ADMINISTRATIVE HEARING AGENDA REPORT

SUBJECT: Request for a creek setback exception for the replacement of approximately 850-square feet of existing paving in an existing parking lot within the 20-foot standard creek setback.

PROJECT ADDRESS: 1825 Monterey

BY: Kyle Bell, Associate Planner
    Phone Number: (805) 781-7524
    E-mail: kbell@slocity.org

FILE NUMBER: DIR-0286-2020

RECOMMENDATION: Approve the Director’s Hearing permit which allows replacement paving of an existing parking lot for 850 square feet within the 20-foot creek setback, based on findings, and subject to conditions.

SITE DATA

<table>
<thead>
<tr>
<th>Applicant Representative</th>
<th>RKK Hospitality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>C-T-S (Tourist Commercial, with Special Considerations Overlay) and C/OS-SP (Conservation Open Space).</td>
</tr>
<tr>
<td>General Plan</td>
<td>Tourist Commercial</td>
</tr>
<tr>
<td>Site Area</td>
<td>~0.97 acres</td>
</tr>
<tr>
<td>Environmental Status</td>
<td>Categorically exempt from environmental review under CEQA Guidelines section 15311 (Accessory Structures)</td>
</tr>
</tbody>
</table>

1.0 SUMMARY

The subject site is a relatively flat property with a gradual slope from west to east leading to San Luis Obispo Creek which is located along the east property line, the project site is developed with an existing motel known as University Inn, with direct access from Monterey Street. The project includes modifications to the existing parking lot to accommodate the relocation of the pool and spa, as described in greater detail in the sections below (Attachment 1, Project Plans). The proposed General Plan and zoning designation for the property is Tourist Commercial (C-T-S) with a Special Considerations Overlay (Attachment 2, Ordinance No. 1651 (2018 Series)), the property also includes Conservation Open Space (C/OS) zoning for San Luis Obispo Creek, however all proposed improvements are located outside of the C/OS zone.

2.0 PROJECT INFORMATION

Project Description

The applicant, RKK Hospitality, has proposed to demolish and relocate the existing pool and spa. Associated improvements include: new pool and spa, new storage structure at pool/spa, new trash enclosure, re-configuration of the existing parking lot, new walls, new fences, and new landscaping. No alterations to the existing motel building are proposed, this application is limited only to the scope of the re-pavement of the parking lot within the creek setback, all other improvements including the
relocation of the pool and other site improvements including tree removals are subject to ministerial review through a building permit. A Creek Setback Exception is required for the alterations to the existing parking lot within the 20-foot top of creek setback area. The project will include removing the existing paving area within the creek setback and repaving within the same footprint as the existing paved area, approximately 850 square feet, the resulting improvements will result in less paving area in the creek setback than the existing conditions of the site. The existing parking area is in need of improvements to improve circulation and vehicle access, and the requested exception is necessary to comply with the City’s parking requirements for motel uses which require one parking space for every motel room. There are 39 existing motel rooms, and 39 parking spaces are proposed to satisfy the requirement. The applicant is only seeking to repave the existing parking area within the creek setback to accommodate the required parking for the property.

Site Information/Setting

<table>
<thead>
<tr>
<th>Present Use &amp; Development</th>
<th>University Inn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topography</td>
<td>Relatively Flat with a gradual slope from West to East at back of lot.</td>
</tr>
<tr>
<td>Access</td>
<td>Monterey Street</td>
</tr>
<tr>
<td>Surrounding Use / Zoning</td>
<td>North: C-T-S (Hotel)</td>
</tr>
<tr>
<td></td>
<td>South: C-T-S (Monday Club: Event Center)</td>
</tr>
<tr>
<td></td>
<td>East: C/OS-5 &amp; R-1 (San Luis Obispo Creek &amp; Single Family Residents)</td>
</tr>
<tr>
<td></td>
<td>West: C-T (Hotel &amp; Veteran’s Hall: Event Center)</td>
</tr>
</tbody>
</table>

3.0 PROJECT ANALYSIS

The proposed project must conform to the standards and limitations of the Zoning Regulations and Engineering Standards. Staff has evaluated the project against relevant standards and guidelines and found it to be in compliance, as discussed in this analysis.

Consistency with Zoning Regulations

In accordance with Zoning Regulations § 17.70.030 stipulate that the Director, through a Director’s Hearing, may act to approve an exception to the creek setback requirements only where the applicant can provide clear and substantiated evidence that there is no practical way to comply with the provisions and that no other feasible alternatives will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of sites subject to creek setbacks.

