

city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

December 9, 1997

Acacia Creek, LLC
Hamish Marshall
555 Ramona Drive
San Luis Obispo, CA 93401

SUBJECT: Use Permit Appl. A 88-97
3450 Broad Street

Dear Mr. Marshall:

On Friday, December 5, 1997, I conducted a public hearing on your request to allow a commercial development in the Special Considerations zone, at the above location.

After reviewing the information presented, I approved your request, based on the following findings and subject to the following conditions:

Findings

1. The proposed project, as conditioned, will not adversely affect the health, safety or welfare of persons living or working at the site or in the vicinity.
2. The proposed project, as conditioned by this use permit, and with development in accordance with plans approved by the Architectural Review Commission (ARC) on 11-17-97 (ARC 88-97), is appropriate at this location and will be compatible with surrounding land uses.
3. The proposed use conforms with the general plan and meets zoning ordinance requirements with restrictions on the range of allowed and conditionally allowed uses permitted at the site in accordance with the Special Considerations "S" overlay zoning of the site. The special considerations with this site include: its location along Highway 227 and concerns for area-wide circulation impacts; the need for various frontage improvements with development; and the location of a portion of the riparian corridor of Acacia Creek within the site.
4. Approval of the project design by the ARC included approval of a creek setback exception to allow portions of a planned Class I bicycle path through the site to encroach into portions of the required creek setback, finding that its development would not adversely impact resources of the riparian corridor and was consistent with adopted City plans.



A 88-97
Page 2

5. The special considerations of the site related to the need for circulation issues and frontage improvements have been adequately addressed by adopted mitigation measures and conditions of ARC approval.
6. A Negative Declaration with Mitigation Measures was prepared by the Community Development Department on October 28, 1997, which describes significant environmental impacts associated with project development. The Negative Declaration concludes that the project will not have a significant adverse impact on the environment subject to the following mitigation measures being incorporated into the project:
 - a. Consistent with the recommendations included in the Seismic Safety Element, a detailed soils engineering report needs to be submitted at the time of building permit which considers special grading and construction techniques necessary to address the potential for liquefaction. It shall identify the soil profile on site and provide site preparation recommendations to ensure against unstable soil conditions. Grading and building must be designed and performed in compliance with the soils engineering report.
 - b. Oil and sand separators or other filtering media shall be installed at each drain inlet intercepting runoff as a means of filtering toxic substances from runoff before it enters the creek directly or through the storm water system. The separator must be regularly maintained to ensure efficient pollutant removal.
 - c. The applicant shall submit hydraulic calculations indicating the added storm water run-off anticipated by proposed development and any needed drainage improvements to mitigate any rise in the 100-year storm water surface elevation. Improvements to mitigate impacts may include, but are not limited to, detention facilities.
 - d. The project shall include:
 - bicycle parking and shower and locker facilities for employee use;
 - continued sidewalk along the property;
 - outdoor employee rest area to encourage employees to stay on site during the lunch hour;
 - extensive tree planting in the parking areas to help reduce evaporative emissions from automobiles; and
 - provision of a bus stop and shelter on Broad Street, if feasible and supported by the City.
 - e. The applicant shall install speed humps designed to effectively limit speeds to 7.5 mph on the southern parking aisle between Sacramento Drive and Broad Street.

A 88-97

Page 3

- f. The basis for determining projected traffic levels was an average of the City's allowable and conditionally allowable uses in the C-S zone utilizing Institute of Transportation Engineers (ITE) traffic generation rates. The required use permit for the project should look at the range of allowable uses at this project with traffic generation impacts as a consideration, not to exceed the ITE traffic generation rates studied.
- g. The applicant shall install a short stretch of pavement for a deceleration lane within Caltrans right-of-way at the Broad Street (State Route 227) driveway with a radius type drive approach.
- h. To mitigate potential safety hazards along Broad Street (State Route 227) caused by cars being slowed or stopped by left turn queues extending out into adjacent through lanes, the applicant shall extend the southbound left turn pocket on Broad Street at Capitolio Way by 80 feet. The pocket extension would require the reconstruction of the existing raised median. The median/left turn pocket reconfiguration shall meet applicable City and Caltrans standards.
- i. The applicant shall submit a landscaping/creek restoration plan along with plans submitted for final review and approval by the Architectural Review Commission. The plan shall incorporate the recommendations of the botanical survey prepared by V.L. Holland, Ph.D. dated May 1997, as modified by the 11-12-97 memorandum from the Natural Resources Manager, and incorporated into this study by reference. Along with working drawings submitted for a building permit, a more detailed creek restoration plan, including creek bank stabilization proposals, shall be routed to the City Engineer, the City's Natural Resource Manager and the Community Development Director for review and comment. This plan will also require the review and approval of other agencies with regulatory control over work done in the riparian corridor of Acacia Creek, specifically the State Department of Fish and Game and the U.S. Army Corps of Engineers. The plan shall contain a specific schedule for long-term monitoring of plantings.
- j. The bicycle path shall either be located entirely outside of the creek setback area or an exception requested to allow portions of the path within the required creek setback. The project landscaping creek/restoration plan shall include proposals for enhanced planting of the northern side of Acacia Creek.
- k. Future site development shall incorporate the following as feasible:
 - Skylights to maximize natural day lighting.
 - Operable windows to maximize natural ventilation.
 - Energy-efficient lighting systems for both interior and exterior use.

