

ORDINANCE NO. 1698 (2021 SERIES)

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING THE AIRPORT AREA AND MARGARITA AREA SPECIFIC PLANS TO ALLOW FOR DAY CARE FACILITIES CONSISTENT WITH RESTRICTIONS THAT APPLY CITYWIDE UNDER THE MUNICIPAL CODE (SPEC-0209-2021)

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a web based public hearing, on April 14, 2021, and recommended the City Council adopt text amendments (Exhibits A and B, attached) to the Margarita Area Specific Plan (MASP) and the Airport Area Specific Plan (AASP) to allow day care facilities (SPEC-0209-2021); and

WHEREAS, the MASP was originally adopted by City Council Resolution 9615 on October 12, 2004; and

WHEREAS, the AASP was originally adopted by City Council Resolution 9726 on August 23, 2005, with portions of the AASP adopted by Ordinance 1481, including Table 4.3, and later and amended since by both resolution and ordinance in 2014, 2017, 2019, and 2020; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a web based public hearing, on May 18, 2021, for the purpose of amending the MASP and AASP to allow day care facilities consistent with regulations that apply citywide under the Municipal Code; and

WHEREAS, the City Council finds that the proposed amendments are consistent with the General Plan as amended, Zoning Regulations, and other applicable City ordinances; and

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

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of San Luis Obispo as follows:

SECTION 1. Environmental Determination. The City Council hereby finds that the project is exempt per CEQA Guidelines Section 15061(b)(3), the “general rule” exemption, because the proposed action will have no possibility of a significant effect on the environment and will not cause impacts beyond those identified and evaluated within the EIRs of the AASP or the MASP, because allowing day care facilities in these specific

plans is consistent with the General Plan, and are subject to restrictions set forth in the Municipal Code to ensure public health, safety and welfare, and because project specific environmental review will be required.

SECTION 2. Findings. Based upon all evidence, the City Council makes the following findings:

- a) The proposed amendments to both the Margarita Area Specific Plan (MASP) and Airport Area Specific Plan (AASP) are consistent with the General Plan because they implement Land Use Element (LUE) Community Goals to create a balanced community and provide opportunities for childcare within the city consistent with LUE Policy 3.8.2.
- b) The specific plan amendments are intended to ensure consistency with zoning requirements with respect to childcare facilities as applied elsewhere in the City, as set forth in the Municipal Code.
- c) Day care facilities that may be proposed as a result of the specific plan amendments would be subject to the same health and safety regulations as set forth in both applicable state law and within the Municipal Code Section 17.86.100.
- d) The specific plan amendments do not change the underlying policy framework or overall land use or circulation pattern envisioned in either Specific Plan.
- e) The specific plan amendments will not be detrimental to the health, safety, and welfare of persons living or working within the MASP or the AASP or in the vicinity because the proposed day care uses will be compatible with the other uses allowed within the MASP and the AASP and will not cause impacts beyond those identified in the Final EIR for either the Specific Plans.
- f) The specific plan amendments to the MASP and the AASP have been structured to comply with the existing San Luis Obispo County Airport Land Use Plan (ALUP) and the Draft Amended and Restated ALUP and would allow for day care facilities only on sites that are located within Safety Area S-2 of the current ALUP and Safety Zone 6 of the Draft Amended and Restated ALUP.

SECTION 3. Action. The City Council of San Luis Obispo hereby 1) amends Sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.6.1 and 4.1 of the MASP as reflected in “Exhibit A,” removing language prohibiting day care facilities within the specific plan and adding language allowing day care facilities subject to the regulations set forth in the Municipal Code, and 2) amends Table 4.3 of the AASP as reflected in “Exhibit B,” removing language limiting the size of day care facilities and the requirements for a day care facility to connected to an employer and adding language allowing day care facilities subject to the regulations set forth in the Municipal Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 18th day of May 2021, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on ____ day of _____, 2021, on the following vote:

AYES:

NOES:

ABSENT:

Mayor Heidi Harmon

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington, City Clerk

EXHIBIT A

Margarita Area Specific Plan Amendment

The following sections of the existing Margarita Area Specific Plan are hereby amended to read as follows:

Pages 13-14. Section 2.1. Low-Density Residential (R-1-SP). Section 2.1.1. Uses. Low Density Residential areas are primarily for detached, single-family houses. To maintain residential capacity and airport compatibility, uses such as churches, schools, and secondary dwellings are not allowed. However, day care centers are allowed subject to existing regulations set forth in Section 17.86.100 and Table 2-1 of Section 17.10.020 of the Municipal Code.