Creek Setback Exception: The Zoning Regulations require a 20-foot setback from the top of bank, § 17.70.030.G states that replacement of existing paving within a creek setback that existed on or before October 3, 1996 with new paving is not allowed unless a discretionary approval is obtained. The proposed project is requesting to repave the existing parking area within the same footprint as existing parking area which results in the same 0-foot setback from the top of bank for the pavement area. Zoning Regulations § 17.70.030 stipulate that an exception to the creek setback requirements may be considered where substantiated evidence is available that demonstrates that there is no practical way to comply with the provisions and that no other feasible alternatives will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site, subject to required findings. As the project is limited to the repaving of an existing parking lot within the creek setback which will have no impact to any biological resources, the requirement for a Biological Survey has been waived by the Director and Sustainability Manager’s finding that no
useful purpose would be served by such a survey because no biological resources would be affected by the exception. Redesign of the project to avoid parking areas within the creek setback would deny the property owner reasonable use of the property, because the existing parking lot that is to be repaved provides for the required parking for the existing motel use on the property, and the parking lot cannot be redesigned in a way that would avoid encroaching in the creek setback and satisfy the parking requirements for the property due to the configuration of existing structures and the size and shape of the existing lot. The project has been reviewed in accordance with the required findings for a creek setback exception which have been incorporated into Section 5.0 below.

Special Considerations Overlay: The project is consistent with Ordinance No. 1651 (2018 Series), which establishes the design standards for the properties along Monterey within the Special Considerations (S-Overlay), because the project does not include any new parking facilities, and the pool and spa will be screened by a storage structure located between the pool and spa and the creek and residences located on the opposite side of the creek.

4.0 ATTACHMENTS

1. Project Plans
2. Ordinance No. 1651 (2018 Series)

5.0 ACTION

The Administrative Hearing Officer does hereby approve the Directors Hearing application (DIR-0286-2020) which allows the re-pavement of an existing parking lot, based on the following findings and conditions:

Findings

1. As conditioned, the location and design of the project receiving the exception will not impact any scenic resources, as the improvements within the creek setback provide no greater expansion to existing conditions of the site. The erosion control plan will prevent any adverse impacts to water quality within the creek, the project does not include any tree removals within the creek setback.

2. As conditioned, the exception will not limit the City’s design options for providing flood control measures that are needed to achieve adopted City flood policies because the exception is for a parking area which will replace an existing parking area within the same footprint.

3. The exception will not prevent the implementation of City-adopted plans, as the City does not have any adopted plans which outline specific plans for this creek, and Ordinance 1651 (2018 Series) prohibits any opportunity for an public trail or creek walk in this area.

4. There are circumstances applying to the site, such as the existing parking area which provides the required parking for the existing motel, which is consistent with the developed land in the vicinity within the same zoning, because several existing properties in the vicinity include existing structures and parking areas within the creek setback.
5. The exception will not constitute a grant of special privilege, because the exception request does not grant any additional development opportunity for the property and is limited to repaving the existing parking lot which is required for the developed property.

6. As conditioned, the exception will not be detrimental to the public welfare or injurious to other property in the area of the project or downstream, because the project is consistent with the neighborhood prevailing setback pattern that will have no greater effect on traffic, vehicular or pedestrian safety, water quality, noise, aesthetic, or lighting.

7. No useful purpose would be realized by requiring the full creek setback because no significant fire protection, emergency access, privacy or security impacts would occur, and the exception is consistent with the character of the neighborhood. The site development cannot be feasibly accomplished with a redesign of the project, because the required parking for the existing motel use cannot be provided on-site without encroaching on the creek setback due to the configuration of existing structures and the size and shape of the existing lot.

8. Redesign of the project would deny the property owner reasonable use of the property, because the project is limited to the repaving of the existing parking lot that was originally designed to accommodate the required parking for the existing motel use on the property, and the project does not include any new development for the property in terms of scale, design, or density.

9. The project is categorically exempt under Class 11, Accessory Structures, Section 15311 of the CEQA Guidelines, because the project consists of the re-construction of an existing small parking lot accessory to an existing commercial development located within an urbanized area that involves no expansion of use beyond what has been previously approved and will not have a significant effect on the environment.

**Conditions**
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:

**Planning Division**

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved (DIR-0286-2020). A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions and code requirements of project approval listed as sheet number 2. Reference shall be made in the margin of listed items as to where in plans requirements are addressed. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Community Development Director, as deemed appropriate.

