

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

| | | | |
|--|---|--|----------------------|
| (1) DEPARTMENT Planning and Building | (2) MEETING DATE 5/14/2013 | (3) CONTACT/PHONE Airlin Singewald, Planner III / (805) 801-7596 | |
| (4) SUBJECT Hearing to consider an appeal by Bruce Fosdike of the Planning Department Hearing Officer's approval of a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. District: 2. | | | |
| (5) RECOMMENDED ACTION That your Board adopt and instruct the Chairperson to sign the resolution modifying and affirming the decision of the Planning Department Hearing Officer and conditionally approving the request by Kingston Bay Senior Living, LLC for a Minor Use Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. | | | |
| (6) FUNDING SOURCE(S) N/A | (7) CURRENT YEAR FINANCIAL IMPACT \$0.00 | (8) ANNUAL FINANCIAL IMPACT \$0.00 | (9) BUDGETED? Yes |
| (10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>90 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>) | | | |
| (11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A | | | |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A | | (13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A | |
| (14) LOCATION MAP Attached | (15) BUSINESS IMPACT STATEMENT? No | (16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____ | |
| (17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown | | | |
| (18) SUPERVISOR DISTRICT(S) District 2 - | | | |

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin Singewald, Planner III

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 5/14/2013

SUBJECT: Hearing to consider an appeal by Bruce Fosdike of the Planning Department Hearing Officer's approval of a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. District: 2.

RECOMMENDATION

That your Board adopt and instruct the Chairperson to sign the resolution modifying and affirming the decision of the Planning Department Hearing Officer and conditionally approving the request by Kingston Bay Senior Living, LLC for a Minor Use Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria.

DISCUSSION

On March 1, 2013, the Planning Department Hearing Officer approved Minor Use Permit/Coastal Development Permit DRC2012-00024 by Kingston Bay Senior Living LLC to establish a 31 unit senior care facility (28,266 square-foot building) located on a 1.26-acre site on the corner of Ardath Drive and Green Street in the Lodge Hill neighborhood of Cambria.

The proposed project would have a 19,482 square-foot footprint on a 1.26-acre (54,885 square feet) parcel. Approximately 41 percent of the site would be landscaped and 24 percent of the site would be paved for parking and the two driveways.

Table 1: Lot Coverage Statistics

| Site Statistics | Total (SF) | % of Site |
|------------------------|-------------------|------------------|
| Site Area | 54,885 | 100% |
| Building Footprint | 19,482 | 36% |
| Hardscape and Driveway | 12,889 | 24% |
| Landscape | 22,334 | 41% |

The proposed site plan includes 20 parking spaces in the front (northern) portion of the property and driveways on Ardath Drive and Green Street. Undeveloped areas of the site will be landscaped with native pines, oaks, and understory shrubs mimicking the composition of the surrounding Monterey pine forest. In addition to meeting the required mitigation for tree removal, the proposed landscaping provides a buffer between the facility and neighboring residences and helps to visually integrate the facility into the pine forest setting. Internal pedestrian paths are proposed around the perimeter of the building.

The main entrance of the facility leads into a 600 square-foot lobby at the ground floor level. The first floor of the building consists of the facility's main common areas, including a living room, kitchen, dining room, and reception desk, as well as offices and four assisted living units. The first floor also provides a connection to the facility's seven memory care units in the single-story eastern wing of the building. The second floor of the building contains the majority (20) of the facility's 25 assisted living units.

The proposed building meets the 25-foot height limit for new structures on the west side of Highway 1 and will be constructed using naturally appearing colors and materials to blend with the backdrop Monterey pine forest. The building will reflect a craftsman architectural style consistent with the historic vernacular in Cambria. Based on photo-simulations provided by the applicant (see Attachment 3), the project will have minimal visibility from Highway 1. The most significant view of the facility from Highway 1 would be looking directly towards the site from Highway 1 and Ardath.

