



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land

Helping build great communities

SUBDIVISION REVIEW BOARD

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
February 6, 2014	Brian Pedrotti 788-2788	Private Capital Investments	DRC2013-00003 SUB2013-00005
SUBJECT			
<p>Request by Private Capital Investments for 1) a Conditional Use Permit to allow for the construction and operation of a 96-bed assisted living facility and a 36-unit senior living apartment complex on two vacant parcels; and 2) a Lot Line Adjustment to adjust the lot lines between the two parcels of 2.12 and 3.14 acres each. The adjustment will result in 2 parcels of 1.08 acres and 4.18 acres respectively. The project will not result in the creation of any additional parcels. The project will result in the disturbance of approximately 5.76 acres, which includes off-site road improvements to Mary Avenue and Juniper Street. The proposed project is south of Juniper Street, bordered by Mary Avenue and North Frontage Road, in the community of Nipomo. The site is in the South County Inland planning area.</p>			
RECOMMENDED ACTION			
<p>Recommend to the Board of Supervisors:</p> <ol style="list-style-type: none"> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2013-00003 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. 3. Approve Lot Line Adjustment SUB2013-00005 based on the findings listed in Exhibit C and the conditions listed in Exhibit D. 			
ENVIRONMENTAL DETERMINATION			
<p>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 23, 2013 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, and noise, and are included as conditions of approval.</p>			
LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Commercial Retail	None	092-572-016 and -017	4

Private Capital Investments

Page 2

PLANNING AREA STANDARDS:

Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development.

Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer.

Sec. 22.112.080.C.1 – Commercial Retail, Central Business District.

A. Does the project conform to the Planning Area Standards – Yes, see discussion

EXISTING USES:

Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Service, RV dealership

East: Highway 101

South: Commercial Retail; undeveloped, open space

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: South County Advisory Council, Nipomo Community Services District, County Public Works, County Environmental Health, Air Pollution Control District, Regional Water Quality Control Board, Cal Fire, Cal Trans, County Parks

TOPOGRAPHY:

Gently sloping

VEGETATION:

Grasses, trees, and coastal shrub

PROPOSED SERVICES:

Water supply: Community system (NCSD)

Sewage Disposal: Community system (NCSD)

Fire Protection: Cal Fire

ACCEPTANCE DATE:

September 23, 2013

West: Office and Professional; undeveloped

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:

COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

Private Capital Investments

Page 3

PROJECT DESCRIPTION

The applicant, Private Capital Investments, is requesting a Conditional Use Permit to allow for the construction and operation of a 96-bed assisted living facility and a 36-unit senior living apartment complex on two vacant parcels. The applicant is also requesting a Lot Line Adjustment to adjust the lot lines between the two parcels of 2.12 and 3.14 acres each, which will result in two parcels of 1.08 acres and 4.18 acres respectively. The project will not result in the creation of any additional parcels.

The two-story assisted living facility is intended for tenants of varying levels of care, and is a total of 107,800 square feet.

PROJECT ANALYSIS

Ordinance Compliance – Conditional Use Permit:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	None	5.26 acres
Setbacks		Assisted Living Facility
Front	0 feet	85 feet
Side	0 feet	15 feet
Rear	0 feet	160 feet
		Senior Apartments
		15 feet
		50 feet
		60 feet
Height	45 feet	35 feet

Private Capital Investments

<u>Parking</u>		
Assisted Living Facility	1 space / 4 beds = 24 spaces	
Senior Apartments	1 space / one bedroom or studio + guest parking = 45 spaces	
Total=	69 spaces	97 spaces (see discussion below)

Parking

The project requires a total of 69 parking spaces. The 96-bed assisted living facility requires 1 space per 4 beds for a total of 24 spaces. The 36 studio senior apartments require one parking space each, plus 9 guest parking spaces, for a total of 45 required spaces. The applicant has provided a total of 97 parking spaces across both parcels. Although the guest parking for the senior apartments cannot be accommodated entirely within the boundaries of the proposed parcel, the applicant has an excess of parking spaces available on the assisted living facility parcel. The applicant will provide a shared parking agreement between the two properties to ensure parking demand is met for both uses. The shared parking spaces on the assisted living site are in close proximity to the senior apartment parcel and are therefore appropriate to serve the needs of the apartments.

