



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT  
Tentative Notice of Action**

Promoting the wise use of

MEETING DATE <b>June 6, 2014</b> EFFECTIVE DATE <b>June 20, 2014</b>	CONTACT/PHONE <b>Schani Siong</b> <a href="mailto:ssiong@co.slo.ca.us">ssiong@co.slo.ca.us</a> <b>(805) 781-4374</b>	APPLICANT <b>Price Hinds Plaza LLC</b> (Oceano Community Farmer's Market)	FILE NO. <b>DRC2013-00079</b>
SUBJECT <b>Request by the PRICE HINDS PLAZA LLC (OCEANO COMMUNITY FARMER'S MARKET) for a Minor Use Permit to allow a community farmer's market to be held on Saturday afternoons (four hour maximum including set up and break down) at 1341 Paso Robles Street, approximately 25 feet east of Front Street and 13th Street intersection. The applicant is also requesting four, one-day community events (temporary events) annually to be held at the same site. The proposed project is within the Commercial Retail land use category and is located in the community of Oceano. The site is in the San Luis Bay planning area.</b>			
RECOMMENDED ACTION <b>Approve Minor Use Permit DRC2013-00079 based on the findings listed in Exhibit A and the conditions listed in Exhibit B</b>			
ENVIRONMENTAL DETERMINATION <b>A Class 4 Categorical Exemption was issued on May 7, 2014 (ED13-228)</b>			
LAND USE CATEGORY <b>Commercial Retail</b>	COMBINING DESIGNATION <b>Airport Review</b>	ASSESSOR PARCEL NUMBER <b>062-042-044</b>	SUPERVISOR DISTRICT(S) <b>4</b>
PLANNING AREA STANDARDS: <i>Oceano Urban Area Standards and Airport Review Area</i> <i>Does the project meet applicable Planning Area Standards: Yes – see discussion.</i>			
LAND USE ORDINANCE STANDARDS: <i>Outdoor Retail Sales and Temporary Events</i> <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION <b>This tentative decision will become final action on the project, effective on the 15<sup>th</sup> day following the administrative hearing, or on June 20, 2014 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.</b>			
EXISTING USES: <b>Non-operational commercial retail site with a caretaker residence, nursery shed and 8 parking spaces.</b>			
SURROUNDING LAND USE CATEGORIES AND USES: <b>North: Residential Multi Family / Residential</b> <b>East: Residential Multi Family/Residential</b> <b>South: Commercial Retail /Service Station</b> <b>West: Commercial Retail / Union Pacific Railroad Depot</b>			
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			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Oceano Advisory Group, Public Works, Environmental Health, Oceano Community Services District, ALUC, HEAL SLO	
TOPOGRAPHY: Level site	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Oceano Fire Department	ACCEPTANCE DATE: April 14, 2014

**DISCUSSION**

The proposed project is a request by the Price Hinds Plaza, LLC (Oceano Community Farmer’s Market) to allow a community farmer’s market to be held on Saturday afternoons (four hour maximum including set up and break down) at 1341 Paso Robles Street, approximately 25 feet east of Front Street and 13th Street intersection. The applicant is also requesting four, one-day community events (temporary events) annually to be held at the same site. The farmer’s market will be organized by a locally led, non-profit group called Oceano Community Farmers Market (OCFM). OCFM is anticipating a maximum of 20 spaces for vendors of food products, produce, plants, flowers, and a small number of homemade goods. In addition, the market may provide community outreach or education, and occasional entertainment. There are on-street parking spaces near the site and at adjacent locations for the farmer’s market operation. In addition, the OCFM has a parking agreement with the Oceano Community Service District to use its parking lot for overflow parking during the duration of the farmers market on Saturday afternoons.

PLANNING AREA STANDARDS:

**LUO Section 22.106.070 - Oceano Urban Area Standards**

**Curb, Gutter and Sidewalk Requirement.** Curb, gutter and sidewalk is required with any project in the Oceans urban area, excluding the Halcyon area in all land use categories.

**Staff Comments:** *This standard applies to development projects with new structures or changes to existing structures on the subject site. The OCFM request is for a weekly farmer’s market and four temporary events annually with no permanent structures proposed on the site. Public Works indicated no frontage improvement will be required because there are neither structures nor activities proposed on the site and within the right-of-way.*

**Combining Designation - Airport Review Area.** The following standards; *Limitation on uses within Airport Review Area and Site Design and Development Standards – Private Lands* apply within the Airport Review Area combining designation, which is the unincorporated area covered by the San Luis County Airport Land Use Plan. **Staff Comments:** *The request is for a temporary farmer’s market with no built structures proposed on the site. The application was referred to the Airport Land Use Committee and there was no concerns raised with the proposed project.*

LAND USE ORDINANCE STANDARDS (LUO):

**LUO Section 22.30.330 - Outdoor Retail Sales** provides the following standards for temporary outdoor retail sales activities including farmers' markets:

**Hours of operation.** Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Except where otherwise provided by this Section, night operations are allowed only when specifically authorized through Conditional Use Permit approval. **Staff Comments:** *The Oceano Community Farmers' Market is proposed to be held weekly on Saturday afternoons in compliance with this standard.*

