

# Notice of Exemption

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To:  Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

From: City of San Luis Obispo  
Community Development Department  
919 Palm Street  
San Luis Obispo, CA 93401-3218

County Clerk  
County of San Luis Obispo  
1144 Monterey Street, Suite A  
San Luis Obispo, CA 93408

**Applicant Address:**  
City of San Luis Obispo  
Community Development Department  
919 Palm Street, San Luis Obispo, CA 93401  
Name: Shawna Scott  
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**Project Title:** City of San Luis Obispo Outdoor Public Space Program (OPEN SLO)

**Project Location - Specific:** San Luis Obispo, Downtown and Citywide

**Project Location - City:** San Luis Obispo

**Project Location - County:** San Luis Obispo

**Description of Project:**

Please see attached.

**Name of Public Agency Approving the Project:** City of San Luis Obispo

**Name of Person or Agency Carrying Out the Project:** City of San Luis Obispo

**Exempt Status (check one):**

- Ministerial (Section 21080(b)(1); 15268;
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption. State type and section number: 15301 (Existing Facilities)
- Statutory Exemptions. State code number:
- General Rule Exemption (Sec. 15061(b)(3))

**Reasons why project is exempt:**

Please see attached.

**Lead Agency**

**Contact Person:** Shawna Scott **Area Code/Telephone/Ext.** 805-781-7176 **Email:** sscott@slocity.org

Signature:  Date: May 22, 2020

Title: Shawna Scott, Senior Planner

Signed by Lead Agency Date Received for Filing at OPR: \_\_\_\_\_

## **Project Description**

**City of San Luis Obispo Outdoor Public Space Program (OPEN SLO).** The OPEN SLO temporary “pilot” program includes the use of right-of-way, sidewalks, and streets to help maintain social distancing during the first few phases (stages) of reopening consistent and in accordance with State Executive Order N-60-20, and the State’s Resilience Roadmap, and continued economic support of businesses for uses such as walking space, outdoor dining, and pick-up/delivery areas. The program would provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance.

The program is established for the purpose of supporting and facilitating the recovery of business and economic activity in the City by expanding the spaces available for the safe conduct of such activities for City businesses and their customers and patrons to create more physical distance for pedestrians and business patrons to maintain physical distancing. Time is of the essence to quickly implement a program to allow for safe physical distancing consistent with the State’s Resilience Roadmap and County of San Luis Obispo Guidelines in order to address both public health and economic impacts of COVID-19, as residents have been primarily indoors since the initiation of the State and County Orders.

The OPEN SLO program includes the following six strategies that may be used independently or in combination, along with continued implementation of the City’s Sidewalk Dining Ordinance, as outlined below:

A. Six Strategies Identified in the OPEN SLO Pilot Program:

1. Changes to traffic flow, including “Quick-build” improvements toward alignment with the Downtown Concept Plan.
2. Short-term street closures, including short-term road closures in the Downtown and in other areas of the City to facilitate safely distanced pedestrian circulation, expanded outdoor dining, and customer queuing, pickup and waiting areas associated with permitted business activities.
3. Conversion of selected on-street parking spaces to outdoor dining space or other pedestrian uses (parklets); use of the parklet may include:
  - i. Public sidewalk. No improvements other than rail and aesthetic treatments, to create space for safely distanced pedestrian movement and customer queuing, pickup, and waiting areas associated with permitted business activities.
  - ii. Table and Chair. Utilized by one or more businesses under the City’s “Table & Chair” permit process and designated for exclusive use of the business, which may include appropriate signage.
    1. Appropriate signage means no more than 15 square feet per outdoor area.
  - iii. Sidewalk Café. Designated parklet for exclusive use by one business under the City’s Sidewalk Café permit process.
4. Use of private and public parking lots for expansion of commercial uses. Enforcement of current off-street parking requirements would be temporarily suspended so that selected spaces in private parking lots could be converted to seating or expanded retail space. The City could also permit use of spaces in public parking lots through the Sidewalk Cafes Ordinance.
5. Conversion of Mission Plaza at set days and times for community and economic recovery support uses, including tables and chairs for ‘to-go’ dining, space for outdoor retail booths, art and culture pop-ups, which may include the closure of the Broad Street ‘dog-leg’ and/or sections of Monterey Street.

6. Pop-ups to encourage and support additional ideas for outdoor space such as:
  - i. Develop guidelines and allow use of parts of the sidewalk for signage, merchandise and queueing, where adequate sidewalk width exists consistent with disabled access requirements and public safety.
  - ii. Develop guidelines and allow for pavement painting and planter box projects initiated by neighborhoods to slow traffic, create painted bulb-outs or other pedestrian-friendly adaptations.
  - iii. Support 'traveling' arts and culture events where exhibits or exhibitions are allowed on public spaces for visitors to stroll by.
  - iv. Have designated staff available and a clear process to streamline review and approval of uses to ensure conformity with access and public health and safety regulations.

### **Reasons why Project is Exempt:**

As a result of the COVID-19 public health emergency, the City of San Luis Obispo proposes a temporary program to use the right-of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State's Resilience Roadmap and provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance. The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) as followed:

- A. The project is statutorily exempt under State CEQA Guidelines Section 15269 (Emergency Projects), because the temporary program includes specific actions that would allow for safe physical distancing consistent with the State's Resilience Roadmap and County and State Guidelines in order to mitigate the COVID-19 public health emergency.
- B. The project is categorically exempt under State CEQA Guidelines Section 15301 (Existing Facilities) because the actions identified in the program are limited to the permitting, leasing, and minor alteration of existing public facilities, including existing streets, sidewalks, bicycle and pedestrian trails, which would not result in the creation of additional automobile lanes. The program would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of City right-of-way, as the uses included in the temporary program would not vary from the current uses of commercial businesses, residential areas, or public access within the City's right-of-way.