

RESOLUTION NO. 5518-09

A RESOLUTION OF THE SAN LUIS OBISPO PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A VESTING TENTATIVE
TRACT MAP, ABANDONMENT OF RIGHT-OF-WAY, PURCHASE OF SURPLUS
PROPERTY, USE PERMIT FOR DEVELOPMENT OF A SENSITIVE SITE, AND
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR A
MIXED-USE DEVELOPMENT AT 1804 AND 1814 OSOS STREET;
GPC/ABAN/TR/A/ER 45-07 (TRACT SLO 07-0094)

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 February 25, 2009, for the purpose of considering application GPC/ABAN/TR/A/ER 45-07, a request to allow the purchase of surplus property for a mixed-use development, Abandonment of right-of-way, Vesting Tentative Tract Map, and Use Permit for development of a sensitive site and lease of parking spaces; and

WHEREAS, said public hearing was for the purpose of formulating and forwarding recommendations to the City Council of the City of San Luis Obispo regarding the project; and

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

WHEREAS, the Architectural Review Commission has reviewed the project and granted final architectural review of the project design; and

WHEREAS, the Planning Commission reviewed and considered the Mitigated Negative Declaration of environmental impact for the project; 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.

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

SECTION 1. Findings

A. CEQA Compliance

1. The Planning Commission finds and determines that the project's Mitigated Negative Declaration which was prepared by the Community Development Department on February 12, 2009, adequately identifies that with the incorporation of recommended mitigation measures there is no foreseeable potential for significant environmental impacts by the proposed project.

B. Development of a Sensitive Site

2. Development of the site is consistent with the intent of the "S-overlay" and will not be detrimental to the health, safety, or welfare of persons working or living at the site or within the vicinity as, with the incorporation of conditions, the project will be constructed so as to attenuate noise consistent with City noise standards.
3. As conditioned, all residents of the site will be duly noticed of adjacent noise sources.

C. Abandonment

4. The proposed abandonment of right-of-way is consistent with the General Plan because the excess right-of-way is not needed for present or future public purposes, because this portion of Church Street does not convey through traffic, and because it is desirable to direct passerby to Osos Street rather than Church Street.
5. Maintenance of the excess right-of-way width as part of the public street would not serve any reasonable public purpose since adequate travel and parking lanes will be retained.
6. The abandonment of the rights-of-way will benefit the general public by eliminating unused right-of-way and the City's costs for maintaining additional infrastructure improvements.
7. The proposed right-of-way abandonment is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act.

D. Disposition of Surplus Property

8. The City no longer has need for the vacant fill-slope area located between the project site and the Railroad Parking lot.
9. Disposition of this property to facilitate infill development is consistent with the policies of the Land Use and Housing Elements of the General Plan and is consistent with similar dispositions of property in the immediate vicinity.
10. The sale of surplus government property is exempt from the California Environmental Quality Act, pursuant to Section 15312 of the California Administrative Code.

E. Subdivision Findings

11. The proposed vertical subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Subdivision Regulations, including compatibility with the objectives, policies, general land uses, and programs specified in the General Plan.

12. As conditioned, the subdivider will defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City Council, Planning Commission, or City Staff concerning a subdivision.
13. The proposed vesting tentative tract map is consistent with the General Plan and Railroad District Plan, including LUE Goal 12, LUE Policy 2.2.1, COSE Policy 3.3.4, and RDP Policies 2.5 (A) and 3.1 (A), because the subdivision will provide compact infill development encouraged by the General Plan, while restoring and revitalizing historic structures.
14. The site is physically suited for the proposed type of development because the project has been designed to utilize available floor area and residential density, while making efficient use of available parking facilities.
15. The design of the subdivision, or type of improvements, is not likely to cause serious public health or safety problems because the type of improvements are appropriate for the location and will be designed to meet existing building and safety codes.
16. The design of the subdivision, or the type of improvements, will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision because such easements will be retained.

