

RESOLUTION NO. XXXX-22

A RESOLUTION OF THE SAN LUIS OBISPO PLANNING COMMISSION DENYING THE APPEAL OF THE MINOR DEVELOPMENT REVIEW APPROVAL OF TWO, NEW PRE-MANUFACTURED SINGLE-UNIT RESIDENCES AND A PRE-MANUFACTURED ACCESSORY DWELLING UNIT ON TWO SEPARATE LOTS WITH SHARED DRIVEWAY ACCESS WITH A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS REPRESENTED IN THE PLANNING COMMISSION AGENDA REPORT AND ATTACHMENTS DATED MAY 25, 2022 (2406 & 2414 JOHNSON, FILE #APPL-0182-2022)

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a web based public hearing on February 7, 2022 for the purpose of reviewing development review application ARCH-0383-2021, Jeffrey Spevack, applicant, for two, new pre-manufactured single-unit residences and a pre-manufactured accessory dwelling unit on two separate lots with shared driveway access and recommended the Community Development Director find the project consistent with the Community Design Guidelines; and

WHEREAS, the Community Development Director of the City of San Luis Obispo on March 17, 2022 reviewed and approved the development review application ARCH-0383-2021, Jeffrey Spevack, applicant, for two, new pre-manufactured single-unit residences and a pre-manufactured accessory dwelling unit on two separate lots with shared driveway access; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chambers of City Hall, 990 Palm Street, San Luis Obispo, California on May 25, 2022 for the purpose of reviewing the appeal of the development review application APPL-0182-2022, Joe & Barbara Boud et al., appellant, for two, new pre-manufactured single-unit residences and a pre-manufactured accessory dwelling unit on two separate lots with shared driveway access; 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, recommendation by Architectural Review Commission, the Director's decision, and the evaluation 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. Based upon all the evidence, the Commission hereby deny the appeal and approves the minor development of a two, new pre-manufactured single-unit residences and a premanufactured accessory dwelling unit on two separate lots with shared driveway access ("Project"), application APPL-0182-2022, based on the following findings:

1. The project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because the project is consistent with the City's Municipal Code, Zoning Regulations, and Council Resolution 10140 (2010 Series).
2. The design of the project is consistent with Council Resolution 10140 (2010 Series) because:
 - a. The proposed project was submitted for architectural review and reviewed by the Architectural Review Commission on February 7, 2022 for consistency with the Community Design Guidelines (CDG) (COA No.1);
 - b. The single-family residence located on Parcel One preserves pleasant views towards the property and is consistent in character with the neighborhood because it is designed to not exceed a 406-foot elevation at the highest point of the roof (COA No.2); with a total height of approximately 14.5 feet the residence is set lower than the neighboring parcels to the rear, thus preserving viewsheds;
 - c. The Planning Commission noted in their review that the delineated *building envelope* for Parcel One was overly large and encompassed steep areas less suitable for development and required a *building footprint* that is setback at least ten feet from the northeast property line to mitigate privacy impacts to surrounding neighbors. The propose single family residence located on Parcel One is consistent with COA No. 3 because it is setback more than 10 feet from the northeast property line;
 - d. The driveway and required parking for Parcel One is not located within the 10-foot setback from the northeast property line (COA No. 3);
 - e. Parcel One provides one (1) additional on-site guest parking space adjacent to the two required parking spaces (COA No. 4);
 - f. Parcel Two provides two required parking spaces and one (1) additional on-site guest parking space in tandem to one of the required parking spaces (COA No. 4);
 - g. The proposed grading associated to the development of the new structures is limited to the area of development (COA No. 6);
 - h. As conditioned, the existing overhead utility lines shall be undergrounded (COA No. 7); and
 - i. As conditioned, the new curb, gutter, and sidewalk shall be installed per City Engineering Standards (COA No. 8).
3. The project is consistent with the General Plan because it promotes policies related to compatible development (LUE 2.3.9), residential project objectives (LUE 2.3.11), and housing production (HE 6.10). While homes along the neighboring Corona Court overlook the project site, the proposed development will have no overlook or other privacy impacts on neighboring properties.
4. The project is consistent with the Low-Density Residential land use designation because the project provides single family residences with private outdoor space.
5. The project is consistent with the property development standards of the Zoning Regulations specific to the Low-Density Residential (R-1) zone and Council Resolution 10140 (2010 Series) including height, setbacks, lot coverage, parking requirements, and density.