Landscaping

Landscaping and architectural elements will be installed throughout the development. Proposed landscaping includes a variety of county-approved trees and native, drought-tolerant shrubs to be installed along the perimeter of the project site and within the parking areas. Architectural elements such as plazas and pathways will reduce the need to plant intensive landscaping while still creating pedestrian-friendly courtyards for the assisted living facility. Streetscape improvements such as plantings of street trees, shrubs and installation of sidewalks will soften the visual impact of the development and simultaneously, create a more walkable environment.

The project is required to meet the landscaping requirements in Section 7 of the West Tefft Corridor Design Plan, which calls for enhanced landscape design to enhance building architecture, reduces storm water run-off, reduces glare and provides shade. The project is also subject to the water conservation measures required in the Nipomo Mesa Water Conservation Area, which limits the amount of both turf and irrigated landscaping. The

Private Capital Investments

Page 5

landscaping of the project had been reviewed several times to ensure the minimal irrigation necessary to support a pleasant pedestrian atmosphere and meet the low impact design standards and guidelines as required by both the West Tefft Design Plan and the Land Use Ordinance.

Based on the nature of the use, the applicant has requested an adjustment to the requirements of the Nipomo Mesa Water Conservation Area limits on irrigated landscaping. The size of the property limits the total project to 12,300 square feet of irrigated landscaping. The applicant has proposed approximately 37,000 square feet of irrigated landscaping, which would exceed the requirement. The Subdivision Review Board may approve exceptions to this requirement in order to allow a larger amount of irrigated landscaped and/or turf area needed for uses that typically require larger irrigated landscape areas (i.e. high density apartments). The applicant must demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site. The proposed use of a residential care facility requires some open areas of irrigated landscaping for long-term care residents, including plazas and community vegetable garden areas. In addition, the applicant is not proposing any turf on either parcel, and has proposed very low water use and drought-tolerant plant species for the landscaping plan. For these reasons, as well as that enhanced landscaping and screening are envisioned in the West Tefft Corridor Design Plan, staff supports the proposed adjustment.

Ordinance Compliance – Lot Line Adjustment:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
2.12	1.08
3.14	4.18

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The intention of the lot line adjustment is to re-configure the lots to accommodate and match the size of the two proposed projects, allowing the larger assisted living facility complex to occur on the 4.18 acre lot and the smaller senior apartment complex to occur on the 1.08 acre lot. Because the newly configured lots meet the minimum parcel size and are consistent with the

Private Capital Investments

Page 6

development pattern in the area, the new parcels resulting from the adjustment will maintain a position which equal to the existing situation.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

PLANNING AREA STANDARDS: The following sections discuss the planning area standards that apply to this project.

Section 22.12.020 Areawide Standards

22.12.020.C – Circulation Planning:

1. Land divisions shall provide offers of dedication for public streets, bikeways and pathways.
2. Gross acreage may be utilized to calculate the allowable number of parcels.
3. Traffic noise mitigation required in the form of setbacks/open space, site layout, earthen berms, or structural measures, in that order of priority.
4. Transit-oriented standards

Response: As conditioned, the project meets these standards. Mary Avenue and Juniper Street will be dedicated to county standards, which provide sufficient width for street and pathway improvements. The project includes enhanced window construction to mitigate for traffic noise. The project is located within the urban core and within walking distance of a shopping center, providing enhanced pedestrian access.

Section 22.112.020.F – Nipomo Mesa Water Conservation Area.

Response: Discussed above under Landscaping and Open Space/Trails. As proposed and conditioned, this standard has been met.