SECTION 2. Action

The Commission does hereby recommend adoption of said Mitigated Negative Declaration and approval of the requests for approval of the purchase of surplus property, Abandonment of portion of the Church Street right-of-way, Vesting Tentative Tract Map, and Use Permit for development of a sensitive site and lease of parking spaces, with incorporation of the following mitigation measures, conditions, and code requirements:

A. Mitigation Measures

1. Applicant shall comply with the Archaeological Resource Preservation Program Guidelines, to the approval of the Community Development Director, by submitting appropriate documentation verifying the following:
 - a. Prior to issuance of construction permits, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Community Development Director. The monitoring plan shall include at a minimum:
 - i. List of personnel involved in the monitoring activities;
 - ii. Description of how the monitoring shall occur;
 - iii. Description of frequency of monitoring (e.g. full-time, part time, spot checking);

- iv. Description of what resources are expected to be encountered;
 - v. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - vi. Description of procedures for halting work on the site and notification procedures;
 - vii. Description of monitoring reporting procedures;
 - viii. Monitoring Program.
2. During all ground-disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Community Development Director) [and Native American] to monitor all earth-disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Community Development Director.
3. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first) or final approval of tract improvements, the consulting archaeologist shall submit a report to the Community Development Director summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. [If the analysis included in the Data Recovery program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Community Development Director, proof of obligation to complete the required analysis].
4. Protective measures shall be taken to ensure the stability of the Alano Building during construction of new walls below grade, demolition of non-historic elements, and approved remodeling.
5. Voids around the windows shall be filled with insulation and wood blocking, and the perimeter of the windows chalked.
6. Walls shall be constructed with blanket insulation (R-13 or 3 ½" thick fiberglass) faced with a layer of 5/8" gypsum board, or alternative approach determined by the Building Official to have equivalent effects.
7. All vents and openings on the sides of the structure exposed to train noise shall have baffle boxes around them.
8. A forced-air ventilation system shall be provided so that windows and doors may remain closed.
9. Prospective property owners and renters purchase or lease agreements shall include a disclaimer whereby residents consent to the higher noise levels they will experience

on the project site due to the site proximity to the railroad tracks. These purchase agreements/leases shall state that the project site is located in an area designated for retail commercial uses and the City's Noise Ordinance does not include the same protections in this area as it does for residential neighborhoods.

10. Prospective property owners and renters shall be notified of the project's requested and approved parking reductions. Additionally, they should be advised that they should ensure that the amount of on-site and shared parking is adequate for their needs because they will not be able to obtain on-street parking permits for any additional parking needs.
11. To minimize traffic impacts, a trip reduction plan and implementation program is required. The plan and program may be submitted by individual employers or coordinated into a cooperative transportation management program for some or all of the tenants in the development. The plan shall include: a) designation of a coordinator to administer the program; b) carpool and transit information; c) incentives for employees to use alternative transportation, and employer-paid subsidies to employees using public transit, or other measures to the approval of the Public Works Director.

B. Conditions

12. Pursuant to Government Code Section 66474.9(b), the subdivider 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 attach, set aside, void, or annul the approval by the City of this subdivision, and all actions relating thereto, including but not limited to environmental review.
13. Final project design and construction drawings shall be in substantial compliance with the project plans amended and approved by the ARC, PC, and City Council.
14. Include a separate full-size sheet in working drawings submitted for a building permit that lists all conditions, mitigation measures, and code requirements of project approval as Sheet No. 2. Reference should be made in the margin of listed items as to where in plans the requirements have been addressed.
15. The existing Luna Café building shall be painted in a darker color to distinguish it more from the new addition behind it to the approval of the Community Development Director.
16. New windows, trim, and siding used on the Alano Club Building shall match the style, dimensions, and materials of the original structure.
17. The new building shall incorporate additional materials and architectural details identified in the Railroad District Plan.

- a. These may include wood clapboard or smooth-textured horizontal hardiboard board siding such as Hardiplank or equal, with patterning less than 6 inches (6") wide lap, brick, plaster wainscots, exposed eaves, or other details described in the Plan.
 - b. Roof should utilize composition shingles and two-piece barrel roof tiles, as appropriate.
 - c. Emphasize the foundations and ground levels with plaster or wood wainscots, where appropriate.
 - d. Use double hung or fixed windows, with wood or plaster trim. New windows on the existing buildings shall match the style, design and materials of the original windows.
18. Plan shall show the location of wood boardwalk, to the approval of the Community Development Director.
19. Maintenance, access, and all other required agreements and easements shall be recorded prior to, or in conjunction with, recording of the final map, subject to the approval of the Community Development Director.

