



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

Tentative Notice of Action

Promoting the wise use of

MEETING DATE September 5, 2014 EFFECTIVE DATE September 19, 2014	CONTACT/PHONE Xzandrea Fowler/ Project Manager (805) 781-1172	APPLICANT Stephen Nino	FILE NO. DRC2013-00101
SUBJECT Hearing to consider a request by MCKERNON-CINDRICH for a Minor Use Permit to allow for the modification of parking standards for a proposed restaurant. The proposed restaurant would require 31 parking spaces, and the applicant is proposing to reduce the required parking to a total of 24 spaces, of which, 11 spaces would be provided on-site and 13 spaces would be located on neighboring parking lots via shared parking agreements. The project is within the Commercial Retail land use category and is located at 509 South Main Street, on the southeast corner of the intersection of South Main Street and 5 th Street, in the community of Templeton. The site is in the Salinas River Sub Area of the North County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00101 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on June 30, 2014 (ED13-267).			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 041-173-004, & -005	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: 22.104.090 Templeton Urban Area Standards – Communitywide: Compliance with the Templeton Community Design Plan; and Permit Requirements <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Chapter 22.18 Parking and Loading Standards; and 22.72.100 Nonconforming Parking <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 19, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Vacant commercial building and parking lot			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail/Hewitt Hardware Store East: Commercial Service/ Feed & Grain Market South: Commercial Retail/Office & Convenience Store West: Commercial Retail/Restaurant			
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: Templeton Area Advisory Group, Public Works, Environmental Health, Building Division, Sheriff, Templeton Community Services District	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping and trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Templeton Fire	ACCEPTANCE DATE: June 30, 2014

DISCUSSION

PROJECT HISTORY:

The project site consist of two parcels (APN: 041-173-004, & -005) and is developed with a vacant commercial retail building and paved parking lot. The existing building is a single story approximately 2,200 square foot commercial retail building. The onsite parking lot has eleven (11) striped spaces, including one (1) accessible space and landscape planters. Over the last decade, a variety of uses have occupied the building, such as a market/deli, gym, and an antique shop.

PROJECT DESCRIPTION:

The proposed project consists of conversion of the existing commercial retail building into a restaurant. In accordance with Title 22, the proposed restaurant use requires 31 parking spaces based on the size of the customer and service areas. Therefore, the applicant is requesting a modification of the parking requirements, as outlined in Land Use Ordinance, Title 22, to reduce the number of required parking spaces from 31 spaces to 24 spaces, of which, 11 spaces would be provided on-site and 13 spaces would be located on neighboring (Feed & Grain market located at 405 South Main Street and the Convenience store located at 575 South Main Street) parking lots via shared parking agreements.

The project requires a Minor Use Permit to reduce the required number of parking spaces and to allow the requested shared parking agreements.

PLANNING AREA STANDARDS:

22.104 Salinas River Planning Area: No applicable standards

22.104.090 Templeton Urban Area Standards: Applicable standards are provided below:

Community wide

Compliance with the Templeton Community Design Plan

All use permits and subdivision applications shall be in conformity and compliance with the Templeton Community Design Plan, dated January 11, 1991 and subsequent amendments. The guidelines in the Templeton Community Design Plan are intended to provide for interpretation and flexibility in designing a project.

Staff Analysis: *As conditioned, the proposed project is consistent with all applicable Templeton Community Design Plan guidelines.*

Permit Requirements

Minor Use Permit approval is required for all exterior alteration of existing structures where a land use permit is otherwise required by Tittle 22, except for the following:

- a) Minor exterior alterations, as well as expansions not exceeding 100 square feet, that are in conformance with the Templeton Community Design Plan may be exempted from this requirement by the Director. These projects are still subject to other applicable permit requirements.
- b) New uses that are proposed to occupy existing development are not subject to the above permit requirement but are subject to the above permit requirement but are subject to land use permit approvals as required by Title 22.