**Parking requirement.** None, provided sufficient open area is available to accommodate all employee and customer parking needs either on the site or on adjoining property, entirely outside of public rights-of-way other than designated parking spaces. **Staff Comments:** *Sufficient area does exist near the site and at adjacent locations for patron parking. In addition, overflow parking will be available at the Oceano Community Services District parking lot.*

**Food sales.** The sale of raw or processed foodstuffs is subject to Chapter 8.04 of the County Code (Food and Drink Establishments), and any other applicable regulations of the County Health Department or Agricultural Commissioner. **Staff Comments:** *The project was referred to Environmental Health Division of the County Health Department. The referral response indicated that the organizers (OCFM) will be responsible for obtaining the necessary health permits as well as ensuring all participants have the correct permits. The County Agriculture Department certifies farmers' markets. The project is conditioned to obtain the necessary permits.*

**Signs.** Signs allowed in conjunction with outdoor retail sales are subject to the provisions of Chapter 22.20. **Staff Comments:** *No signs were requested as part of the application. The project is conditioned to comply with the Sign Ordinance Chapter 22.20. County Department of Public Works indicated temporary, physical signs should not be located in the County road right-of-way.*

**Farmers' markets.** A farmers' market in compliance with this Section is the temporary use of a site for the sale of food and farm produce items from parked vehicles.

**Limitation on use.** Farmers' markets are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants and cut flowers. **Staff Comments:** *Project complies; OCFM request is for the sale of food products including raw and prepared food, plants and flowers.*

**Location.** Farmers' markets are limited to the Agriculture, Commercial, Industrial, Public Facilities and Recreation land use categories. **Staff Comments:** *Project complies; the OCFM is proposed at a Commercial Retail land use category site.*

**Duration of use.** Farmers' markets shall occur no more than three days per week on any site, unless the Minor Use Permit approval specifically authorizes a longer duration. **Staff Comments:** *Project complies; OCFM request is for a weekly market to be held on Saturday afternoons.*

**Sales from Parked Vehicles or Temporary Stands.** This use involves the retail sale of various commodities from a vehicle or temporary, portable stand, parked or located outside the public right-of-way.

**Location.** Sales from vehicles are not to occur in an Residential or Office and Professional land use category and are limited to a maximum of one such operation per legal lot and no more than one vendor per 300 lineal feet of street frontage, unless the subject site is authorized as a farmers market. **Staff Comments:** *Project complies; OCFM requested a farmers market as the primary use on the subject site, and a small portion of homemade goods sales will be included in the farmer's market operation.*

**Duration of Use.** Sales from vehicles shall occur no more than two days per week, except that such sales may also occur on national and state holidays. More frequent use may be authorized through Minor Use Permit approval. **Staff Comments:** *Project complies; the request is for a farmers market (and a small portion of homemade goods sales) that will occur on Saturday afternoons. The applicant also requested four community events (temporary events) annually on the subject site. There is no request for homemade goods sales on the site other than during the farmers market and temporary event operations.*

**Operational Standards.** When not in use, any commercial vehicle from which sales are conducted shall be stored within an enclosed garage, or on a site in a Commercial or Industrial category. **Staff Comments:** *Project complies; the OCFM indicated the vendors will only occupy the subject site during the farmer's market operation on Saturday afternoons. No vendors will be allowed to park or store their commercial vehicles on the subject site beyond the operation hours.*

**Signs.** Signs for sales from vehicles are limited to a maximum aggregate area of 20 square feet. **Staff Comments:** *Project will be conditioned to meet this standard.*

**Temporary Events: Art and craft sales.** The temporary outdoor sale of handcrafted items and artwork is allowed only in conjunction with a temporary event. **Staff Comments:** *This request includes four community events (temporary events) to be held annually at the subject site. The sales of arts and crafts, community outreach or education, entertainment as well as the sales of food products are anticipated at these four events.*

**Exterior Noise Standards.** No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by the person which causes the exterior noise level to exceed the maximum exterior sound level at 70dB between 7am to 10pm. **Staff Comments:** *The current application is requesting to have occasional entertainment during the farmers' markets and the four one-day temporary events in a year. The project is conditioned to comply with this noise level.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

*The Oceano Advisory Group reviewed and unanimously approved the community farmers' market at their April 28, 2014 meeting.*

**AGENCY REVIEW:**

**Public Works** – *This project does not appear to require the construction of structures or other facilities requiring a building. Therefore no frontage improvements will, by ordinance, be required. Likewise no new activities are proposed within the right-of-way and therefore no frontage improvements will be required.*

**Environmental Health** – *OCSD is responsible for obtaining Health Department permits and ensuring all participants are also permitted.*

**HEAL SLO** – *The Healthy Communities workgroup supports the project as it increases access to healthy eating, affordable food, and social engagement for healthy community life and mental health.*

**ALUC** – *No concerns.*

**LEGAL LOT STATUS:**

The one existing parcel is comprised of Lots 13, 14, 15, 16, 17 and 18 in Block 9 of the Town of Oceano, according to Map entitled "Map No. 2 of the Town of Oceano" recorded January 30, 1899 in Book A, Page 148 of Maps and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Bill Robeson