

RESOLUTION NO. PC-XXXX-24

A RESOLUTION OF THE CITY OF SAN LUIS OBISPO PLANNING COMMISSION APPROVING A NEW MIXED-USE PROJECT THAT CONTAINS APPROXIMATELY 23,164 SQUARE FEET OF COMMERCIAL SPACE AND A ONE BEDROOM RESIDENTIAL UNIT, WITH ASSOCIATED SITE IMPROVEMENTS, A SIGN PROGRAM, AND A REQUEST TO REMOVE TWO TREES AND REPLANT 25 TREES. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15332 (CLASS 32, INFILL DEVELOPMENT) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED JUNE 26, 2024 (10 HIGUERA STREET, ARCH-0358-2023)

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, on May 6, 2024, reviewed the new mixed-use project at 10 Higuera Street and recommended the Planning Commission find the project consistent with the Community Design Guidelines, Sign Regulations, and applicable City Standards with two design modifications, pursuant to a proceeding instituted under ARCH-0358-2023, Keith Sweeny, applicant; and

WHEREAS, the Tree Committee 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 20, 2024, and recommended that the Planning Commission find the project consistent with the Tree Regulations with one modification, pursuant to a proceeding instituted under ARCH-0358-2023, Keith Sweeny, 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, on June 26, 2024, to review a Major Development Project for new mixed-use project at 10 Higuera Street, pursuant to a proceeding instituted under ARCH-0358-2023, Keith Sweeny, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo has duly considered all evidence, including 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 for the project (ARCH-0358-2023), based on the following findings:

Development Review

1. The project is consistent with the Land Use Element of the General Plan, particularly Land Use Element Table 1 and Policy 3.1.2 because it supports the City's land use designation's purpose and application for General Retail and Services and Manufacturing land uses by providing restaurant and retail uses, as well as light manufacturing and residential uses located near the intersection of Madonna Road and Highway 101 and the new mixed-use building will be accessed from Higuera Street, an arterial street and will not increase traffic on residential streets since the site is not located near residential areas.
2. As conditioned, the project conforms to applicable property development standards, set forth in the Zoning Regulations, for the Service Commercial with a special consideration overlay (C-S-S) zone and Tourist Commercial with a mixed-use overlay (C-T-MU) zone. The project is an allowed use in the C-S-S and C-T-MU zones and would be compatible with established commercial uses on Higuera Street.
3. On May 6, 2024, the ARC reviewed the project and recommended the Planning Commission find it consistent with the CDG, ATC, and Sign Regulations subject to considerations of (1) providing a change in color, materials, and/or window fenestration to the north elevation to provide architectural interest and (2) providing screening around the bicycle lockers and/or painting them so that they better integrate into the site plan and overall architectural design. As conditioned, the project building, site, and sign designs would be complementary improvements to the existing neighborhood and incorporate a contemporary design that exhibit proper proportion, articulation, rhythm, and balance.
4. As conditioned, the project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because conditions have been included that place limits on the number of persons allowed on site, restrict activities, provide adequate parking, and limit potential disturbances to neighboring properties. The project will be compatible with the existing site constraints and the character of the neighborhood.

Sign Program

5. The sign program is consistent with the intent and purpose of Chapter 15.40 (Sign Regulations) and includes signs that comply with Section 15.40.480 (Design Principles) to provide sufficient visibility and identification without resulting in clutter or utilizing excessively sized signage. In addition, the ARC reviewed the sign program and found it to be consistent with the intent of the Sign Regulations and CDG.

Tree Removal

6. The proposed tree removal request is consistent with Municipal Code Section 12.24.090(G) because the two trees are located interior to the almost 3-acre project site and are non-native and therefore have a lower preservation priority. In addition, the Tree Committee reviewed the tree removal application and found the request to be consistent with the Tree Regulations.
7. As conditioned, the proposed tree removal request is consistent with Municipal Code Section 12.24.090(J) because the two tree removals will be compensated by planting 25 new trees on the same property.

SECTION 2. Environmental Review. The project is categorically exempt from provisions of CEQA described in Section 15332 (Infill) of the CEQA Guidelines because it consists of infill development consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation and regulations, it is located within city limits on a project site of no more than 5 acres in size (only 2.96 acres) surrounded by urban uses (existing light manufacturing, distribution, storage, and office uses), the site has no value as habitat for endangered, rare, or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

SECTION 3. Action. The Planning Commission hereby grants final approval to the project with incorporation of the following conditions:

Planning Division – Community Development Department

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project description and plans represented in the Staff Report dated June 26, 2024. A separate, full-sized sheet shall be included in the working drawings submitted for a building permit that lists all conditions of approval and applicable code requirements as Sheet No. 2. Reference shall be made in the margin of listed items as to where these requirements are addressed in the plans. Any change to the approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Community Development Director and may be subject to review by the Architectural Review Commission, as deemed appropriate.
2. 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 colors and materials board submitted with the Development Review application.

