



council agenda report

CITY OF SAN LUIS OBISPO

Meeting Date
Item Number

FROM: Doug Davidson, Interim Community Development Director

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SUBJECT: GENERAL PLAN CONFORMITY DISCUSSION REGARDING THE SURPLUS AND SALE OF THE BUILDING KNOWN AS “SUNNY ACRES” FOR RESIDENTIAL PURPOSES BY THE COUNTY OF SAN LUIS OBISPO (GPC 49-11)

RECOMMENDATION

1. Determine that the proposed surplus and sale of the potentially historic Sunny Acres building for residential use is in conformance with the General Plan.
2. Authorize the Mayor to send a letter to the County Board of Supervisors requesting the County develop an overall land use plan for the site and initiate amendments to the City’s General Plan, Zoning and Urban Reserve Line to allow a more intensive use of the County-owned property.

DISCUSSION

Background

The County of San Luis Obispo submitted a request for a General Plan conformity determination in order to create a separate lot for the existing Sunny Acres building behind the former General Hospital (Attachment 2). A city finding of consistency with the General Plan is a necessary prerequisite to subdivide the lot. Once a new lot is created, the County plans to sell the property for residential purposes to allow adaptive re-use and preservation of the building. The County intends to create a 0.72 acre public lot surrounding the structure and sell the property and building with a covenant that it is utilized for residential purposes and that the exterior of the building be preserved and restored within timelines specified in a contract with the purchaser.

The building is located within the City limits but outside of the City’s Urban Reserve Line (URL) within the Conservation/Open Space Zoning District (C/OS 40). Therefore, development of the site is subject to Conservation /Open Space standards. Although low density residential uses are allowed within the open space zone (one unit per lot), the minimum lot size allowed is normally 40 acres. However, State Subdivision Map Act and the City’s Subdivision Regulations allow exemptions from parcel map requirements for divisions of real property resulting from the conveyance of land to or from a public entity for a public purpose. The stated public purpose for this request is historic preservation of the Sunny Acres Building. As a result, the County could create a 0.72 acre public lot if the proposal can be found to be consistent with the General Plan.

Planning Commission Review

On June 8, 2011, the Planning Commission evaluated the proposal in consideration of the preservation of the building and the City's General Plan Policies (Attachments 3 and 4). The Commission was unable to make a determination on the request for General Plan conformity – due to gap in time between Commissioner Boswell's resignation and Commissioner Larson's appointment, the Planning Commission was comprised of only six members and their review resulted in a tie vote (3:3). Although half of the Commission members found the project consistent with the many General Plan Policies in support of historic preservation, other Commissioners struggled with the more specific Conservation and Open Space (COSE) Policy 3.5.10, which encourages public use of the property.

Planning Commission Action

Subsequent to the tied vote regarding the General Plan conformity issue, the Commission adopted a separate motion to direct staff to request Council send a letter to the Board of Supervisors expressing the desire to see a more intensive use of the site within the context of an overall land use plan for the entire County-owned property (Attachment 5). The County had developed a preliminary plan for the property in 2007 however the concept became embroiled in concerns raised by property owners east of Johnson when two other development proposals (called the Eastside Annexations) were being considered by the Council. The County ended up withdrawing the plan from consideration. Since planning for more intensive development of the entire property will require substantial time and cost, the County is concerned that this approach will prevent timely action to address stabilization and rehabilitation of the already deteriorated Sunny Acres structure.

The attached letter expresses the Planning Commission's action from June 8th. Due to their financial condition, the County will most likely not be able to pursue a private amendment and development proposal. The proposed letter requests that the County participate more fully during the Land Use and Circulation Element update process to address the Commission's expressed desire to see more intensive use of the site.

History/Site Location

The building was originally constructed in 1931 as a children's home to house orphans and other wards of the court. The large, two story brick structure is sited prominently on its hilltop location behind General Hospital and is a unique architectural style known as Romanesque, which was popular in the 1920's. The style was widely used for academic buildings, with examples on the UCLA and USC campuses. The Sunny Acres building is the only example of this type of architecture in San Luis Obispo County. In the mid 1950's, the building was modified to be utilized as a County-run juvenile detention facility. It was used as such until 1974 when the County discontinued the use and the building has remained vacant since that time.

In 1998 the San Luis Obispo County General Services Department planned to demolish the Sunny Acres building due to concerns with vandalism and liability. At that time, the Cultural Heritage Committee recommended the building be placed on the Master List of Historic Resources. Eventually, County plans to demolish the building were put on hold and the historic

designation of the property was not finalized pending a determination of the future plans for the property. Although there have been several attempts to renovate the building for public purposes, all such endeavors have failed. The cost to rehabilitate the building for any public use while maintaining its historic character, with the extensive public facility earthquake retrofitting required, has proven financially infeasible.

General Plan Policy Analysis

The Planning Commission staff report, Attachment 4, provides a detailed analysis of General Plan policies and programs. Some of these policies are directed towards the preservation of historical resources, while others focus on the treatment of property outside the City's Urban Reserve Line. COSE Policy 3.5.10 is the only policy that is specific to the property. This policy suggests that the property be utilized for public purposes. This policy proved challenging for several Planning Commissioners since the County's intent is to sell the property for private residential purposes.

COSE Policy 3.5.10 Sunny Acres.

Sufficient acreage should be provided around Sunny Acres to enable use of the property for a community center, urban garden, natural history museum and adjoining botanical garden, or similar uses.