Building Department

20. All work shall be in conformance with the 2007 edition of the California Building Codes (CBC) based on 2006 IBC, 2007 California Electrical Codes (CEC) based on 2005 NEC, 2007 California Plumbing Codes (CPC) based on 2006 UPC, 2007 California Mechanical Codes (CMC) based on 2006 UMC.
21. Classification of Occupancy Groups shall be in accordance with CBC Chapter 3:
- a. R-1 Residential Occupancy – Boarding House/Rooms where occupants are primarily transient in nature.
 - b. R-2 Residential Occupancy – Apartment House containing more than two dwelling units where occupants are primarily permanent in nature.
 - c. R-3 Residential Occupancy – Townhouses not more three stories above grade in height with a separate means of egress which have a yard on two or more sides.
22. For the purposes of this proposed development, building plans shall analyze all buildings as one structure. Provide a height and area limitation analysis for the aggregate area of the buildings within the limitations of CBC Table 503 as modified by Section 504 and 506.
23. With building plan submittal, determine minimum type of construction based on the height and area of the building for each occupancy group in accordance with CBC Chapter 5 and Table 503.
24. A building containing two or more occupancies or uses shall comply with CBC Section 508. Building plans shall determine non-separated or separated occupancy use option complying with CBC Section 508.3.2 or 508.3.3.

25. For the purposes of the building minimum plumbing facilities, the outdoor patio dining area for each use shall be included in the occupant load calculation complying with CPC Table 4-1.

Fire Department

26. Building and Life Safety: Please provide a detailed building area and height analysis for this building. How is the existing woodframe building going to be incorporated into this new project? Provide a detailed exiting analysis. Exiting protection shall be maintained from the occupied space to the public areas. Are the areas marked "breezeways" intended to be courts open to the sky? Or are they intervening rooms? Protected exit enclosures shall not be interrupted by intervening rooms.
27. Address Numbers: Approved address numbers shall be placed on all new buildings in such a position to be plainly visible and legible from the street fronting the property. Numbers shall be a minimum of 5" high x 1/2" stroke and be on a contrasting background.
28. Fire Department Access to Equipment: Rooms or areas containing controls for air-handling systems, automatic fire-protection systems, or other diction, suppression, or control elements shall be identified for use by the fire department and shall be located in the same area. A sign shall be provided on the door to the room or area stating "Fire Sprinkler Riser" and "Fire Alarm Control Panel."
29. Knox Box: A Knox Box shall be provided on the outside of the Fire Sprinkler Riser Room with a key to the room.
30. Fire Protection Systems and Equipment: Fire protection systems shall be installed in accordance with the CFC and the California Building Code. An approved NFPA 13 system will be required for this project. Fire Department standpipes for manual firefighting shall be provided in the stairwells. Maintenance agreements of the fire sprinkler system shall be included in the CC&R's of this project.
31. Fire Safety During Construction: Buildings undergoing construction, alteration, or demolition shall be in accordance with Chapter 14 of the CFC.

Public Works

32. Complete frontage improvements, including street trees, shall be constructed in accordance with the engineering standards in effect at the time of encroachment permit issuance.
33. All curb, gutter, and sidewalk, boardwalk, and curb ramps shall comply with ADA and City Engineering Standards for widths, slopes, and construction details.
34. New curb ramps shall be installed to provide for continuous pedestrian access joining the sidewalk adjacent to the project to the existing sidewalks surrounding the roundabout.

35. The Church Street drive approach shall comply with City and ADA standards and include a minimum four-foot sidewalk extension behind the ramp.
36. All new and existing wire services to the new or altered structures shall be underground.
37. Development of the driveway and parking areas shall comply with the Parking and Driveway Standards for dimension, maneuverability, slopes, drainage, and materials. 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.
38. A final public improvement plan shall be submitted and approved by the Public Works Director identifying the design and cost of public improvements provided in conjunction with the project that are equal to, or greater than, the estimated value of the City's property.

Transportation

39. The Church Street sidewalk shall be reconstructed to provide a transition from Café Roma to the proposed sidewalk to provide a smooth transition.
40. Prior to the issuance of a building or encroachment permit, the applicant shall submit a striping plan for all project street frontages illustrating any striping changes resulting from the acquisition of City property and installation of sidewalk. An ADA accessible parking stall complying with current regulations shall be maintained and/or provided on the Railroad Avenue frontage.
41. Street tree grates in compliance with City standards will be required to improve pedestrian circulation.
42. Prior to the issuance of building permits, the applicant shall be responsible for paying current transportation impact fees (TIF) plus a "fair share" mitigation fee for the percentage of new trips generated by the project that will travel through the intersection of Broad/South/Santa Barbara intersection as determined by the Public Works Director, and based on the estimated intersection improvement cost.