Page 16. Section 2.2. Medium-Density Residential (R-2-SP). Section 2.2.1. Uses. Medium-Density Residential areas are for individual detached houses on relatively small lots or groups of detached dwellings on larger parcels, and for attached dwellings where each is clearly identifiable by its form and relationship to yards and gardens. Figure 5 shows where dwellings must be detached. To maintain residential capacity and airport compatibility, uses such as churches, schools, and secondary dwellings are not allowed. However, day care centers are allowed subject to existing regulations set forth in Section 17.86.100 and Table 2-1 of Section 17.10.020 of the Municipal Code.

Page 20. Section 2.3. Medium-High Density Residential (R-3-SP). Section 2.3.1. Uses. Medium-high Density Residential areas are for attached dwellings, where each dwelling is identifiable by its form, or for detached dwellings on small lots created through a condominium or planned-development process. To maintain residential capacity and airport compatibility, uses such as churches and schools are not allowed. However, day care centers are allowed subject to existing regulations set forth in Section 17.86.100 and Table 2-1 of Section 17.10.020 of the Municipal Code.

Page 22. Section 2.4. High-Density Residential (R-4-SP). Section 2.4.1. Uses. A mix of housing densities, ownership patterns, cost and building types is desirable in the Margarita Area Specific Plan. High-Density Residential areas are intended for attached dwellings in close proximity to the core area. To maintain residential capacity and airport compatibility uses such as churches and schools are not allowed. However, day care centers are allowed subject to existing regulations set forth in Section 17.86.100 and Table 2-1 of Section 17.10.020 of the Municipal Code.

Page 23. Section 2.5. Neighborhood Commercial. Section 2.5.1.

Uses. The Neighborhood Commercial area is for small-scale businesses that provide convenient goods and services for nearby residents and workers, as well as a semipublic, central meeting place and architectural focus for the neighborhood. It is recognized that commercial centers to the southeast and southwest of the Margarita Area provide a wider range of goods and services than can be accommodated in the designated Neighborhood Commercial area. Commercial uses here that provide architectural interest and opportunities for residents' socializing have value beyond shortening frequent shopping trips. The retail uses of a TOD are often dependent on the market area developed in the residential and office components of the project.

While this core commercial center must often follow the residential development, the land for public facilities and parks can be set aside and developed concurrently to aid in the marketing and to supply amenities and services to new residents. According to planning sources, it takes approximately 600 units to support a commercial center. For these reasons, the ground floor of the Neighborhood Commercial area will be reserved for commercial use for a period of 10 years from the date that 300 units are constructed and occupied. Dwellings are encouraged above the ground floor (Figure 5 shows parts of the Neighborhood Commercial area where allowable densities may occur).

Uses shall be as provided in the Zoning Regulations for the C-N zone, except that the following are prohibited:

- Any commercial establishment occupying more than 465 square-meters (5,000 square-feet) gross floor area;
- Schools or public-assembly facilities; and
- Service stations, car washes, or auto repair

Pages 26-27. 2.6.1 Uses. The Business Park designation will provide employment opportunities in close proximity to the core area. The business park designation is intended for well-designed, master-planned, campus-type developments that will contribute to community character and the City's objective of attracting jobs that can support households in San Luis Obispo.

The Business Park zone is divided into sections, based on compatibility with the Airport and adjacent or nearby residential areas.

- A. Business Park/Office. Areas designated Business Park/Office allow for a mix of uses near the core area and along the primary transit corridor. This specific plan envisions small offices and mixed-use (residential and office) developments in this area. Uses shall be as provided in the Office zone, except that those uses listed in part D below are prohibited.

- B. General Business Park. Areas designated General Business Park or one-story, masonry construction is intended for research and development, light manufacturing and business services that are compatible with each other and airport operation. This specific plan envisions this area developed with a campus-like setting consisting of multiple buildings and outdoor employee areas. Uses shall be as follows:

Allowed

- Advertising and related services
- ATMs
- Broadcast studios
- Business Support Services
- Computer services
- Copying and Quick Printer Service
- Laboratories (medical, analytical research)
- Light Manufacturing - food, beverages, apparel; electronic, optical, instrumentation products; jewelry; musical instruments; sporting goods; art materials
- Offices for engineers, architects, and industrial design
- Offices for processing, production and administrative
- Photo finishing - wholesale; and blue-printing and microfilming service
- Printing and publishing
- Research & development - services, software, consumer products, instruments, office equipment and similar items

Allowed subject to approval by administrative use permit

- Airport
- Antennas and telecommunications facilities
- Banks and financial services
- Convenience stores
- Day-Care Centers
- Equipment rental
- Fitness/Health facility
- Indoor commercial recreational facility
- Medical Service – Clinic, laboratory, urgent care *
- Medical Service – Doctor office *
- Office supporting retail, less than 5,000 sf
- Office- Business and Service
- Office-Professional
- Outdoor storage or work areas (screened from off-site views)
- Personal services
- Repair services – limited to office or laboratory equipment and to small-scale, specialty services for power equipment or vehicles