2. Plans submitted for a building permit shall include a sediment and erosion control plan that protects the creek banks and channel from erosion and prevent sedimentation of the creek near and downstream from the site. Current Best Management Practices (BMP) should be utilized. Washing of concrete, paint, tools, or equipment shall occur only in areas where polluted water and materials can be contained and removed from the site.
3. Plans submitted for a building permit shall not include any improvements, modifications, or grading within the top of bank of the creek channel.

4. All tree removals that are not associated with the re-paving of the existing parking lot within the creek setback shall be reviewed as a separate application in accordance with the City’s Tree Removal Standards § 12.24.090.F for tree removals related to ministerial development permits or § 12.24.090.F for non-construction related tree removals, subject to the satisfaction of the City’s Arborist and Public Works Director.

5. 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).

**Indemnification**

6. 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 City shall fully cooperate in the defense against an Indemnified Claim."

**Action:**

☐ Approve
☐ Approve as modified
☐ Deny
☐ Continue to: __________________to allow ________________________________

____________________________________________________________________

☐ Continue indefinitely to allow: ________________________________

____________________________________________________________________

____________________________________________________________________

Tyler Corey, Senior Planner
Hearing Officer
Project Description/ Scope of Work:

The existing pool is being removed and a new pool and spa are being added. The existing pool's storage structure is being replaced with new storage structure. The existing parking lot is being re-graded and re-paved. New parking striping, native landscaping and drip irrigation is being installed. New concrete curbs along the top of creek setback area is being installed. New trash/recycle enclosure is being added to the site. New paving, new walls, new fences, and new landscaping at an existing motel.

No alterations to the existing main motel building are proposed. A Creek Setback Exception is required for the alterations to the existing parking lot within the 20' top of creek setback area. 1 parking space for every motel room is required. There are 39 existing motel rooms, and 39 parking spaces are proposed (2 are ADA parking spaces, and 12 are compact parking spaces). 2 Bicycle parking spaces are proposed. 2 Motorcycle parking spaces are proposed.

Creek Setback Exception Statement:

i. The features proposed for the exception are new concrete parking lot curbs, the re-paving of the existing asphalt parking lot, new parking striping, new native landscaping and new drip irrigation. The total extent of the exception is 805 square feet of new concrete curbs asphalt, and 1,530 square feet of new native landscaping.

ii. Potential design changes for the project which would eliminate the need for the exception would be to leave the existing parking lot in place in the same configuration.

iii. The reason an exception is deemed necessary by the applicant is because it will not be possible to leave the existing parking lot in place in the same configuration.

iv. Mitigation proposed to offset any harm of the exception will include 1,530 square feet of new native landscaping along the top of creek bank, as well as an underground storm water detention structure with pre-treatment consisting of catch basin filters.

Sheet Index:

- L1.0 Title Page
- Site Survey
- L1.1 Site Plan
- L1.2 Storage Structure Exterior Elevations
- L3.1 Landscape Plan
- Site Statistics:
  - Zone: Commercial Tourist (C-T-S) zone.
  - Setbacks: Front: 10 feet. Interior, side and rear: No setback.
  - Total Site Square Footage: 42,064 SF (0.96 acre)
  - Total Site Square Footage Including Area to Centerline of Monterey Street: 45,554 SF (1.05 acre)
  - Total area of the site covered by structures: 7,221 SF total (6,957 SF (existing 2 story motel), 92 SF (existing shed), and 172 SF (new storage structure at pool).)
  - Required number of parking spaces: 39 (1 space per motel room)
  - Required number of bicycle parking spaces: 2

Density Calculation:

- 12,772 SF total floor area (existing 2 story motel), 80 SF (existing shed), and 122 SF (new storage structure at pool)=13,974 SF total floor area.
- 1 parking space per 300 SF = 43
- 43 Parking spaces x 1.3 persons per space = 56 persons per acre.
- 56 persons/1.05 acre gross lot size = 53 persons average for this site.

Total Landscape Area: 12,583 SF

New and Existing Dwelling Units:

1 total (existing 2 story motel), 39 total bedrooms.

Vicinity Map

Title Page
1. CMU Pool enclosure wall. Plaster finish to match main building.
2. CMU or wood framed Storage structure wall. Plaster finish to match main building.
3. Shingle roofing to match main building.
4. Roof gutters to match main building. Provide wire mesh on top of all gutters to prevent accumulation of debris in gutters.
5. Downspouts to match main building. Final downspout design per Civil Engineer's drawings. Connect to site drainage system as per Civil Engineer's drawings.
6. Concrete curb per plan.
7. Existing AC parking lot or driveway to be repaved as per plan.
8. Landscape plantings per plan.
9. 30" Wide metal clad access doors. Color to match main motel building.
10. Interior stairs, 12" treads, +/-6" risers.
11. Existing fence on neighbor's property.
12. Existing White Flowering Oleander hedge on neighbor's property.
13. At walls facing pool and spa, contractor to provide bid option to install 6X horizontal weathered wood siding in random lengths instead of plaster.
14. Non-operable windows (always closed) to match existing windows at main motel building.

