



Department: Community Development
Cost Center: 4003
For Agenda of: 4/19/2022
Placement: Consent
Estimated Time: N/A

FROM: Michael Codron, Community Development Director
Prepared By: Hal Hannula, Sup Senior Civil Engineer and Rachel Cohen, Senior Planner

SUBJECT: ACKNOWLEDGEMENT OF REGIONAL TRANSIT AUTHORITY'S COMPLIANCE WITH PROJECT CONDITIONS OF APPROVAL

RECOMMENDATION

Authorize the City Manager to execute a "Project Condition Acknowledgement Agreement" with the San Luis Obispo Regional Transit Authority (RTA) acknowledging RTA's compliance with Resolution No. PC-1007-19 Conditions of Approval 43 and 45 by paying a fee to satisfy its obligation to construct a portion of the future Elks Lane.

DISCUSSION

Background

On July 24, 2019, the Planning Commission approved RTA's development of a 31,250 square foot operation, administration, and maintenance facility on RTA's property located at 253 Elk's Lane, San Luis Obispo subject to conditions of approval set forth in Resolution No. PC-1007-19. As RTA nears completion of the project and prepares for occupancy and use of the facility, RTA and City staff have identified two conditions of approval that require further discussion and evaluation (the "Conditions," Attachment A):

- Condition 43 provides: "prior to building permit issuance, the applicant shall provide a preliminary design of the realignment of Elks Lane along the project frontage to the satisfaction of the Public Works Department..."
- Condition 45 provides: "prior to issuance of building permit the property owner/applicant shall enter into a covenant agreement for the construction of public improvements for the Elks Lane realignment along the property frontage..."

RTA has completed full street improvements along its Elks Lane property frontage (curb, gutter, sidewalk) and constructed travel lanes as well as a temporary T-intersection at the intersection of the old Elks Lane and the new Elks Lane, which will extend behind RTA and 40 Prado before connecting to Prado Road in its new alignment to the east of 40 Prado. The T-intersection is a temporary measure until a sweeping curve can be installed at this location that will be built in conjunction with the Prado Road Interchange Project.

The completion of the Elks Lane design with a sweeping curve requires acquisition of a small portion of private property at the Sunset Drive-In Theater, and must be constructed simultaneously with the Prado Interchange Project to avoid additional “throw-away” improvements.

Under the circumstances, the Public Works Department has concluded that it is more efficient for the realignment of Elks Lane to be constructed by the City as a component of the Prado Interchange Project instead of requiring RTA to design and construct the realignment, per Condition of Approval No. 45. To this end, the Public Works Director recommends that the City execute an agreement (Attachment B) with RTA allowing RTA to pay an upfront fee, in the amount of \$351,182 to satisfy their obligation.

Previous Council or Advisory Body Action

On July 24, 2019, the Planning Commission approved RTA’s development of a 31,250 square foot operation, administration, and maintenance facility on RTA’s property located at 253 Elk’s Lane. At the time, RTA had acquired the entire site and worked with the City and community to enable excess land to be subdivided and purchased by Community Action Partnership of San Luis Obispo (CAPSLO), which subsequently constructed the 40 Prado Homeless Services Center.

CAPSLO also has obligations for the construction of Elks Lane along its property boundary to the intersection with Prado Road. That project cannot be constructed until the final design for the Prado Road Interchange Project is completed to ensure that the location and elevations of the intersection are consistent with the design for Prado Road.

Planning for construction of the Prado Road Interchange Project is ongoing and currently scheduled to begin construction December 2025. The construction window is expected to last 48 months, including the overpass, ancillary roads and facilities, and other improvements necessary to open up the new roadway for operation.

Policy Context

The City’s General Plan includes policies and programs that support transit within the City and the County. Circulation Element Policy 3.1.1. states that “The City shall encourage transit accessibility, development, expansion, coordination and marketing throughout San Luis Obispo County to serve a broad range of local and regional transportation needs.” Land Use Element policy 10.4 states “The City shall encourage projects which provide for and enhance active and environmentally sustainable modes of transportation, such as pedestrian movement, bicycle access, and transit services.” In addition, the Land Use Element notes that property within the Sunset Drive-in Theater / Prado Road Area special focus area “may need to be designed to accommodate the Homeless Services center and/or transportation agency use.” This would include the development of the RTA project and the need to accommodate the Elk’s Lane realignment required as a part of the Prado Road Interchange Project. At this time, there is no project proposed for this special focus area and, as a result, the City will need to work with the property owner to accomplish the improvements necessary to complete the Elk’s Lane realignment.

Public Engagement

All public meetings noted above were properly noticed and held at the time and in the manner required by law. This staff report was published for public review one week prior to this Council meeting date.

CONCURRENCE

The City's Public Works Department concurs with the recommendation and the City Attorney's Office has reviewed the Project Condition Acknowledgement Agreement.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report, because the recommended action of approving the agreement does not constitute a "Project" under CEQA Guidelines Section 15378. Further, RTA's construction of the Elks Lane realignment along the property frontage is not required mitigation for the project pursuant to the Mitigated Negative Declaration adopted by the RTA Board on September 6, 2017, or the Addendum to the adopted MND adopted by the Planning Commission on July 24, 2019. Environmental analysis for construction of the future realignment of Elks Lane will be done with the Prado Road Interchange Project.

FISCAL IMPACT

Budgeted: No

Budget Year: 2021-22

Funding Identified: Yes

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$	\$	\$	\$

The Prado Road Interchange Project is currently in the Project Approval/Environmental Document Phase (PA/ED). This work is funded and is expected to continue until Summer 2023 when the Project will enter into the Plans, Specifications, and Estimates (PS&E) Phase. At this time, the total project cost is estimated at \$64.5 million. The cost estimate for the final design and construction of RTA's Elks Lane frontage is \$351,182, which is about .005% of the total project cost. The recommended agreement with RTA would offset the associated design and construction costs for the project, resulting in a de minimis fiscal impact to the City.

ALTERNATIVES

Council could decide not to approve the agreement with RTA acknowledging that a payment in lieu of construction satisfies conditions of approval 43 and 45. This action is not recommended by staff because RTA has already constructed a T-intersection that will function satisfactorily until the ultimate design can be implemented with the Prado Road Interchange Project.

ATTACHMENTS

A - Planning Commission Resolution No. PC 1007-19 (2019 Series)

B - Draft Agreement with San Luis Obispo County Regional Transit Authority