Staff Analysis: *The proposed restaurant use and remodel is classified as a ministerial project and can be approved with a Site Plan Review or a Zoning Clearance. The requested modification of the parking standards and shared parking agreement are classified as a discretionary project and is being processed with a minor use permit.*

TEMPLETON COMMUNITY DESIGN PLAN:

The applicable design guidelines, as outlined in the Templeton Community Design Plan for commercial development, are discussed below:

Downtown Commercial Site Planning

Guideline V.D.10: Sidewalks

The County should continue to require “curb adjacent” sidewalks of all new development along Main Street. Consideration should be given to a capital improvements project which would install new sidewalks in front of old existing buildings.

Staff Analysis: *Staff encourages the applicant to consider closing the South Main Street driveway and standardizing the 5th Street driveway. The closure would result in the gaining of an additional 1 to 2 onsite parking spaces, several additional street parking spaces, and would help to create a continuous pedestrian path along storefronts in the Downtown. The South Main Street driveway closure has been included as a condition of approval to reduce traffic hazards associated with vehicles crossing pedestrian path, improve the on-site parking situation for the project, and the availability of street parking within the immediate area.*

LAND USE ORDINANCE STANDARDS:

The project is subject to the Land Use Ordinance (LUO) Chapter 22.18 – Parking and Loading Standards and Section 22. 72.100 – Nonconforming Parking:

Chapter 22.18 - Parking and Loading Standards

The parking and loading standards provided by this Chapter are intended to: minimize street congestion and traffic hazards; provide safe and convenient access to businesses, public services, and places of public assembly; and to make the appearance of parking areas more compatible with surrounding land uses.

Staff Analysis: *The project as proposed and conditioned will reduce traffic hazards; provide safe and convenient access to the proposed restaurant use; and will enhance the appearance of the existing parking area.*

22.18.020 Off-Street Parking Required

All uses requiring a land use permit shall provide off-street parking in compliance with Chapter 22.18 Parking and Loading Standards, except parking lots that qualify for applicable modifications.

Staff Analysis: *The proposed restaurant use will provide off-street parking in compliance with the applicable standards except where it qualifies for applicable modification of parking standards as set forth in Chapter 22.18, or as exempt due to nonconforming parking standards, as set forth in Section 22.72.100. The proposed nonconforming parking and modification of parking standards are further discussed later in the staff report.*

22.18.030 Location of Parking on a Site

Required parking spaces may be located as needed on a proposed site, subject to the design and construction standards of Sections 22.18.040 and 22.18.060.

Staff Analysis: *The required parking spaces will be provide in an existing lots that will be or have been designed and constructed in compliance with the applicable standards as set forth in Sections 22.18.040 and 22.18.060.*

22.18.040 Parking Design Standards

All off-street parking areas shall be designed and improved as follows:

- a. **Parking space and aisle dimensions** - all off street parking spaces shall be a minimum of 9 by 18 feet in size, except handicapped spaces (Section 22.18.050.B.1).
- b. **Parking lot design standards** – the design of parking areas for more than two vehicles shall not require or encourage backing out into a public street, pedestrian walk; parking lot design shall prevent entrance exit at any point other than marked driveways; and access from a parking area to a public street shall be provided as required by Section 22.54.020 Site Access and Driveway Requirements.

Staff Analysis: *The project as proposed and conditioned will comply with all applicable parking design standards.*

22.18.050 Required Number of Parking Spaces

Special parking space requirements – In addition to the parking spaces required, new uses within an urban or village reserve line shall also provide, when applicable accessible parking at a rate of 1 space for every 40 total spaces required. Accessible spaces may be included as part of the total number of parking spaces required.

Staff Analysis: *One (1) accessible parking space, as required by Tittle 24 of the California Administrative Code shall be provided and included as part of the total number of parking spaces required for the proposed restaurant use.*

Parking requirements by land use – Compliance with the applicable parking requirement standard for eating and drinking places is shown in the table below:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Parking - Eating & Drinking Places (on-site consumption) (Section 22.18.)	Customer Spaces: 1 per 60 sf. of customer area plus; Employee Spaces: 1 per 360 sf spaces of customer area, and 1 per 100 sf. of kitchen (includes all food prep areas)	24 spaces: 11 spaces provided on site, and 13 spaces provided off-site via shared parking agreements with neighboring businesses	Yes, with adjustment and as conditioned (see Adjustment discussion)

