



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

Tentative Notice of Action

Promoting the wise use of

MEETING DATE January 16, 2015 EFFECTIVE DATE January 30, 2015	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Michael Peachy	FILE NO. DRC2014-00014
SUBJECT Hearing to consider a request by MICHAEL PEACHY for a Minor Use Permit to allow for construction of six 721 square foot, 2 bedroom, 1/12 bath townhouses as rental units. The project will result in the disturbance of approximately 20,000 square feet of the 24,000 square foot parcel. The proposal also includes an adjustment to the front setback standards to allow front setbacks of between 10 and 15 feet. The proposed project is within the Residential Multi-Family land use category and is located at 164 South Mallagh Street (on the northwest corner of South Mallagh and Price Street in the community of Nipomo. The site is in the South County (South County Sub-area) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00014 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-136-005	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: 22.98.070 – South County Sub-Area Standards, 22.108.040 – Nipomo Community Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.10.060 – Exterior Lighting, 22.10.080 – Fencing and Screening, 22.10.090 – Height Measurement, 22.10.140- Setbacks, 22.10.155 – Stormwater Management <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 January 30, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Two existing residential units and storage building			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Office-Professional/Undeveloped, residential <i>East:</i> Residential Single Family/Residences <i>South:</i> Residential Single Family/Agriculture/Residences, row crops <i>West:</i> Office Professional/Residential, offices			
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: South County Advisory Council, Public Works, CalFire, HEAL SLO, Nipomo Community Services District, Native American Heritage Commission	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CalFire	ACCEPTANCE DATE: December 8, 2014

DISCUSSION

PROJECT DESCRIPTION

The proposal is to construct six 721 square foot, 2 bedroom, 1/12 bath townhouses as rental units on a 24,000 square foot parcel. The parcel is currently developed with two units and a storage building located on the north side of the property.

The proposal also includes an adjustment to the front setback standards to allow front setbacks of between 10 and 15 feet, instead of the normally required 25 feet.

A Phase I archaeological surface survey was conducted for the project site (Thor Conway, Heritage Discoveries, Inc., April 24, 2014). The survey found evidence of cultural materials on the property and recommended that Phase II archaeological subsurface testing be completed prior to construction of the proposed project. See further discussion of the findings and recommendations under “Staff Comments” below.

PLANNING AREA STANDARDS

22.98.070 – South County Sub-Area Standards: F.2. - Nipomo Mesa Water Conservation Area:
Applicable landscape standards include providing irrigation systems with smart controllers and drip irrigation, turf area limitations of 300 square feet per unit, and compliance with Section 19.07.042 of the Building and Construction Code. *As proposed and conditioned, the project will meet these standards.*

22.108.040 – Nipomo Community Standards

Community-wide – Applicable standards include providing a minimum 8-foot parkway between curb and sidewalk with a minimum of one street tree per 50 feet of frontage along with low maintenance, low water using plants and approval of a drainage plan. *The project has been conditioned to provide improvement plans for the landscaped parkway in accordance with the Land Use Ordinance standard. A preliminary drainage plan along with a stormwater control plan were submitted with the project application. Public Works reviewed this information and has determined that the project can proceed with conditions for a final drainage plan with calculations and stormwater management plan at the time of application for construction permits.*

Residential Multi- Family – The project site is within the 15 units per acre density area. The property is 24,000 square feet, which equates to maximum allowable units of eight. Additional standards include: Minor Use Permit approval for development of five or more multi-family units,

site planning criteria, including, private outdoor space and active recreation area. *The site has two existing units and is proposing six additional units which meets the density standard. The proposal is a Minor Use Permit for six additional units on the property. Private outdoor space is not shown on the proposed plan, but has been conditioned to provide a minimum 15x15 foot outdoor area for each unit at the time of construction permits. A minimum 375 square feet for common area is required. Plans show a common area of over 1,700 square feet which complies with this standard.*