One issue not specifically addressed in the appeal but which was raised by community members after the March 1, 2013 Hearing Officer approval is the visual impact of the facility from Highway 1. In response to this concern, the applicant has submitted a revised front elevation (see Attachment 4) showing enhanced building articulation to break up the mass of the building and make it appear more compatible with the character of the surrounding neighborhood. As conditioned, the project will be required to submit revised plans incorporating the revised elevations before issuance of a construction permit.

The proposed project is consistent with all applicable Coastal Zone Land Use Ordinance (CZLUO) standards and Coastal Plan policies. Refer to the March 1, 2013 Planning Department Hearing (PDH) staff report (Attachment 11) for more detailed project analysis.

Appeal Issues

On March 6, 2013, Bruce Fosdike filed an appeal of the Hearing Officer's decision. The appeal contends that the Department of Planning and Building did not adequately consider the North Coast Advisory Council's recommended conditions relating to public improvements, traffic impacts, parking, and drainage.

The specific appeal issues and staff's responses are provided below:

Appeal Issue #1:

This appeal issue states that increased traffic generated by facility employees, residents, health care providers, and delivery services (e.g. food vendors) will impact the Ardath Drive/Highway 1 southbound intersection, and concludes that a right turn lane on Ardath Drive would alleviate this impact.

Staff Response:

The proposed project is not expected to generate a significant amount of traffic. The residents of the facility would not drive and would be transported by an on-site shuttle van. Most health care office visits would occur off-site, with one or two providers travelling to the proposed facility each day. According to the applicant, the facility would receive about five or six deliveries a week for linen service, food, janitorial supplies, medical products, and prescription drugs. The largest delivery vehicle would be a two-axle delivery truck.

The project traffic study (prepared by ATE and dated 11/2/2012) indicates an additional 12 peak-hour trips will be generated by the proposed project. Of these, only one is anticipated to turn right at Highway 1 at peak hour. This new additional demand does not warrant the need for the addition of a right turn lane.

Secondly, the North Coast Circulation Study has identified the Ardath – Highway 1 intersection as needing to be signalized to accommodate build out traffic demand for the area. Since the intersection has since been signalized, no additional improvements are anticipated for the intersection. However, the project will pay into the North Coast Road Improvement to address other cumulative traffic impacts elsewhere in the community.

Finally, Caltrans has also reviewed and concurred with the conclusions of the project's traffic study.

Appeal Issue #2:

This appeal issue contends that the project should be required to provide more extensive frontage improvement, including an 8-foot shoulder and curb, gutter, and sidewalks, on Ardath Drive and Green Street. The appeal states that sidewalks are necessary to enable residents of the facility to safely walk the neighborhood and to access the bus stop located directly across the street from the project at Ardath Drive and Green Street. The appeal notes that an 8-foot shoulder would allow for off-site parking without encroaching into the roadway.

Staff Response:

On March 1, 2013 the Planning Department Hearing Officer approved the project with a condition requiring the applicant to construct frontage improvements conforming to the A-2 (urban) standard which includes an 8-foot paved shoulder and 6-foot concrete sidewalk, unless the applicant applies for and is granted a curb, gutter, and sidewalk waiver pursuant to CZLUO Section 23.05.106(d). While this condition requires frontage improvements as requested by the appellant, it leaves uncertainty for both the appellant and applicant because it defers the final decision until after project approval, which is when the waiver would be processed. If the issue is deferred, the question of the waiver may likely return to your Board on appeal. Staff therefore recommends that your Board provide direction now on the level of frontage improvements that should be required for the project.

Anticipating that a waiver might be approved, the original site plan showed a 4-foot gravel shoulder on Ardath Drive with no curb, gutter, or sidewalk improvements. As the basis for the waiver, the applicant contended that no such improvements exist anywhere in the vicinity of the project and would be inconsistent with the character of the semi-rural neighborhood; the steep grade of Ardath Drive would make it difficult (or impossible) to construct ADA compliant sidewalks; and the facility's elderly residents would not walk to their destinations or take the public bus, but would instead use the facility's dedicated shuttle for all of their transportation needs.