- Research & development – transportation equipment, metals, chemicals, building materials and similar items
- Truck or freight terminal
- Warehousing or new self-storage; distribution (truck terminal allowed south of Prado only)

** With findings as required in Zoning Regulations*

Allowed subject to approval by Planning Commission use permit

- Government Offices
- Heavy manufacturing
- Hotels and motels
- Maintenance service, client site services
- Office – processing
- Public safety facilities
- Warehousing, indoor storage
- Water and wastewater treatment plants and services
- Wholesaling and distribution

C. In the areas characterized as “outdoor uses only,” the following are allowed:

- Landscaped space;
- Recreational space for employees only
- Parking incidental to allowed uses;
- Outdoor storage or work areas, excluding explosive or highly flammable materials

D. The following are prohibited:

- Circuses, carnivals, fairs, festivals
- Convalescent hospitals
- Dwellings, except as provided in Business Park/Office
- Homeless shelters
- Hospitals
- Schools or public-assembly facilities such as churches (conference rooms incidental to offices are allowed);

Page 41. Section 4.1. Airport Compatibility. Types and Intensities of Land Use. The types and intensities of land uses described in Part 2 of this plan are intended to be consistent with the County Airport Land Use Plan. Several types of uses such as schools, and churches that are typically allowed in residential and commercial zones in other parts of the city are not allowed in the Margarita Area. The residential densities and their locations are meant to concentrate residential development in locations where it will have the least problems with Airport compatibility.

EXHIBIT B

Airport Area Specific Plan Amendment

Table 4.3, entitled Allowed Uses, of the existing Airport Area Specific Plan is hereby amended to read as follows:

Table 4.3 – Allowed Uses

NOTE: PLEASE REFER TO THE APPROVED AVILA RANCH DEVELOPMENT PLAN FOR ALLOWED USES IN THAT AREA (CITY COUNCIL RESOLUTION 10832) [also see Note 5]

Key: A = Allowed D = Allowed by Administrative Use Permit PC = Allowed by Planning Commission Use Permit Footnotes (see end of table)

Land Use	Zoning District			
	PF	C-S	M	BP

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Furniture and fixtures manufacturing, cabinet shop		D	A	
Industrial research and development		D	D	D
Laboratory - Medical, analytical, research, testing		A	A	A
Laundry, dry cleaning plant		A	A	A1
Manufacturing - Heavy			D	PC
Manufacturing - Light		D	A	A
Petroleum product storage and distribution			D	
Photo and film processing lab		A	A	D
Printing and publishing		A	A	A
Recycling facilities - Collection and processing facility			D	
Recycling facilities - Scrap and dismantling yard			D	
Recycling facilities - Small collection facility		D	A	
Storage yard		D	A	
Warehousing, indoor storage		A	A	D1
Wholesaling and distribution		A	A	PC

LODGING

Homeless shelter (see note 8)	PC	PC	PC	
Hotel, motel (see note 8)				PC

Table 4.3 – Allowed Uses

Key: A = Allowed D = Allowed by Administrative Use Permit PC = Allowed by Planning Commission Use Permit Footnotes (see end of table)

Land Use	Zoning District			
	PF	C-S	M	BP
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES				
Bar/tavern		D	D	D1
Club, lodge, private meeting hall		D		
Commercial recreation facility - Indoor	PC		PC	D
Commercial recreation facility – Outdoor	PC	PC		
Fitness/health facility		A	A	A1
Night club		D		PC
Park, playground	D			
Public assembly facility	PC	PC		
Religious facility ⁸	D	D2		
School – Specialized education/training ⁸		A	A	D
Sports and active recreation facility	PC	PC	PC	
Sports and entertainment assembly facility	PC		PC	
RESIDENTIAL USES				
Caretaker quarters	A	A	A	D

Table 4.3 – Allowed Uses

Key: A = Allowed D = Allowed by Administrative Use Permit PC = Allowed by Planning Commission Use Permit Footnotes (see end of table)

Land Use	Zoning District			
	PF	C-S	M	BP
RETAIL SALES				
Auto and vehicle sales and rental		A	PC	
Auto parts sales, with installation		A	A	
Auto parts sales, without installation		A	A	
Building and landscape materials sales, indoor		A	A	
Building and landscape materials sales, outdoor		A	A	
Convenience store		D	D	A1
Farm supply and feed store		A	D	
Fuel dealer (propane, etc)		D	A	
Furniture, furnishings, and appliance stores		A		
General retail – 2,000 sf or less				A1
Office-supporting retail, 2,000 sf or less				A1
Office-supporting retail, More than 2,000 up to 5,000 sf				D1
Produce stand				
Restaurant		D	D	A
Service station (see also “vehicle services”)		D	D	A1
Warehouse stores – 45,000 sf or less gfa		A		
Warehouse stores – more than 45,000 sf gfa		D		
		PC		