Section 22.112.080 Nipomo Urban Area Standards

22.112.080.A – Community-wide standards:

1. Connection to community sewers.

Private Capital Investments

Page 7

Response: As proposed, the project meets these standards. Community sewer is anticipated through the Nipomo Community Services District.

22.112.080.C – Commercial Retail:

1. Central Business District – Achieve an intensive, compact and pedestrian-oriented commercial development pattern. Compliance with design and circulation plan. Minor use permit plan required.

Response: Mary Avenue and Juniper Street will be dedicated to county standards, which provide sufficient width for street and pathway improvements. These roads follow the design and circulation plan of Nipomo which connects Mary Avenue from Juniper Street to Tefft Street. The project proposes a residential care facility and senior apartments that will have easy pedestrian access to the commercial services available in downtown Nipomo.

OTHER ISSUES

West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been adopted for the community of Nipomo. The plan is a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project meets the principles and standards of the draft design plan. The project is pedestrian-friendly, with walkway connections as envisioned in the design plan. Streetscape features of wide sidewalks, landscaping, and public gathering spaces have been incorporated in the project as amenities.

Drainage

The site includes a drainage basin at the northeast corner of the property that retains surface runoff for the subject property as well as some surrounding properties. The basin is covered by a drainage easement that the property to the south, Vons Properties, also drains into. The applicant has provided a preliminary drainage plan that has been reviewed by County Public Works to determine if the site's drainage can be accommodated by the existing basin. Public Works has determined that the proposed revisions to the existing basin will accommodate the increase in stormwater drainage for the project.

AGENCY REVIEW:

Public Works. Conditions that Mary Avenue and Juniper Street be constructed to public road standards, including a right-turn lane from Mary to Juniper, drainage, sedimentation and erosion control measures, and South County road impact fees.

Environmental Health. Requested contact with their office if the facility provides medical care or food/drink service in the future.

Cal Fire. Concerns that the proposed project will generate an increase in emergency responses required from the Nipomo Fire Station. Comparative assisted living and senior facilities in San Luis Obispo County account for 8-15% of the annual call volume for the fire service, which averages 1-2 calls per bed increase in emergency medical services responses. Previous, current, and future projects, particularly those that have a disproportionate number of emergency response calls, have the potential to contribute to a cumulative impact on staffing of public services in the future. Their review also included requirements for fire flow and protection, setbacks, regular and emergency access, and special events, as well as other minor requirements. See attached letter dated December 10, 2013.

Staff Response: County Planning staff met with Cal Fire representatives regarding their concerns with emergency response staffing. Cal Fire has indicated that they support the current project, but that future projects with similar emergency response needs will be looked at very critically due to the potential cumulative impacts on emergency services.

Air Pollution Control District. Review included proposed mitigation for construction phase and operational phase impacts, naturally-occurring asbestos, developmental burning, and dust control. The APCD also reviewed the Health Risk Assessment and agree with conclusions.

Nipomo Community Services District. Provided an Intent-to-Serve letter for water and sewer dated June 12, 2013.

COMMUNITY ADVISORY GROUP COMMENTS: The South County Advisory Council originally heard the item at their August 26, 2013 meeting and recommended support for the Lot Line Adjustment. The CUP was tabled to October and November and the SCAC indicated support for the CUP at their November 25, 2013 meeting while expressing concern regarding the number of parking spaces and traffic associated with the Nipomo swap meet.

Staff Response: As stated in "Parking" above, the applicant has provided more than the required parking spaces, with the excess parking located on the assisted living facility parcel. With the required shared parking agreement, parking will be adequate for the project. Traffic associated with the Nipomo swap meet tends to queue at corner of Mary Avenue and Juniper

Street. The project will be required to construct a right-turn lane on Mary Avenue to help alleviate existing traffic as well as traffic generated by the proposed project.

LEGAL LOT STATUS:

The existing lots were legally created by a recorded parcel map in 1975 (CO 75-221).

Staff report prepared by Brian Pedrotti and reviewed by Bill Robeson.