

RESOLUTION NO. _____ (2021 SERIES)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO APPROVING SITE DESIGN AND LAYOUT FOR 297 RESIDENTIAL UNITS WITHIN THE R-2 COMPONENT OF THE AVILA RANCH PROJECT TO BE DEVELOPED WITHIN PHASES 1-3 OF THE DEVELOPMENT PLAN, INCLUDING A FENCE HEIGHT EXCEPTION ADJACENT TO AN INDUSTRIAL AREA AND FINDING THE PROJECT IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED MARCH 11, 2020, FOR THE PROJECT LOCATED AT 175 VENTURE DRIVE (ARCH-0624-2020)

WHEREAS, this Resolution is adopted under the authority of Government Code §§ 65864 *et seq.* and San Luis Obispo Municipal Code Chapter 17.94; and

WHEREAS, the City Council of the City of San Luis Obispo approved the Avila Ranch Project on September 19, 2017, including a General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement, Development Plan, Vesting Tentative Tract Map No. 3089 and certified Final Environmental Impact Report (FEIR) under the California Environmental Quality Act (CEQA) on September 19, 2017; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a public hearing to consider the design of the R-2 portion of the Avila Ranch project on August 16, 2021, and made recommendations to the Planning Commission; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing to consider approval of the design of the R-2 portion of the Avila Ranch project on September 22, 2021; and

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

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

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

SECTION 1: Findings. Based on the recitals above and the evidence contained in the record, the Planning Commission hereby finds that:

1. The proposed action is consistent with applicable City planning regulations, including the General Plan, Airport Area Specific Plan, Zoning Regulations, and Community Design Guidelines.

2. The proposed action is consistent with previously approved entitlements associated with the Avila Ranch project, including the Development Agreement, Development Plan, and Vesting Tentative Tract Map No. 3089; and
3. 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, with pedestrian and bicycle linkages that provide direct, convenient, and safe access to adjacent neighborhoods consistent with the Avila Ranch Development Plan.
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area; and
5. The fence height exceptions are warranted since they are necessary due to circumstances relating to topography and privacy. Provisions to allow for fencing on top of retaining walls will allow for adequate privacy of residential uses located adjacent to nearby industrial development and the combined wall and fence height will not be visible along public roads.

SECTION 2: Environmental Determination. Environmental Review. The project is consistent with the certified Final Environmental Impact Report (FEIR) for The Avila Ranch Project and exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15182(c) (Residential Projects Implementing Specific Plans). On September 17, 2017, the City Council certified the FEIR for the Avila Ranch Development Plan (ARDP) and approved the ARDP through Council Resolutions 1638 and 1832 (2017 Series). All mitigation measures adopted as part of the ARDP Certified FEIR that are applicable to the proposed project are carried forward and applied to the proposed project to effectively mitigate the impacts that were previously identified. The project is exempt from the provisions of the CEQA under Government Code §65457 because the project consists of a residential development and is consistent with the ARDP.

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:

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-0624-2020). 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 and include all conditions, mitigation measures, and development agreement provisions as noted in Condition #2. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Director or Planning Commission, as deemed appropriate.

2. The project shall comply and demonstrate full conformance with all mitigation measures and conditions applicable to the project site, as established under previous development plan approvals from the September 19, 2017, Avila Ranch project approval (City Council Resolution No. 1832 (2017 Series) and 1638 (2017 Series) and Ordinance No 1639 (2017 Series).
2. Plans submitted for construction permits shall include elevation and detail drawings of all walls and fences. With the exception of fence and wall heights included in the fence height exception approved by the Planning Commission, all other fences, walls, and hedges will comply with the development standards described in the Zoning Regulations (§17.70.070 –Fences, Walls, and Hedges).
3. The location of any required backflow preventer and double-check assembly shall be shown on all site landscaping plans and pertinent building plans. Construction plans shall also include a scaled diagram of the equipment proposed. Any back-flow preventers and double-check assemblies shall be located in the street yard shall be screened using a combination of paint color, and landscaping, and, if deemed appropriate by the Community Development Director, a low wall.
4. Prior to occupancy, an overflight notification shall be recorded and appear with the property deed. The applicant shall also record a covenant with the City to ensure that disclosure is provided to all buyers and lessees at the subject property. Notice form and content shall be to the satisfaction of the Community Development Director and include the following language:

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as the airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

Indemnification

5. 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:
REFRAIN:
ABSENT:

The foregoing resolution was passed and adopted this 22nd day of September 2021.

Tyler Corey, Secretary
Planning Commission