

## PLANNING COMMISSION AGENDA REPORT

**SUBJECT:** REVIEW OF GENERAL PLAN CONFORMITY REPORT FOR ACQUISITION OF PROPERTY LOCATED AT 1166 HIGUERA STREET FOR A CITY PARKING FACILITY. PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

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**APPLICANT:** City of San Luis Obispo

**REPRESENTATIVES:** Whitney McDonald, Assistant City Manager  
Rebecca Bernstorff, Business Services and Administrative Manager

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### RECOMMENDATION

Adopt a Draft Resolution determining General Plan conformance for the acquisition of property located at 1166 Higuera Street (GENP-0555-2023).

### 1.0 COMMISSION'S PURVIEW

California [Government Code Section 65402](#) requires the local planning agency to make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of a property. Specifically, Government Code Section 65402(c) requires the location, purpose, and extent of real property acquisition and disposition be submitted to and reported upon by the planning agency having jurisdiction as to conformity with the City's General Plan.

### 2.0 SUMMARY

The property being considered for acquisition by the City is approximately 0.49 acre in size and located at 1166 Higuera Street (APN 002-436-022) in the Retail Commercial zone (Figure 1 – Project Site). The property is currently being considered for a City parking facility.



Figure 1 – Project Site

GENP-0555-2023 (1166 Higuera)  
Planning Commission Report – December 13, 2023

### **3.0 PREVIOUS REVIEW**

Pursuant to authorization provided by the City Council on July 18, 2023 and October 17, 2023, staff pursued and completed negotiations with the seller. On [November 14, 2023](#), the City Council reviewed and approved the purchase and authorized execution of the Purchase and Sale Agreement for the property at 1166 Higuera Street ([Resolution](#)).

### **4.0 PROJECT ANALYSIS**

Staff has evaluated the proposed acquisition of 1166 Higuera Street for a City parking facility and found it in conformance with the General Plan and Zoning Regulations as described in the following discussion.

#### **4.1 Consistency with the General Plan**

The project site is located in the General Retail (GR) land use designation, which the [Land Use Element](#) (LUE) describes as intended for the provision of goods and services adequate to meet most of the needs of the City and nearby County residents as well as tourists and travelers (Table 1 – General Plan Land Use Designations). Allowable land uses within this land use designation include a wide range of retail sales, restaurants, professional and personal services, and public and quasi-public uses. The acquisition of the property for a City parking facility (i.e., surface parking lot) would provide public parking to support existing and proposed uses within the vicinity.

The project site is also located in the Upper Monterey Special Focus Area, which has an emphasis on revitalization and enhancement (LUE Policy 8.2.2). Detailed actions for Policy 8.2.2 state the City would investigate opportunities to improve its connectivity and promote development in the Upper Monterey Area, including development of an Upper Monterey Area Master Plan. In addition, the project site is located in Block 23 of the [Downtown Concept Plan](#) (LUE Program 4.25), where parking is envisioned along Higuera Street to support redevelopment of structures, at least two stories in height, in the vicinity. The strategic purchase and use of the property would advance the preceding policy and program by facilitating improved access and parking for subsequent development within the Upper Monterey Area.

#### **4.2 Consistency with the Zoning Regulations**

The project site is located in the Commercial Retail (C-R) zone, which [Chapter 17.30](#) describes as intended to accommodate a wide range of retail sales; business, personal, and professional services; recreation; entertainment; transient lodging; and limited residential uses to meet the needs of the community and traveling public. The City is proposing to acquire the property for a public parking facility to facilitate access to uses within the vicinity. Per [Table 2-1](#) (Uses Allowed by Zone), establishment of a parking facility requires approval of a Conditional Use Permit (CUP). An application for a CUP to establish the parking facility has been submitted by the City and is being reviewed by the Planning Commission on December 13, 2023. As part of the project, there would be minimal improvements to the existing parking lot (e.g., installation of signage, striping, wheel spots, and pay stations; landscape improvements and repair; and demolition of an uninhabitable structure).

## **5.0 ENVIRONMENTAL REVIEW**

CEQA Guidelines Section 15061(b)(3) states a project is exempt from environmental review if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty there is no possibility that the activity in question would have a significant effect on the environment. The determination of General Plan conformity for the acquisition of land for public parking facility use by the City of San Luis Obispo is not subject to CEQA because it is a policy review of whether acquiring the land conforms with the General Plan. In addition, the application for a CUP to establish a City parking facility at the site, including minimal site improvements to prepare the property for paid public parking use, is also exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines because the project is limited to the improvement, maintenance, and operation of a surface parking lot that involves negligible expansion of the former use.

## **6.0 OTHER DEPARTMENT COMMENTS**

There is concurrence from the Administration Department on the recommendation to determine General Plan conformance for the acquisition of property located at 1166 Higuera Street for a City parking facility.

## **7.0 ALTERNATIVES**

1. Continue consideration of the proposal with direction to staff on items needed or necessary information to make a decision on the General Plan conformity.
2. Deny that the proposed acquisition of 1166 Higuera is in conformance with the General Plan based on findings of inconsistency with the General Plan.

## **8.0 ATTACHMENTS**

A - Draft Planning Commission Resolution determining General Plan conformance for the acquisition of property at 1166 Higuera Street for City public parking facility use