A 88-97

Page 4

- l. The applicant shall complete a Phase II environmental site assessment to confirm that any contamination issues have been adequately addressed prior to site development. Accurate delineation of site contamination and resolution of all contamination issues prior to construction must be accomplished to the satisfaction of the Fire Chief.
- m. The new building shall incorporate facilities for interior and exterior on-site recycling.
- n. If significant archaeological materials are discovered during grading and construction, all construction activities that may damage those materials shall immediately cease. The project sponsor shall then propose specific mitigation based on a qualified archaeologist's recommendations. The Director shall approve, approve with changes, or reject the mitigation proposal (if found incomplete, infeasible, or unlikely to reduce adverse impacts to an acceptable level). If the proposal is approved, the project sponsor shall implement mitigation, to the satisfaction of the Director. A copy of the archaeologist's recommendations and the Director's decision will be forwarded to the Cultural Heritage Committee.

Conditions

1. An administrative use permit will be required for any uses proposing habitable floor space at the mezzanine level. Use permits for development of mezzanine areas as habitable floor space will only be approved with the assurance that adequate parking exists to serve the new square footage. Use of the mezzanine level for storage may be allowed subject to meeting parking requirements.
2. The following is a list of allowed and conditionally allowed uses at the site:

Allowed Uses:

- Advertising & related services (graphic design, writing, mailing, addressing, etc.)
- Auto repair & related services (body, brake, transmissions, muffler shops; painting, etc.)
- Auto sound system installation
- Broadcast studios
- Building and landscape maintenance services
- Caretaker's quarters
- Catering services
- Computer services
- Construction activities
- Contractors - all types of general and special building contractor's offices

A 88-97

Page 5

- Contractor's yards
- Credit reporting and collection
- Delivery and private postal services
- Detective and security services
- Equipment rental
- Exterminators and fumigators
- Feed stores and farm supply sales
- Government agency corporation yards
- Laboratories (medical, analytical research)
- Laundry/dry cleaners
 - cleaning plant
 - pick-up point
- Offices (engineering) engineers, architects, and industrial design
- Photocopy services
 - quick printers
- Photofinishing - retail
- Photofinishing - wholesale, and blueprinting and microfilming services
- Photographic studios
- Post offices and public and private postal services
- Printing and publishing
- Repair services
 - small household appliances, locksmith, seamstress, shoe repair
 - large appliance, electrical equipment power tools, saw sharpening
- Research & development - services, software, consumer products, instruments, office equipment and similar items, and related light chemical processing
- Retail sales - appliances, furniture and furnishings, musical instruments, processing equipment, business, office and medical equipment stores, catalog stores, sporting goods, outdoor supply.
- Retail sales - auto parts and accessories except tires and batteries as principal use
- Retail sales - tires and batteries
- Retail sales and repair of bicycles
- Utility Companies
 - Corporation yards
- Vending machines (See Section 17.08.050)
- Warehousing, mini-storage, moving companies
- Water treatment services
- Wholesale and mail order houses

Uses Allowed by Director's Approval of an Administrative Use Permit*:

- Athletic and health clubs, fitness centers, game courts
- Antennas (commercial broadcasting)
- Banks and savings and loans (branch office only - no headquarters)

A 88-97

Page 6

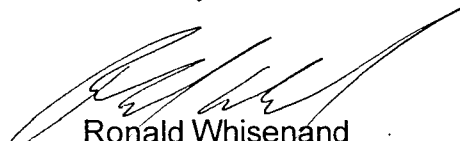
- Barbers, hairstylists, manicurists, tanning centers
- Bowling alleys
- Cabinet and carpentry shops
- Day care - day care center
- Gas distributors - containerized (butane, propane, oxygen, acetylene, etc.)
- Laundry/dry cleaners
 - self-service
- Manufacturing - food, beverages; ice; apparel; electronic, optical, instrumentation products; jewelry; musical instruments-, sporting goods; art materials
- Organizations (professional, religious, political, labor, fraternal, trade, youth, etc.) offices and meeting rooms
- Restaurants, sandwich shops, take-out food, etc. with a maximum of 2,000 square feet of floor area
- Retail sales - indoor sales of building materials and gardening supplies (floor and wall coverings, paint, glass stores, etc.)
- Schools
 - business, trade, recreational, or other specialized schools
- Secretarial & related services (court reporting, stenography, typing, telephone answering, etc.)
- Tattoo Parlors
- Temporary sales
- Temporary uses - not otherwise listed
- Ticket/travel agencies
- Utility companies
 - engineering & administration offices
- Veterinarians

* Future applications for use permits shall be subject to the rules and regulations in effect at the time of application.

My decision is final unless appealed to the Planning Commission within ten days of the action. An appeal may be filed by any person aggrieved by the decision.

If you have any questions, please call Pam Ricci at 781-7168.

Sincerely,



Ronald Whisenand
Hearing Officer

cc: Steve Pults, AIA
1401 Higuera Street
SLO, CA 93401

Heirs of Helen Jones
713 Rancho Drive
SLO, CA 93401