LEGEND:
- PL
- PL

Scale: 1/2" = 1'-0"
<table>
<thead>
<tr>
<th>Plant</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Quant.</th>
<th>Size</th>
<th>Notes</th>
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<tbody>
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<td>Ginkgo biloba 'Fastigiata'</td>
<td>Gold Medallion Tree</td>
<td>10</td>
<td>1 Gal or 4&quot; Pot</td>
<td>to remain.</td>
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<td>06</td>
<td>Eucalyptus species</td>
<td>50&quot; Dia.</td>
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<td>07</td>
<td>Umbellularia californica</td>
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<td>Trachycarpus fortunei</td>
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<td>(E)</td>
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<td>Rhamnus californica</td>
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<td>Rubus ursinus</td>
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<td>15 Gal</td>
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<td>1</td>
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<td>to be removed.</td>
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<td>1 Gal or 4&quot; Pot</td>
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<tr>
<td>15</td>
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<td>courtroom Grass</td>
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<td>1 Gal or 4&quot; Pot</td>
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</tr>
</tbody>
</table>

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**Plants**

- **Trees**
  - Ginkgo biloba 'Fastigiata' (Gold Medallion Tree)
  - Eucalyptus species (50" Dia.)
  - Umbellularia californica (California Laurel)
  - Trachycarpus fortunei (Windmill Palm)
  - Yucca species (E)
  - Coffeeberry (Rhamnus californica)
  - California Wild Rose (Rubus ursinus)
  - Autumn Moor Grass (Festuca glauca 'Elijah Blue')
  - Esparto Grass (Festuca praegracilis)
  - Flax Lily (Carex praegracilis)
  - Rush (Trophe Belle Mat Rush)

- **Shrubs and Groundcovers**
  - Coffeeberry (Rhamnus californica)
  - Autumn Moor Grass (Festuca glauca 'Elijah Blue')
  - Esparto Grass (Festuca praegracilis)
  - Flax Lily (Carex praegracilis)
  - Rush (Trophe Belle Mat Rush)
  - Carex praegracilis (courtroom Grass)

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**Notes**

- Install gravel mat to match (e) in planter areas where no new plants are shown.
- New plants are shown in areas where no plants are shown.
- Items in parenthesis are to be removed.
- Items with an "E" are off-site.

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**Contact Information**

- Erin Carroll Landscape Architect
  - San Luis Obispo, CA, 93401
  - (805) 735-9769
  - erino@erino.com

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**Plot Date**

- 2020-08-12 6:32 PM
ORDINANCE NO. 1651 (2018 SERIES)


WHEREAS, on February 7, 1989, the City Council of the City of San Luis Obispo adopted Ordinance 1130, amending the official zoning map from C-T to C-T-S for properties on the south side of Monterey Street between 1603 and 2223 and amending the official zoning map to expand the C/OS-5 zone along San Luis Creek Drive between Monterey Street and San Luis Drive; and

WHEREAS, Ordinance 1130 (1989 Series) established design criteria for any new development or use or expansion of any existing development or use within the C-T-S zone; and

WHEREAS, the Land Use Element of the City’s General Plan, Program 8.3, calls for the City to review and update Ordinance 1130 and involve residents to ensure that neighborhood concerns are addressed; and

WHEREAS, City staff has coordinated review of possible changes to Ordinance 1130 with residents of the adjacent San Luis Drive neighborhood; and

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 June 27, 2018 for the purpose of considering amendments to ordinance NO. 1130; and

WHEREAS, the City Council 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 August 21, 2018, for the purpose of introducing an Ordinance for the amendment to Ordinance No. 1130; and

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

SECTION 1. Environmental Review. Based upon all the evidence, the Planning Commission recommends that the City Council adopt the Initial Study / Negative Declaration as prepared for the comprehensive Zoning Regulations Update (GENP-0327-2018). The initial study addresses all environmental issues listed in Appendix G of the State CEQA Guidelines, and tiers with and incorporates, by reference, the Land Use and Circulation Element Final Program Environmental Impact Report pursuant to State CEQA Guidelines Sections 15150 (Incorporation by Reference), 15152 (Tiering), and 15168 (Program EIR).