Staff Analysis: *The combined proposed customer area (dining, patio, and meeting areas) is 1,614 square feet; therefore 27 customer parking spaces are required. Based on the customer area square footage four (4) employee parking spaces are required to serve the customer area, and an additional four (4) employee parking spaces are required to serve the combined proposed 360 square foot employee-only area (kitchen/bar), therefore a combined total of eight (8) employee parking spaces are required. This brings the total required parking spaces (customer and employee) for the proposed restaurant to 35.*

The applicant believes that the parking requirements should be reduced by 50 percent for the proposed patio and meeting areas, because the applicant estimates that those areas will only be used occasionally, due to weather conditions and the anticipated limited demand for the use of the meeting area. Staff does not support a 50 percent reduction in the parking requirement for the patio and the meeting areas, because typically the climate in Templeton is conducive to patio dining year round, and the proposed patio area is covered and could easily be modified to be made comfortable for customers year round. In addition, staff believes that the lack of meeting rooms/gathering places in the community of Templeton will make the proposed meeting area highly desirable, therefore potentially increasing the demand for the us .

However, based on the proposed staffing levels and the typical staffing levels associated with similarly sized restaurants in the area, staff supports a 50 percent reduction in the required number of employee parking spaces, from eight (8) employee parking spaces to four (4) employee parking spaces. This reduction would result in a total requirement of 31 parking spaces for the proposed restaurant use.

22.18.060 Parking Lot Construction Standards

All parking areas that require three or more off-street parking spaces shall be improved with following:

- a. **Surfacing.** All parking areas shall be surfaced with a minimum of asphalt or concrete;
- b. **Lining and marking.** Parking spaces shall be marked with paint striping, a minimum of two inches in width;
- c. **Wheel stops.** Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. In addition, wheel stops can be used for each parking space; constructed of durable material not less than six inches in height and not located less than a minimum of three feet from any property line;

- d. **Vertical clearance.** Covered parking spaces shall have a vertical clearance of at least seven feet six inches above the parking lot surface;
- e. **Slope.** The finished grade of a parking lot shall not exceed five percent;
- f. **Landscaping.** All parking lots of three or more spaces shall provide sufficient trees so that within ten years, 60 percent of the surface area of the lot is shaded by deciduous or evergreen trees in addition to any perimeter landscaping required; and
- g. **Screening.** Parking lots abutting a public street shall be separated from the street right-of-way by a landscaping strip, a fence or a landscaped berm three feet in height.

Staff Analysis: *The project as proposed and conditioned will comply with the applicable parking lot construction standards. However, some standards, such as landscaping requirement for parking lot shading, are not applicable since the parking lot is an existing development and there is no appropriate location to plant shade trees.*

22.18.070 Off-Site Parking

Where it is not feasible to provide sufficient on-site parking, an adjustment (Section 22.70.030) may be granted to allow the required parking to be located off-site provided that:

- a. The most distant parking space is not more than 400 feet from the use; and
- b. The parking lot site is in the same ownership as the principal use, or is under a recorded lease with the use in a form approved by County Counsel. In the event that off-site parking is leased, the approved use shall be terminated within 60 days of termination of the lease providing parking, unless the parking is replaced with other spaces that satisfy the requirements of Land Use Ordinance, Title 22; and
- c. The parking lot site is not located in a residential land use category.

Staff Analysis: *There are two adjacent property owner's (Templeton Feed & Grain and Sam's Liquor Store) located no more than 400 feet from the use that have expressed willingness to enter into shared parking agreements with the proposed restaurant. Both properties are located within a commercial land use category.*

The Templeton Feed & Grain parking lot, located at 405 South Main Street, is directly across the street from the proposed restaurant parking lot. The large unstriped parking lot would be made available for use of employees or customers of the proposed restaurant. Based on the parking demand and the hours of operation for the feed store, a peak hour parking conflict associated with a shared parking agreement between the two uses is not anticipated.

The Sam's Liquor Store parking lot, located at 575 South Main Street, is approximately 100 feet from the entrance of the proposed restaurant. The large striped parking lot has 25 parking spaces and would be made available for the use of employees or customers of the proposed restaurant. Based on the parking requirements and demands for the liquor store use, a peak hour parking conflict associated with a shared parking agreement between the two uses is not anticipated.