LAND USE ORDINANCE STANDARDS

22.10.060 – Exterior Lighting - Standards include having lighting directed onto the parcel, minimizing light intensity, shielding, and height limits for light fixtures not to be taller than the highest structure on the parcel. *As conditioned, the project meets this standard.*

22.10.080 – Fencing and Screening – Multi-family projects shall be screened on all interior property lines. Screening shall be a minimum of six feet in height. *This standard would apply to the western property line furthest away from Mallagh Street. Screening can be in the form of fencing and/or landscape screening. A condition has been added to comply with this standard.*

22.10.090 – Height Measurement – The maximum height for structures in this area is 35 feet. *As proposed, the residences are approximately 22 feet which complies with this standard.*

22.10.130 – Residential Density – This section sets forth the maximum units per acre and maximum floor area and minimum open area for projects. *The maximum number of units per acre is superseded by planning area standards in the Nipomo area. The maximum floor area for this site is 35%, which equates to 8,400 square feet. The floor area of all existing and proposed structures is approximately 6,200 square feet, or 26%, which complies with this standard. The minimum open area required is 55%, which is 13,200 square feet. The open space on the parcel is approximately 15,900 square feet which complies with this standard.*

22.10.140- Setbacks - The normal setbacks on a residential corner parcel less than an acre are: 25 feet in the front, 10 feet on the corner side, 5 feet on the interior side and 10 feet in the rear. Plans show a variable front setback between 10 and 15 feet along the Price Street frontage which is considered the front of the property. *The Land Use Ordinance allows for a variable setback block adjustment when a residential block is partially developed with single-family dwellings that have less than the required front setback, and no uniform front setback is established by a planning area standard. The adjustment may be granted only when 25 percent of the lots on the block with the same frontage are developed, and the entire block is within a single land use category. The normally required minimum front setback shall be reduced to the average of the front setbacks of the existing dwellings (which include attached garages but not detached garages), to a minimum of 10 feet. Setbacks along the north side of Price Street vary from 10 to 15 feet; therefore staff is recommending that the variable setback can be approved. Findings for the adjustment are included in the staff report for the Hearing Officer's consideration.*

22.10.155 – Stormwater Management – Projects located within Stormwater Management Areas involving over 2,500 square feet of impervious surfaces are required to comply with the standards of this section of the Land Use Ordinance. *As stated above, a stormwater control plan and preliminary drainage plan have been submitted and reviewed by Public Works. Conditions have been added to prepare a final drainage plan and compliance with the Stormwater Control Plan is required.*

STAFF COMMENTS

The project has been found to be exempt from the California Environmental Quality Act by a General Rule Exemption. This exemption was issued because the project is located within an urbanized area that is served by community water and sewer, is in character with the surrounding development patterns, will not cause a significant increase in traffic and will provide, as conditioned, measures needed to ensure that cultural resources are studied in accordance with recommendations of the qualified archaeologist. All other issue areas such as air quality, noise, public services and traffic impact fees are covered by ordinance and do not require additional mitigation measures.

The Phase I surface survey found evidence of shell fragments on the property and recommended that Phase II testing be provided prior to disturbance on the project site. Conditions were added to the project according to this report in order to ensure that the project will have less than significant impact on cultural resources.

There is an existing storage building on the property located behind the existing residential units. This building is located on the property line and does not meet setback requirements. The Land Use Ordinance does not allow approval of a land use permit where a non-conforming structure exists, unless conditions are included to rectify the non-conforming issue. A condition has been added that the storage building either be moved or removed prior to issuance of construction permits.

COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council supported the project at their November 24, 2014 meeting.

AGENCY REVIEW

Public Works – Supports with conditions for drainage, road improvements, stormwater management

CalFire – No comments received

HEAL SLO – Supports the use of solar, community garden, and inclusion of sidewalks, would like to see better access to bike paths and transit in the area in general (broader scale project)

Native American Heritage Commission – No comments received

Nipomo Community Services District – Issued a preliminary intent to serve letter

LEGAL LOT STATUS

The one lot was legally created by deed (85 DEEDS 538-9) at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Airlin Singewald, Senior Planner