SECTION 2. Action. The City Council of San Luis Obispo hereby amends the Ordinance 1130 to replace the design criteria (previously referred to as Section 5) with following criteria described below.
SECTION 3. Land Use and Design Criteria. That any new development or use or expansion of any existing development or use approved after the effective date of this ordinance shall be subject to the following design criteria:

1. All new structures approved after adoption of this ordinance shall be setback a minimum 20 feet from the existing top of creek bank or edge of riparian vegetation, whichever is farther from the creek flow line (subsequently called the “creek setback reference line”). The setback area may be occupied by landscaping and fencing. No new facilities for parking, active recreation or noise generating equipment may occupy the creek setback area.

2. The number and size of building openings facing the creek shall be minimized. Windows shall be no larger than the minimum required by public safety. Glazing shall not reflect sunlight toward the creek nor allow internal lighting to shine toward the creek. Balconies and/or attendant doors are prohibited.

3. Screening shall be provided between the buildings and the creek which may include fencing, decorative walls and landscaped berms, said screening shall at a minimum include restoration and enhancement of the creekside vegetation, and shall also be designed and built so as to block view corridors of the building visible from residential neighbors.

4. Lighting between the buildings and the creek shall be limited in intensity and scale to the minimum necessary for security and identification and shall be designed so as not to shine offsite.

5. The expansion or redevelopment of properties shall make maximum use of common driveways.

6. All new uses must be found by the Planning Commission to be compatible with the riparian habitat and adjacent residential uses, considering such variables as light and glare, privacy, noise and traffic. In all cases, uses shall be adequately buffered from the creek and adjacent residences in a manner which mitigates potential offsite impacts.

7. Noise generating uses such as parking and active outdoor recreation uses, such as swimming pools, outdoor bars, and gathering areas shall be located on the interior of the site, using buildings as a buffer.

8. All drainage to the creek shall be directed in a manner which does not erode the creekbank, harm the creekside vegetation or degrade the quality of the creek and its riparian habitat. Appropriate systems may include the use of debris and rubbish screens, oil and grease traps and erosion control/energy dissipaters subject to the approval of the City Engineer and the State Department of Fish and Wildlife.
9. Building height shall be restricted as follows:
   a) Between 20 and 50 feet, of the creek setback reference line, maximum height shall be 25 feet.
   b) Between 50 and 80 feet of the creek setback reference line, maximum height shall be 35 feet.
   c) Beyond 80 feet from the creek setback reference line, maximum height shall be 45 feet.

10. Grading within the creek setback area shall be limited to that necessary to stabilize the creekbank and to accommodate landscaping, and shall be done in a manner which does not increase erosion of the creekbank or result in the removal of or significant damage to creekside vegetation.

11. As a condition of every new use established or expansion of existing use, that portion of a commercial lot which lies within the C/OS-5 zone shall be dedicated as a perpetual open space easement.

12. In special circumstances, the Planning Commission may lower the height and/or increase the setback standards established by this ordinance.

13. The revised C/OS-5 boundary and design criteria contained in this ordinance shall be recorded and referenced on the title of all affected parcels.

14. The creekside setback area and/or the area beneath the high berm on the creekside shall not be used for a public or urban trail.

15. Any structure that functions primarily as a conference or convention center shall not be allowed. Meeting and conference rooms ancillary to other approved uses are allowed. Rooms whose primary use is for social gatherings (ballrooms, etc.) shall not be located creekside.

16. Openings associated with and resulting from underground, ground, or above ground parking, oriented toward the creek or that occur on the sides of the structures within 100 feet of the creek setback reference line are prohibited.

17. During all stages of planning and building, design and engineering plans and over-the-counter- changes to the approved plans and permit shall be a matter of public record (as defined in California Government Code Section 6520), shall be noted on the official packet of material, and shall be readily available to the public upon demand.

18. Any new proposal or significant alteration to an existing development shall be subject to a use permit approved by the Planning Commission. In approving a use permit, the Planning Commission shall find that the proposed conforms to all the criteria listed in Section 3.
SECTION 4. Severability. If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or any other provisions of the city's rules and regulations. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

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 Tribune, 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 21st day of August, 2018, AND FINALLY ADOPTED by the Council of the City of San Luis Obispo on the 18th day of September, 2018, on the following vote:

AYES: Council Members Gomez, Pease and Rivoire, Vice Mayor Christianson and Mayor Harmon

NOES: None

ABSENT: None

[Signature]
Mayor Heidi Harmon

ATTEST:

[Signature]
Teresa Purrington, City Clerk

APPROVED AS TO FORM:

[Signature]
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, this 20th day of September, 2018.

[Signature]
Teresa Purrington, City Clerk

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