When this policy was adopted with the 1994 Open Space Element, public use of the land was thought to be the best way to ensure the preservation and adaptive re-use of the building. However, multiple attempts to implement a public use on the property have failed. Public funding to support the re-use of the building is not available and the building continues to deteriorate due to active vandalism and weathering. Prolonged vacancy of the building is likely to result in the complete loss of the resource. At this time, reliance upon private use of the building with agreements to preserve the exterior building façade appears to be the most feasible alternative to ensure retention of the resource.

COSE 3.3.1 Historic Preservation

Significant historic and architectural resources should be identified, preserved and rehabilitated.

The Cultural Heritage Committee has already identified the Sunny Acres structure qualifies for placement on the Master List of Historic Resources. Working with the County to enable the structure to be rehabilitated would meet this policy.

COSE 3.6.7 Partnering for preservation.

The City will partner with agencies, non-profit organizations and citizens groups to help identify, preserve, rehabilitate and maintain cultural resources.

COSE Program 3.6.7 directs the City to partner with others in order to find ways to preserve cultural resources. Finding the County's proposed sale of the property in conformance with the General Plan to allow the County to subdivide, sell and preserve the Sunny Acres building is one way the City can partner for preservation.

COSE 3.6.8 Promote adaptive reuse of historic buildings.

The City will, consistent with health, safety and basic land-use policies, apply building and zoning standards within allowed ranges of flexibility, to foster continued use and adaptive reuse of historic buildings.

Adaptive re-use of this building is a logical method of ensuring its preservation consistent with COSE Program 3.6.8. The flexibility needed in this case is addressed in the City's Subdivision Regulations which allow creation of a public lot to accommodate conveyance of land to or from a public entity for a public purpose. The County proposes the public purpose in creating the lot will be to ensure the structure is stabilized and rehabilitated for use, thus preserving the historic building.

ALTERNATIVES

Alternative 1

At the time of the Planning Commission hearing on June 8th, there were a total of six Commissioners. The City Council could refer this item back to the Planning Commission now that there are seven Commissioners seated on the Planning Commission. This alternative is not recommended because the Planning Commission has already reviewed this item. However, if the City Council is not able to make a finding of conformity the Council may still wish to refer the matter back to the Planning Commission.

Alternative 2

The County could request that the area be considered during the upcoming update of the Land Use and Circulation Elements. This would not cost the County anything, but timing of any subsequent rezoning etc. will most likely take four years. The proposed designation and zoning as part of this process will take into consideration compatibility with adjacent uses and zones. In the interim, uses allowed under the current Zoning and General Plan designation could be established, however, without a separate lot to convey, rehabilitation of the structure and establishment of a new use would be unlikely. This alternative is not recommended because the time delay associated with the LUE update will be detrimental to the building. Without significant expenditure to upgrade and rehabilitate the structure for an active use, the Sunny Acres building would still be exposed to vandalism and deterioration unless funds could be found to stabilize and secure the structure.

Alternative 3

The Council may direct staff to consider (or the County or its agent may request) to move the Urban Reserve Line and amend the General Plan and Zoning Designations from Open Space/Conservation-Open Space (40 acre minimum) to another General Plan and Zoning designation that would accommodate an appropriate use. Currently, the adjacent designation is Low Density Residential with R-1 zoning. Given the cost of this option, it may make more sense for the County to consider an overall development concept for the entire County-owned property rather than applying for a lot line adjustment or a subdivision to separate out a lot containing the Sunny Acres building. Additionally, an adjustment of the URL is tied to water service and upgrades to allow adequate water pressure for this site would be necessary if further development were proposed.

This alternative is not recommended. Consideration of moving the Urban Reserve Line and amending the General Plan and Zoning designation should occur as part of a more comprehensive evaluation that is more appropriate during the Land Use and Circulation Elements update.

Alternative 4

The Council may direct staff to amend Policy 3.5.10 of the Conservation and Open Space Element (COSE) to address additional uses that may be appropriate for the site. Once an amendment was approved, the County could return to the Planning Commission for a General Plan conformity finding. While this alternative would address the potential conflict in policy guidance, this alternative is not recommended because it would delay action for another season, thus exposing the Sunny Acres structure to additional deterioration.

CONCLUSION

The Council has the ability to balance the policy direction expressed in the Conservation and Open Space Element to determine that the overarching policies that direct the City to facilitate historic preservation should prevail over the one policy specific to the Sunny Acres site. The current condition of the site is a neighborhood attractive nuisance that creates a hazardous situation for vandals and a concern for nearby residents. The benefit of restoring the building and placing an active use at the site will achieve a significant goal of the City, and this factor should be considered when making a determination.

The Government Code indicates that a conformity determination by the jurisdiction's "planning agency" is required when property is transferred to or from a public agency and typically, the Council delegates this responsibility to the Planning Commission. Since the Commission was unable to determine conformance with the General Plan the Council can make that determination itself.

FISCAL IMPACTS

The determination of finding the County's action consistent with the City's General Plan will have no fiscal impact because this decision does not involve City owned property nor does it involve the use of City funds or City services. However, changes to the zoning, general plan or the implementation of other alternatives as discussed may create slight fiscal impacts over the long term if areas within the City's service boundary are adjusted.

CONCURRENCES

The existing building was previously connected to City services and the City Utilities Department has acknowledged that service can be re-established to the existing building even though it is located outside of the URL and above the elevation contour that is know to provide consistent water pressure.

ATTACHMENTS

1. Vicinity Map
2. Letter outlining conformity request from SLO County
3. Planning Commission meeting minutes
4. Planning Commission staff report
5. Draft letter to County

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