3. 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.
4. Plans submitted for a building permit shall include the locations of all lighting such as bollard style landscaping or path lighting. All wall-mounted lighting fixtures shall be clearly labeled on building elevations and complement the building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut sheets in the submitted plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with standards outlined in Section 17.70.100 (Lighting and Night Sky Preservation).
5. Mechanical and electrical equipment shall be located internally to the building to the greatest extent possible. Plans submitted for a building permit shall include sectional views of the building, which clearly show the sizes of any proposed condensers and other mechanical equipment. If any condenser, 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 the proposed screening will be adequate. Please note this requirement applies to the initial construction of the building and any subsequent improvements.
6. Plans submitted for a building permit shall include landscape and irrigation plans. 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. Details on the proposed surfaces and finishes of hardscapes shall also be included in the landscaping plan.
7. Plans submitted for a building permit shall include elevations and detail drawings of all proposed fences and/or walls. Any proposed fences, walls, and hedges shall comply with standards outlined in Section 17.70.070 (Fences, Walls, and Hedges).
8. 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 backflow 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.

9. Plans submitted for a sign permit shall be in substantial conformance with the approved Sign Program. Modifications to the Sign Program or a request for additional signage may require review by the Architectural Review Commission or Community Development Director, as deemed appropriate.
10. 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 shall show all areas designated for long-term bicycle parking such as bicycle lockers, interior spaces, or storage rooms. Short-term bicycle racks shall be consistent with the City Active Transportation Plan Design Guidelines and feature “hi-low style” campus racks (such as “Peak Racks”) or an inverted “U” rack design and shall be installed in close proximity to, and visible from, the main entries into the building. Sufficient detail shall be provided about the placement and design of bike racks, lockers, and interior spaces to demonstrate compliance with relevant Engineering Standards and Community Design Guidelines, to the satisfaction of the Public Works and Community Development Directors.
11. Building plans submitted for the project shall show that the bicycle lockers are screened and/or painted so that they become integrated into the site and overall architectural design to the satisfaction of the Community Development Director.”

Housing – Community Development Department

12. The applicant shall pay an inclusionary housing in-lieu fee and commercial linkage fee consistent with Municipal Code Chapters 17.138 and 4.60 prior to building permit approval.

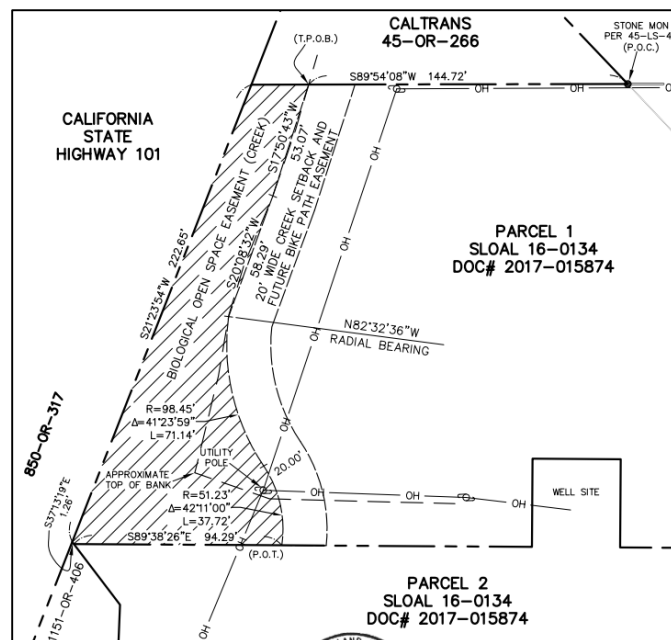
City Arborist – Community Development Department

13. The tree removals for the site shall include the two (2) *Schinus molle* (Peruvian Pepper) tree removals requested by the applicant in the project proposal.
14. The project shall replant, at a minimum, twenty-five (25) trees. All trees replanted shall be 15-gallon or 24-inch box trees. Trees shall be planted according to the landscaping plan with the following exception:
 - a. *Arbutus x ‘marina’* shall not be planted as part of the landscape plan. The project shall select another species from the City’s Master Tree List to be planted instead, to the satisfaction of the City Arborist.
15. All trees shall be planted per the City’s Engineering Standards for tree planting prior to final building inspection. All trees planted as part of a compensatory plan shall survive and any trees that do not survive shall be replanted.