Staff supports the proposed shared parking agreement between the restaurant and those two neighboring properties/businesses. A condition has been included that requires a recorded lease for the proposed shared parking agreement with the property owner's/businesses in a form that has been approved by County Counsel.

Section 22.72.100 – Nonconforming Parking

Where a site is nonconforming only as to off-street parking (Section 22.04.160 et seq. – Parking), a new or additional allowable use may be established on the site or an existing allowable use may be expanded only after the requirements of Land Use Ordinance, Title 22, for off-street parking have been met for both the existing structure and the expansion, except as follows.

- a. Substitute uses. A use of land on a site with nonconforming parking may be replaced with a different use only as allowed by Section 22.72.060.C. and as follows.
 1. Where a substitute use is required by Chapter 22.18 to provide the same number of parking spaces as the previous use, no additional parking is required.
 2. Where a substitute use is required to have more spaces than the existing use, the number of spaces provided shall be the difference between those required for the new use and those required for the existing uses.

Staff Analysis: *The project as proposed and conditioned will comply with the applicable nonconforming parking standard because the difference between the number of parking spaces provided on-site and what is required for the proposed restaurant use will be provided for via a shared parking agreement with two neighboring properties/commercial businesses.*

ADJUSTMENTS:

Modification of Parking Standards.

In accordance with LUO Section 22.18.020H a request to reduce the number of parking spaces or to modify any of the other parking standards may be authorized through Minor Use Permit approval.

Proposed modifications of parking standards shall be approved only where the Review Authority first determines based upon specific findings of fact, that:

- a. The characteristics of a use, the site, or its immediate vicinity do not necessitate the number of parking spaces, types of design, or improvements required by this Chapter, and
- b. Reduced parking or an alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use, or that additional parking is necessary because of specific features of the use, site, or site vicinity; and
- c. No traffic safety problems will result from the proposed modification of parking standards.

Staff Analysis: *The request to reduce the required number of parking spaces from 31 to 24, and to enter into a shared parking agreement with neighboring property owners to accommodate the balance of the reduced required parking spaces for the proposed restaurant use on their parking lots is appropriate because the characteristics of the restaurant use, the site, and the immediate vicinity do not necessitate 31 parking spaces; the proposed 24 spaces, of which, 11 spaces would be provided on-site and 13 spaces would be located on neighboring parking lots via shared parking agreements is adequate to accommodate the anticipated parking needs generated by the proposed restaurant use; and pedestrian traffic safety will be improved by the future closure of the existing driveway access from South Main Street, the closure will result in a continuous pedestrian path along South Main Street and will eliminate vehicles crossing the pedestrian path. No traffic safety problems are anticipated to result from the proposed modification of the parking standards.*

COMMUNITY ADVISORY GROUP COMMENTS:

The Templeton Area Advisory Group (TAAG) Architectural Review Committee (ARC) reviewed the project and supported the requested modification of the parking requirement for the proposed restaurant use at their July 2, 2014 committee meeting and forwarded their comments to the TAAG board for review. The TAAG Board had scheduled the project on their July 17, 2014 meeting agenda, but that meeting was cancelled, so the project is now scheduled for review at their next regularly scheduled meeting on August 21, 2014.

AGENCY REVIEW:

Public Works – Consider closing the Main Street driveway and standardizing the 5th Street driveway to gain offsite parking spaces; the patio and meeting area reduction arguments need to be substantiated or it should not be supported, per referral response dated June 2014.

Environmental Health – No comments, per referral response dates July 2014.

Templeton Community Services District – No comments regarding the parking lot, accept that the existing landscaping is not shown and no irrigation water is available, per referral response dated June 2014.

Building Division – The project is subject to the California State Title 24 accessibility laws, per referral response dated June 2014.

Sheriff's Office – No comment, per referral response dated June 2014.

Templeton Fire Department – No comments submitted

Staff Reply: *The project has been conditioned to close the South Main Street driveway as suggested by the Public Works referral comment. However, staff supports the reduction of four (4) required employee parking spaces as discussed in the staff report, in addition to the overall requested modifications of the parking standards.*

LEGAL LOT STATUS:

APNs: 041-173-004 and -005 - The lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Xzandrea Fowler and reviewed by Steve McMasters.