6. The project is consistent with Community Design Guidelines (CDG) Chapter 2, General Design Principles, Section 2.2, Building Design, because the project provides single story, residential units that are proportional to the site by minimizing grading and setting the units into the existing topography, provide architectural interest with articulated wall planes through the use of horizontal and vertical siding, window trim, peaked roofs, and a porch, uses durable materials such as fiber cement siding and trim and composite decking and the two units are compatible with the existing single-family unit adjacent to the site (Parcel 2) in regards to form, massing and design.
7. The project is consistent with the CDG for residential project design and infill development because the architectural style is complementary to the surrounding neighborhood and provides a variety of architectural treatments that add visual interest and articulation to the building design. The designs of the proposed buildings are compatible with the design and scale of the existing structures in the surrounding neighborhood (CDG, Chapter 5.3). In addition, the CDGs and Zoning Regulations contain no guidelines or other prohibitions on prefabricated residential buildings, which have been successfully installed in other locations of the City. Specifically, the project is consistent with CDG Chapter 5, Residential Project Design, Section 5.3 Infill Development because:
 - a. The proposed single level residential units, with a maximum height of 14.5 feet, are in-scale with adjacent single or two-story residential units in the neighborhood (CDG 5.3.A(1)).
 - b. The project design is consistent with other residential structures in the neighborhood because the residential units utilize a rectangular form with horizontal and vertical siding, window trim, similarly peaked roofs, and asphalt shingling (CDG 5.3.B & E).
8. The Architectural Review Commission reviewed the project on February 7, 2022 and recommended the Community Development Director find the project consistent with the City's CDG applicable to a project located in the R-1 zone.
9. The project application includes an Arborist Report from a certified arborist dated August 11, 2021 that identifies the proposed tree removals for the project with descriptions of the species, sizes, locations, and health of each of the trees on Parcels 1 and 3 within the proposed construction areas. The City Arborist reviewed the proposed tree removals and landscape plans per Municipal Code Chapter 12.24, Tree Regulations. As conditioned, the proposed tree removals and landscape plan (that shows the location of new tree plantings) is consistent with the Tree Regulations.

Section 2. Environmental Review. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) (Class 32, Infill Exemption) because the project is consistent with General Plan policies for the land use designation and is consistent with the applicable zoning designation and regulations. The project site occurs on a property within city limits, of no more than five acres, substantially surrounded by urban uses, with no value as habitat for endangered, rare, or threatened species. Based on compliance with existing regulations, approval of the project would not result in any significant effects relating to noise, air quality, or

water quality, and is served by required utilities and public services. The project has been reviewed by the City Public Works Department, Transportation Division, and no significant traffic impacts were identified, based on the size and location of the project.

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 does hereby deny the appeal (APPL-0182-2022) and grant final approval of the Project located at 2406 & 2414 Johnson Street, subject to the following conditions:

Planning Division – Community Development Department

1. The project shall comply with all applicable conditions of approval included in Council Resolution 10140 (2010 Series).
2. Final project design and construction drawings shall be in substantial compliance with the project plans as approved through this architectural review process. A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions of project approval as Sheet No. 2. Reference should be made in the margin of listed items as to where in plans requirements are addressed. Any change to approved design, colors, materials, or other conditions of approval must be approved by the Community Development Director or reviewed by the Architectural Review Commission with a recommendation to the Community Development Director or Planning Commission, as deemed appropriate.
3. Plans submitted for a building permit shall call out the colors and materials of all proposed building surfaces and other improvements. Colors and materials shall be consistent with the color and material board submitted with the Development Review application.
4. Plans submitted for a building permit shall include window trim details. Plans shall indicate the type of materials for the window frames and mullions, their dimensions, and colors. Plans shall include the materials and dimensions of all lintels, sills, surrounds recesses and other related window features. Plans shall demonstrate the use of high-quality materials for all design features that reflect the architectural style of the project and are compatible with the neighborhood character, to the approval of the Community Development Director.
5. The locations of all lighting, including landscaping or path lighting, shall be included in plans submitted for a building permit. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of working drawings. All wall-mounted lighting shall complement building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut-sheets on the submitted building plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City's Night Sky Preservation standards contained in Chapter §17.70.100 of the Zoning Regulations.