Table 4.3 – Allowed Uses

Key: A = Allowed D = Allowed by Administrative Use Permit PC = Allowed by Planning Commission Use Permit Footnotes (see end of table)

Land Use	Zoning District			
	PF	C-S	M	BP

SERVICES – BUSINESS, FINANCIAL & PROFESSIONAL

Banks and financial services ⁸		D	A	A1
Business support services		A		D4
Medical Service – Doctor Office ⁸		D4		D4
Medical Service – Clinic, Lab, Urgent Care ⁸		D4		A
Office – Business and service ⁸				D
Office – Government ⁸	A			A
Office – Processing ⁸		A	D	A
Office – Production and administrative ⁸		A	D	A
Office – Airport Related Services ⁸	A	A	A	A
Office – Professional ⁸				A
Photographer, photographic studio		A		

Land Use	Zoning District			
	PF	C-S	M	BP

SERVICES - GENERAL

Catering service		A	A	
Copying and Quick Printer Service		A	A	D1
Day care - Adult, Child Day Care Center ⁸		D	D	D
Equipment rental		A	A	
Food bank/package food distribution center		D	D	
Maintenance service, client site services		A	A	PC
Mortuary, funeral home ⁸	D	D		
Personal services		A		D1

Table 4.3 – Allowed Uses

Key: A = Allowed D = Allowed by Administrative Use Permit PC = Allowed by Planning Commission Use Permit Footnotes (see end of table)

Land Use	Zoning District			
	PF	C-S	M	BP

SERVICES – GENERAL

Personal services - Restricted		D		
Public safety facilities	A			
Public utility facilities	A	A	A	
Repair service - Equipment, large appliances, etc.		A	A	
Social service organization ⁸	D			
Vehicle services - Repair and maintenance - Major		A	A	
Vehicle services - Repair and maintenance - Minor		A	A	
Vehicle services - Carwash		D	D	
Veterinary clinic-hospital, boarding, large animal		D	D	
Veterinary clinic-hospital, boarding, small animal, indoor		A		
Veterinary clinic-hospital, boarding, small animal, outdoor		D		

Land Use	Zoning District			
	PF	C-S	M	BP

TRANSPORTATION & COMMUNICATIONS

Airport Facilities/Expansion	PC	PC	PC	PC
Ambulance, taxi, and/or limosine dispatch facility		A	D	D
Antennas and telecommunications facilities	PC	D	D	D
Broadcast studio ⁸		A6	A6	A6
Parking facility	PC	D	D	
Refuse Hauling, Septic Tank, Portable Toilet Sewers		PC	D	
Truck or freight terminal		A	A6	D
Water and wastewater treatment plants and services	PC	PC	PC	PC

Numbered Notes to Table 4.3

1. These activities are considered secondary uses for business parks. Within a development project site, their combined floor area shall not exceed 25 percent of the total floor area. Some are also subject to limits on individual floor area, as shown in the body of the table. Floor area limitations shall not apply to bank headquarters.
2. Use permit review shall consider that the C-S zone is primarily intended to accommodate uses not generally suited to other commercial zones because of noise, truck traffic, visual impacts and similar factors. A use permit may be approved only when the church will not likely cause unreasonable compatibility problems with existing or likely future service commercial uses in the vicinity. Use permit conditions may include measure to mitigate incompatibility.
3. In the C-S zone, nightclubs must contain a minimum of four thousand five hundred square feet of floor area. The required use permit process shall address parking, neighborhood compatibility, and security issues.
4. In order to approve a Medical Service use in the C-S or BP zones, the Hearing Officer must make the following findings:
 - a. The proposed medical service is compatible with surrounding land uses.
 - b. The proposed medical service is located along a street designated as an arterial or commercial collector in the Circulation Element and has convenient access to public transportation.
 - c. The proposed medical service will not significantly increase traffic or create parking impacts in residential neighborhoods.
 - d. The proposed medical service is consistent with the Airport Land Use Plan (ALUP).
 - e. The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical service.
 - f. The project site can accommodate the parking requirements of the proposed medical service and will not result in other lease spaces being underutilized because of lack of available parking.
5. Day care centers are allowed in residential zones within the Avila Ranch portion of the Specific Plan subject to a Minor Use Permit.
6. Broadcast studios are allowed by right except than an administrative use permit is required to permit any on-site antennas, dishes or transmission towers; or any radio, microwave, or other type of airborne transmission from the project site or any other site within the Airport Area.
7. Caretaker quarters shall have a maximum floor area of 1,000 square feet and shall not be allowed in available safety areas S-1a or the runway protection zone, as defined by the ALUP.
8. These uses are identified in the San Luis Obispo County Regional Airport Land Use Plan as noise sensitive, specific sound-attenuation requirements may apply. Refer to the ALUP for more information.