles, a section(s) of the fence may need to be constructed with open fencing to support the migration of riparian wildlife.

Utilities Department

42. Building permit submittal shall address the comments below on the project's landscaping plans:
 - a. L1.1 - WUCOLS PF >0.7 are considered high water-use plants and cannot be mixed with low or moderate water-use plants.
 - b. L1.3 - Unable to verify this calculation because the hydrozones are not labeled on the landscape design. Suggest including a hydrozone map.
 - c. L1.1 - shows high water use plants. As mentioned on that sheet, high water use plants cannot be in the same hydrozone as moderate or low water use plants. Please alter plant selection or expand hydrozones and provide hydrozone map.

43. Separate, adequately sized water meters shall be provided for commercial, residential, and landscape uses. Owner shall provide sub-meters to each dwelling unit.

Indemnification

44. The applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review ("Indemnified Claims"). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

AYES:

NOES:

REFRAIN:

ABSENT:

The foregoing resolution was passed and adopted this 25th day of August 2021.

Tyler Corey, Secretary
Planning Commission