6. Plans submitted for construction permits shall include elevation and detail drawings of all walls and fences. Fences, walls, and hedges will comply with the development standards described in the Zoning Regulations (§17.70.070 - Fences, Walls, and Hedges).
7. The applicant shall submit a landscaping plan containing an irrigation system plan with submittal of working drawings for a building permit. The legend for the landscaping plan shall include the sizes and species of all groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans. The surfaces and finishes of hardscapes shall be included on the landscaping plan.

Engineering Division – Public Works/Community Development

8. The building plan submittals shall show and note compliance with all pertinent conditions of approval related to Parcel Map SLO 09-0074 and public Improvement plans for Tract-1272 (both plans are available from the City upon request). The submittal shall show, label, and honor all existing easements unless otherwise modified.
9. Projects involving the construction of new structures, the addition of dwelling units, or the substantial remodel of existing structures requires that complete frontage improvements be installed, or that existing improvements be upgraded per city standard. Any sections of damaged or displaced curb, gutter, and sidewalk or driveway approach shall be repaired or replaced to the satisfaction of the Public Works Department.
10. The building plan submittal shall show and label all existing and proposed public and private easements per Tract 1272 and the parcel map. The building plan submittal shall show and label all property line monumentation and the preservation of the same.
11. The plans shall show, label, and honor the existing public sewer main and public storm drain extending from Tract 1272 and crossing Parcel 1. The plans shall show and label the existing upstream and downstream improvements for reference. The plan shall include the storm drain catch basin, overflow weir, and berm/basin located on Parcel 1.
12. Development of the driveway and parking areas shall comply with the Parking and Driveway Standards for dimension, maneuverability, slopes, drainage, and materials. Alternative paving materials are recommended for water quality and/or quality control purposes and in the dripline of any existing trees to remain. Alternate paving materials shall be approved to the satisfaction of the Planning Division.
13. The building plan submittal shall include a complete site utility plan. All existing and proposed utilities along with utility company meters shall be shown. Existing underground wire services shall be shown along with any proposed alterations or upgrades. All work in the public right-of-way shall be shown or noted.

14. The building plan submittal shall clarify the limits and proposed disposition of the observed electrical circuits and landscape irrigation systems that cross parcel boundaries from Parcel 2 to parcels 1 and 3. Private utilities and services shall be relocated or transitioned to the related parcel(s) in conjunction with the building permits or easement(s) shall be reserved/recorded.
15. In accordance with the subdivision conditions and previous improvement plans, new and existing wire utilities including electrical service, phone, and cable TV shall be placed underground. The undergrounding of utilities shall be completed without a net increase in the number of required wood utility poles. It appears that the residence on Parcel has underground electrical service but that tele-com cables still exist overhead. The overhead wiring may also conflict with the new construction. It appears that vacant conduits have been provided from joint pole #2374 on Johnson Ave to serve all parcels in the subdivision.
16. The building plan submittal shall show the water meter and service to be sized or upgraded in accordance with the approved fire sprinkler plans.
17. The building plan submittal shall include a complete grading and drainage plan. The grading and drainage plan shall show all existing structures and grades located within 15' of the property lines in accordance with the grading ordinance. The grading and drainage plan and summary drainage report shall be prepared by a licensed civil engineer for this development requiring engineered grading.
18. The summary drainage report and plan shall evaluate the existing public storm drain system, capacity, and safe overflow path. The plan and report shall clarify whether the existing berm and basin related to the weir provides a continuance of a safe overflow within the existing public storm drain easement. Otherwise, the development of the ADU on Parcel 1 may require improvements to collect and convey the potential overflow to an approved point of discharge.
19. This development shall comply with the Waterways Management Plan. The building plans and report shall consider any run-on or run-off from the proposed parcel development. The parcel map did not include blanket easements for cross-lot drainage. An easement or understanding of acceptance of historic run-on would be acceptable if the improved drainage from Parcel 1 would not be conveyed to the existing common easements. The plans shall clarify whether the existing improved drainage from Parcel 2 crosses Parcel 3.
20. The building plan submittal shall show compliance with the Post Construction Stormwater Requirements as promulgated by the Regional Water Quality Control Board per the Board Resolution No. 2013-0032. Include a complete Post Construction Stormwater Control Plan Template as available on the City's Website. The compliance documentation should be on a lot-by-lot basis as the tentative parcel map had an approved drainage design that pre-dates the effective date of the resolution. The development on parcels 1 and 3 is not considered to be a common plan with the previous subdivision improvements.