After reviewing this appeal issue and related concerns raised by the North Coast Advisory Council, Planning and Public Works staff reviewed the proposed site plan to determine whether or not any exceptions to the A-2 urban street standard would be supportable. In general, it is not desirable to have isolated curb, gutter, and sidewalk improvements on a single parcel in a semi-rural area. However, since Ardath Drive is also identified as Safe Routes to School, staff is recommending a 4-foot paved shoulder/bike path and a 5-foot path on Ardath Drive. This staff recommendation is reflected in the revised Condition #8. The applicant has provided a revised site plan incorporating the recommended frontage improvements (see Attachment 7).

In order to accommodate pedestrian needs along Ardath, the revised condition #8 also includes constructing a bus pull out.

According to the applicant, constructing a full A-2 urban street, with an 8-foot shoulder and 6-foot sidewalk, would require substantial site plan revisions, would result in the loss of on-site parking spaces, and could render the project infeasible. The recommended frontage improvements, described above, will allow the project to move forward while providing for bicycle and pedestrian access along Ardath Drive.

Appeal Issue #3:

The appeal estimates that 16 of the facility's 20 parking spaces will be occupied by facility employees (14 spaces) and on-site shuttle vans (two spaces). When accounting for the two required disabled parking spaces, this leaves only two spaces for use by visitors, health care providers, and delivery vehicles. Based on this analysis, the appeal concludes the facility's parking capacity is insufficient and notes that the facility's parking needs could spill over on the adjacent roads, causing traffic safety problems.

Staff Response:

The applicant used three separate methods of analysis to support the proposed number of on-site parking spaces: ordinance compliance, parking rates published by the Institute of Transportation Engineers (ITE), and experience operating similar facilities. The results of each method are described below.

Ordinance Compliance

The parking requirements in the CZLUO represent the County's estimated parking needs for certain types of land uses. The requirement for a senior care facility is one space for every four beds. Based on a capacity of 41 beds, the project is required to provide 10 parking spaces. The project provides 20 on-site spaces, exactly twice the number required by the CZLUO.

ITE Parking Rates

Another way to calculate the project's parking needs is to use the latest parking rates published by the ITE. These rates are the result of surveys that are sent to actual senior care facilities. Based on the ITE parking rates, the average peak parking demand estimate for the project is 13 spaces, while 17 spaces are required to meet the 85th percentile peak parking demand (ATE; November 2, 2012). Again, the project proposes 20 parking spaces, well above the peak parking demand numbers shown by the ITE.

Experience Operating Similar Facilities

In addition to the ITE parking rates, the applicant also calculated their own parking demand estimates based on their past experience operating similar facilities. These estimates take into account the necessary parking for employees, visitors, health care and rehabilitation specialists, and deliveries.

Staffing for the facility would vary greatly throughout the day (see Attachment 5). The peak parking hours would occur on weekdays between 9 AM and 5 PM, when the facility is staffed with 8 to 13 employees. Staffing during off-peak hours ranges from 2 to 6 employees.

Residents will not drive. They will be transported by an on-site shuttle van. The smaller of these two vans is used for routine appointments and medical visits. Because the bus driver waits for residents during the course of their off-site appointments, it will rarely be parked on site during peak parking hours.

Because this is an assisted living and not a skilled nursing project, the ratio of outside health care and rehabilitative specialists is less than represented by the appellant, and depending on the acuity of the current resident population, represents one or two visits per day, generally for less than one hour. On-site staff is responsible for all custodial care, activities programming, and meal services, requiring no additional outside services. This leaves adequate parking for visiting family members who come throughout the day (and most often during off-peak hours).

The appeal contends that additional parking will be required for community members who use the facility's "geriatric library." In response, the applicant has pointed out that use of the facility as a public venue would be inconsistent with State licensing provisions for a senior care facility.