16. The building plan submittal shall show all existing trees to be removed and trees to be retained. The plan shall show any neighboring trees with canopies/root zones within the area of construction disturbance. Tree preservation measures shall be shown and noted on the building plans to the satisfaction of the City Arborist.
17. California Fish and Game Code Section 3503.5 and the Migratory Bird Treaty Act of 1972 prevents the removal of trees with active nests. To account for most nesting birds, removal of trees should be scheduled to occur in the fall and winter (between September 1st and January 31st) and after the young have fledged. If removing trees during the nesting season (February 1st to August 31st), a qualified biologist shall inspect any trees marked for removal that contain nests to determine if the nests are active. If there are active nests, trees shall not be removed and may only be removed once a qualified biologist provides a confirmation memo that breeding / nesting is completed, and young have fledged the nest prior to removal of the tree to the satisfaction of the Community Development Director or City Biologist.

Engineering Division – Community Development / Public Works Departments

18. Improvement plan submittal shall show the existing Biological Open Space Creek Easement limits, and the 20-foot-wide creek setback and future bike path easement.



19. The project shall show and document compliance with the Post Construction Stormwater Regulations as promulgated by the Regional Water Quality Control Board. The building permit application shall include the required PCR checklist to show compliance with any pertinent standards.

20. A Private Stormwater Conveyance System Management and Maintenance Agreement (Operations and Maintenance Agreement) shall be provided, City will provide template. The agreement shall be recorded and shall reference a separate maintenance program for the stormwater items and the approved building plans.
21. Parking lots with parking spaces and drive aisles, including bay widths and turnaround areas will be subject to the latest City Engineering Standards.
22. Plan shall denote the finish floor elevations, elevations of finish grades adjacent to building, established parking lot grades, drainage patterns and locations and gradients of cut or fill slopes.
23. Drainage report shall provide a summary of the pre vs. post drainage analysis for the 2 through 100-year storm. Improved or diverted drainage shall not be directed across the side or rear property lines unless conveyed in an existing waterway, or a drainage easement.
24. New roof downspouts outlets shall show non-erosive discharge (such as splash blocks) to landscaped areas or approved outlet, or to required stormwater storage chambers per engineered plans.
25. As an option, the improved drainage may be retained/detained on site with a controlled outlet to mimic the pre-construction historic run-off (no increase of run-off volume, recreate sheet flow, and/or direct runoff to an existing concentrated outlet location).
26. The water service piping and water meter shall be sized in accordance with the approved fire sprinkler plans.
27. Provide walking surfaces that are part of an accessible route of travel between public way and accessible entrance.
28. Cleanouts for new sewer lateral on site shall be located at 100 feet minimum intervals.
29. Water meter and water service lateral to city main water line must be sized in accordance with approved fire sprinkler plans. If upsized meter required, the water service lateral, shall also be upsized.
30. The location of any required backflow prevention devices shall be shown on all site plans, including the landscaping plan.
31. Work adjacent to or within a channel or creek may require the approvals of Fish and Game, Army Corp of Engineers, and/or the Regional Water Quality Control Board. Provide copies of any required permits or a written waiver or exemption for the same.

32. Provide documentation that the adjoining property owner has been notified of the impending excavation and other future construction activity.
33. A CAL-OSHA permit is required for excavations or trenching greater than 5 feet in depth. A copy of the annual, provisional, or temporary permit shall be provided to the Building Division prior to building, utility, and/or grading permit issuance if applicable. CA Health and Safety Code Section 17922.5
34. All parking spaces shall be able to be entered in one movement. All spaces, drive aisles, etc. shall be designed so that all vehicles can exit to the adjoining street in a forward motion in not more than two maneuvers. For purposes of maneuverability, all required and proposed covered and uncovered spaces shall be assumed to be occupied by a standard size vehicle.
35. Include complete parking statistics on the cover sheet of the plans in accordance with the zoning regulations. Include the number of required and proposed vehicle spaces, motorcycle spaces, and bicycle parking spaces. The project summary shall include all required and proposed short-term and long-term bicycle parking spaces. Commercial centers shall include the number and location of the required 12' x 25' commercial loading zones.
36. Clearly show the location and extent of the A and B flood zones on the site plan.
37. Unless on-site fire hydrants are required or proposed the fire service backflow preventer shall be a double-check assembly. An interior double-check may be approved when the fire riser assembly is located not more than 25' from the property line.
38. Double check assemblies shall comply with city Engineering Standard #6420.
39. Show the location of any existing private water well and private waste disposal system for reference if applicable. Show or note the disposition of any well, septic tank, or leach field. Abandonment of a water well or private waste disposal system shall be in accordance with local ordinance, plumbing code requirements, and state requirements.
40. Provide a Water Pollution Control Plan (WPCP) in the format provided by the Building Division for minor projects less than 1 acre of disturbance.
41. Erosion control measures are required in accordance with the grading ordinance and Waterway Management Plan Drainage Design Manual. Provide an erosion control plan and/or erosion control notes on the plans to the satisfaction of the Building Official and Public Works Director. Erosion control measures shall be implemented and maintained during all construction and ground disturbing activities. A detailed erosion control plan is required in accordance with Waterway Management Plan Section 3.7 and Section 10.0.