Utilities

43. Irrigation systems shall be designed to avoid crossing property lines.

C. ***Code Requirements: The following code requirements are included for information purposes only. They serve to give the applicant a general idea of other City requirements that will apply to the project. This is not intended to be an exhaustive list as other requirements may be identified during the plan check process.***

1. An encroachment permit will be required from the Public Works Department for any work or construction staging in the public right-of-way.

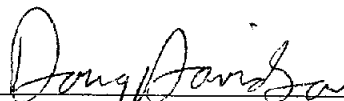
2. A traffic control plan and/or pedestrian control plan shall be approved prior to encroachment permit issuance for work in the public right-of-way.
3. All boundary monuments, lot corners, and centerline intersections, BC's, EC's, etc..., shall be tied to the City's *Horizontal Control Network*. At least two control points shall be used and a tabulation of the coordinates shall be submitted with the final map or parcel map. All coordinates submitted shall be based on the City coordinate system. A 3.5" diameter computer floppy disk, containing the appropriate data compatible with *Autocad* (Digital Interchange Format, DXF) for Geographic Information System (GIS) purposes, shall be submitted to the satisfaction of the Public Works Director.
4. Prior to acceptance by the City of public improvements, the developer's engineer shall submit a digital version of all public improvement plans & record drawings, compatible with *Autocad* (Digital Interchange Format, DXF) for Geographic Information System (GIS) purposes, to the satisfaction of the Public Works Director.
5. EPA Requirement: General Construction Activity Storm Water Permits are required for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in land disturbance of one or more acres. Storm water discharges of less than one acre, but which is part of a larger common plan of development or sale, also require a permit. 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 Water Resources Control Board (SWRCB).
6. A copy of the Stormwater Pollution Prevention Plan (SWPPP) required by the SWRCB shall be included as part of the building permit and/or grading permit plan submittal. The WDID Number issued by the board shall be noted on all plans that involve regulated land-disturbing activities.
7. Document compliance with the new draft Water Quality Board State Construction Permit, which requires dischargers to replicate the pre-project runoff water balance (for this permit, defined as the amount of rainfall that ends up as runoff) for the smallest storms up to the 85th percentile storm event (or the smallest storm event that generates runoff, whichever is larger).
8. Provide a complete site utility plan. Show all existing and proposed on-site and off-site utilities. Show the location of all overhead and underground utilities along with the location of any utility company meters. Show all existing and proposed improvements located within the public right-of-way if applicable.
9. Show and note that the new wire services shall be placed underground in accordance with UBC Section 308.3 as amended locally.

10. Provide separate engineering drawings or a composite utility plan from P. G. & E., ATT/PacBell, and Charter for the new wire utilities if necessary. If these plans are not available, note on the cover sheet of the plans and utility plan these engineered utility plans will be a deferred submittal item. Further note that "The engineered utility plans shall be submitted to the City for review and approval prior to commencing with any on-site or off-site utility construction."
11. Complete the gas pipe sizing for the proposed gas service to these buildings. The gas company shall review these plans for the proposed gas piping and gas meter locations. Provide gas meter clusters as required by the gas company. Provide a copy of a signed utility plan or separate transmittal from the gas company indicating their review and approval of the piping as shown.
12. Show the location, size, and material of all public water mains, recycled water mainlines, sewer mains, and public storm drain systems.
13. Show all required or proposed parking lot improvements, lot dimensions, space dimensions, materials, space and aisle slopes, drainage, pavement markings, signage, and striping in accordance with the Parking and Driveway Standards and disabled access requirements of the CBC. The parking and driveway standards are available from the Community Development Department or are available within the Engineering Standards. The Parking and Driveway Standards are again available in U.S. Customary Units.
14. The final map preparation and monumentation shall be in accordance with the City's Subdivision Regulations, Engineering Standards, and the Subdivision Map Act.

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

AYES: Commissioners Boswell, Meyer, Whittlesey, Draze, Singewald, Multari, and Stevenson
NOES: None
REFRAIN: None
ABSENT: None

The foregoing resolution was passed and adopted this 25th day of February, 2009.



Doug Davidson, Secretary
Planning Commission