21. The building plan submittal shall include complete details of any required retaining walls to accommodate the site design and existing grades. All retaining walls shall be included in the design that is analyzed in the drainage report. The final drainage and retaining wall plan shall be approved to the satisfaction of the Engineering Division and Planning Division. Combination wall/fences shall comply with the fence height requirements of the Zoning Regulations to the satisfaction of the Planning Division.
22. The building plan submittal shall show how the existing excavation/slope bank along the driveway and between Parcel 1 and the adjoining property known as 2374 Johnson will be retained. A short landscape wall may be required to limit the continued erosion along the property line. The improvement is required to limit sediment and debris from migrating into the trench drain and public storm drain system.
23. The building plan submittal shall show and note that the existing trench drain at the driveway apron shall be cleaned and maintained during construction and at the completion of the project to the satisfaction of the City Engineer.
24. The building plan submittal shall show five (5) new 15-gallon street trees to be planted along Johnson Avenue per condition of approval #21 of Parcel Map SLO 09-0074. This item was previously deferred with a covenant agreement. Street trees and planting requirements shall be per City Engineering Standards. The landscape irrigation plan shall show and note irrigation requirements for the street trees.
25. The building plan submittal shall show all existing trees, including off-site trees that could be affected by the proposed construction. Tree canopies shall be shown to scale for reference. The plan shall include the location, diameter, species, and proposed disposition of all trees and compensatory tree plantings in accordance with the project submittals and Certified Arborist Report dated August 11, 2021.
26. A tree preservation report prepared by a certified arborist may be required. Tree protection measures shall be implemented to the satisfaction of the City Arborist for any existing on-site or off-site trees that could be affected by the proposed grading and/or vertical construction. The City Arborist shall review and approve the proposed tree protection measures prior to commencing with any demolition, grading, or construction. The City Arborist shall approve any safety pruning, the cutting of substantial roots, or grading within the dripline of any tree. A City-approved arborist shall complete safety pruning. Any required tree protection measures shall be shown or noted on the building plans. Contact the City Arborist at 781-7023 to review and to establish any required preservation measures to be included with the building permit submittal.

Fire Department

27. All new dwelling units (single family residences, manufactured homes and ADUs) shall have fire sprinklers conforming to NFPA 13D. The manufactured home shall come pre-plumbed from the manufacturer with a sprinkler system.

28. All new buildings shall be constructed with exterior construction materials that comply with R337 of the California Residential Code for exposure to wildfire. Specify WUI specs when ordering from manufacturer.

Utilities Department

29. If a shared sewer lateral is proposed to serve development on multiple parcels, the City shall require a private easement setting forth responsibilities for each parcel served (including responsibility for maintenance, inspection, and improvement of the shared sewer lateral).

Code Requirement:

30. Existing private sewer laterals on the property must meet the requirements of Municipal Code section 13.08.395.

Indemnification

31. 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 day of May 25, 2022.

Rachel Cohen, Secretary
Planning Commission