The facility would receive several weekly deliveries for food supplies, linen service, and prescription medications. However, deliveries are typically made in the early morning (during off-peak parking hours) and are staged for 10-15 minutes as boxes are offloaded and invoices signed.

Table 2, below, provides an estimated range of the facility's parking demands during peak and off-peak hours. As shown in Table 2, below, the facility's 20 parking spaces would adequately meet the project's maximum peak hour parking demand.

Table 2: Estimated Range of Parking Demand

| Category | Peak Hours (10 AM – 4 PM) | Off-Peak Hours |
|-------------------------|---------------------------|----------------|
| Employees | 8-13 | 3-10 |
| Shuttles | 0-2 | 0-2 |
| Health Care Specialists | 0-2 | 1-3 |
| Deliveries | 0-1 | 1-2 |
| Visitors | 0-2 | 2-3 |
| Total | 8-20 | 7-20 |

The applicant has also volunteered to implement a parking management plan (Attachment 9), which would be distributed to all facility employees and residents. The purpose of the plan is to control and manage parking associated with facility employees, vendors, and guests coming and going from the site. The plan has been incorporated into the project's conditions of approval.

Appeal Issue #4:

This appeal issue reflects comments made at the North Coast Advisory Council and Planning Department Hearing that runoff leaving the project site could cause surface and groundwater contamination problems on a downslope agricultural parcel, potentially resulting in violations of the Regional Water Quality Control Board's agricultural discharge order.

Staff Response:

This issue is addressed by Condition #16, which requires the applicant to submit a drainage plan, prepared by a licensed civil engineer, for review and approval by the Department of Public Works. Pursuant to CZLUO Section 23.05.040 (Drainage), the drainage plan shall incorporate measures to achieve no net increase in runoff volume or velocity leaving the site. It should also be noted that the downslope agricultural parcel (west of the project site, across Green St.) would not be subject to the Regional Board's agricultural order, which only applies to irrigated agricultural land.

Appeal Issue #5:

This appeal issue states that sight distance on Ardath Drive is inadequate.

Staff Response:

The proposed site plan provides driveways on both Ardath Drive and Green Street. All vehicles will exit the site from the Ardath Driveway, since the Green Street driveway will be restricted to ingress only.

Based on a posted speed limit of 30 mph, the required minimum sight distance on Ardath Drive is 200 feet. The proposed site plan meets this requirement with a westbound sight distance of 225 feet and an eastbound sight distance of 490 feet. The applicant's traffic consultant also conducted a radar speed study on Ardath at Londonderry. The average vehicle speed at this section of Ardath was 25 mph, with an 85th percentile speed of 29 mph.

OTHER AGENCY INVOLVEMENT/IMPACT

This appeal was reviewed by the Public Works Department. County Counsel reviewed and approved the Resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

The required appeal fee was waived because the appeal involves a coastal issue as the issue of appeal. In order to exhaust local appeals the County cannot charge a fee for the processing of an appeal on a coastal development project per the requirements of the Coastal Zone Land Use Ordinance and the Coastal Act. The cost of processing this appeal (total cost is approximately \$4,435) comes from the Department's General Fund support.

RESULTS

Denying the appeal and upholding the Planning Department Hearing Officer's decision would result in the conditional approval of Minor Use Permit DRC2012-00024 that would allow construction of a senior care facility at this location.

ATTACHMENTS

1. Resolution Modifying and Affirming the Hearing Officer's Decision
2. Appeal Form (Fosdike; March 6, 2013)
3. Photo-simulations
4. North Elevation Revision (Hochhauser & Blotter; April 30, 2013)
5. Kingston Bay Staffing Schedule
6. Traffic Study (ATE; November 2, 2012)
7. Revised Site Plan with Recommended Frontage Improvements
8. Sight Distance Study (ATE; April 11, 2013)
9. Parking Management Plan
10. March 1, 2013 Planning Department Hearing Minutes
11. March 1, 2013 Planning Department Hearing Staff Report