42. Notes shall be added to the plans whether floodproofing or partial floodproofing will be completed with this permit or not.
43. Regardless of the valuation of building improvements, all new building service equipment shall be elevated to 1' above the BFE or otherwise protected in accordance with the CBC as amended locally for buildings located in the flood zone.
44. This project shall comply with the Floodplain Management Regulations. Analysis shall be provided to show that this development project is reasonably safe from flooding and that that the project will not adversely affect adjoining properties.
45. All utilities, including but not limited to gas, electrical panels, telephone panels, sewer laterals, water service, fire service, and utility conduits entering the structure must be sealed to preclude infiltration of floodwater.
46. Only one sewer connection is allowed per property. If connecting to the existing sewer lateral, provide the required video inspection. Include the invert elevations for the new sewer lateral.

Transportation Division - Public Works Department

47. Applicable Citywide Transportation Impact Fees must be paid prior to building permit issuance.
48. Unless otherwise approved by the Public Works Director, removal/relocation of any trees, landscaping, fencing, irrigation, or other elements that are constructed by the Project within the existing 20-foot Bike Path Easement (recorded July 21, 2020) shall be completed by the property owner at no expense to the City within 90 days of the City providing notice to the property owner of intent to begin construction of Bike Path.

Utilities Department

49. The construction plans for sewer and water services shall be in accordance with the engineering design standards in effect at the time the building permit is approved. Building permit submittal shall identify the size of existing and proposed water services, water meters, sewer lateral, and sewer services for the project, and shall include a licensed engineer's design narrative and supportive engineering calculations. The project's commercial and residential uses shall be metered separately. The project shall provide a separate city-owned water meter and service line, due to the landscaped area exceeding 1,000 square feet.
50. Plans submitted for a building permit shall show a private water sub-meter for the proposed new building, to the satisfaction of the Utilities Director.

51. Commercial uses in the project include food preparation; therefore, provisions for grease interceptors and FOG (fats, oils, and grease) storage within solid waste enclosure(s) shall be provided with the plans submitted for a building permit. These commercial facilities shall also provide an area to wash floor mats, equipment, and trash cans. The wash area shall be inside, drained to the sanitary sewer, and an Industrial Wastewater Discharge Survey and Permit Application shall be submitted, and permit obtained prior to issuance of occupancy permit.
52. The building permit submittal shall include a final landscape design plan and irrigation plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for Landscaping and Irrigation. The building permit submittal shall include a completed Maximum Applied Water Allowance (MAWA) form based on the final landscape design plan and a hydrozone table with a summary of Estimated Total Water Use (ETWU) and the corresponding irrigation window.
53. The proposed project shall comply with the City's Development Standards for Solid Waste Services. Show the location and size of the bin enclosure(s) that can store the required containers for waste, recycling, and organics. Building permit submittal shall include a letter of service from San Luis Garbage Company pasted on the plans.

Code Requirements

Building Division – Community Development Department

54. Please be aware of H-2 requirements for the "Still Tower" regarding fire protection requirements If over the maximum amount allowed by table (307.1 CBC). Please be especially aware of section 415.6 CBC/CFC due to 25% of the H occupancy will have to be located on the exterior wall. Please be aware of maximum quantities of anticipated amounts for the H-2 / H-3 occupancy as building setback would have to be changed as only 10' is shown. (415.6.3 CBC)
55. Parapets may be required, but this will be determined during building review. (705.11 CBC)

Utilities Department

56. Plans submitted for a building permit shall show a backflow preventor, consistent with City Engineering Standards Uniform Design Criteria 6.1.3 Cross Connections (required for restaurants and private fire-protection lines, including fire sprinkler systems), to the satisfaction of the Utilities Director and Fire Department.
57. Plans submitted for a building permit shall show clearance between the private water service line and private sewer lateral in compliance with the Plumbing Code, to be demonstrated upon building permit issuance.

58. The proposed sewer lateral serving the property shall be made with HDPE material and shall be installed per the City's engineering design standards. Existing lateral(s) that are not proposed to be reused shall be abandoned at the City main consistent with City standards.
59. Potable city water shall not be used for major construction activities, such as grading and dust control. Recycled water is available through the City's Construction Water Permit program.

Indemnification

60. 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 _____, seconded by _____, and on the following roll call vote:

AYES:
NOES:
RECUSED:
ABSENT:

The foregoing resolution was passed and adopted this 26th day of June 2024.

Rachel Cohen, Secretary
Planning Commission