

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/24/2015	(3) CONTACT/PHONE Stephanie Fuhs, Planner III/(805)781-5721	
(4) SUBJECT Consideration of a request for authorization to process a Specific Plan, General Plan and Land Use Ordinance Amendment (LRP2014-00016 – Black Lake Golf Resort, LLC) to amend provisions of the Black Lake Specific Plan that would increase the residential density allowed under the current specific plan, expand the list of allowable uses, and allow for resort development. The site is in the Black Lake Village Reserve Line in the South County Inland subarea of the South County Planning Area. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board review the proposed amendments to the Black Lake Specific Plan, General Plan and Land Use Ordinance and determine whether to authorize processing.			
(6) FUNDING SOURCE(S) Application Fees	(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 type="checkbox"/> Hearing (Time Est. ____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>60 Minutes</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 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 Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 4			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner III

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 3/24/2015

SUBJECT: Consideration of a request for authorization to process a Specific Plan, General Plan and Land Use Ordinance Amendment (LRP2014-00016 – Black Lake Golf Resort, LLC) to amend provisions of the Black Lake Specific Plan that would increase the residential density allowed under the current specific plan, expand the list of allowable uses, and allow for resort development. The site is in the Black Lake Village Reserve Line in the South County Inland subarea of the South County Planning Area. District 4.

RECOMMENDATION

It is recommended that the Board review the proposed amendments to the Black Lake Specific Plan, General Plan and Land Use Ordinance and determine whether to authorize processing.

DISCUSSION

Proposal

The applicant is proposing amendments to the Black Lake Specific Plan in anticipation of land use entitlements (i.e., subdivision and land use permits) to increase residential and commercial development to meet changes in market trends and demand. The amendments, as currently proposed, would allow for an increase in residential development which includes a mix of single family residential and senior units. The amendment would also involve reducing the open area currently used as the golf course for the proposed residential, commercial and resort development from approximately 58 acres to approximately 35 acres. (The open space easement for Black Lake Canyon will remain unchanged). The key elements of the proposed Specific Plan amendment are as follows:

- 90-100 single family residences
- 60-80 senior housing units (duplexes)
- Re-location of the existing clubhouse to a new location along Willow Road that would include visitor and member serving amenities
- 100-120 hotel suites, including a restaurant and banquet facilities and a neighborhood commercial component
- Upgrade of existing golf course facilities and infrastructure
- Reduction of open space area used for the golf course from approximately 58 acres to approximately 35 acres

The request will also require the amendments to the Land Use Ordinance updating to the current text and associated figures of the Black Lake Village Standards to reflect the possible amendments that are being considered. The current section reads as follows:

22.108.010 - Black Lake Village Standards

The 1983 Black Lake Specific Plan as amended is hereby incorporated into this Title as though it were fully set forth here. All development within the Black Lake Specific Plan Area (see Figure 108-1) shall comply with the adopted Specific Plan. In the event of any conflict between the provisions of this Section and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.

Background

The Black Lake Specific Plan encompasses 515 acres on the Nipomo Mesa about three miles northwest of the community of Nipomo. The Black Lake Specific Plan was originally adopted on February 28, 1983 (Resolution No. 83-87). The current specific plan allows up to 559 residential units on approximately 220 acres of the overall specific plan area, three 9-hole golf courses on 190 acres of the overall site, and secondary recreational uses allowed in Table III-A, the Specific Plan Land Use Chart, and a 56 acre open space area that covers both the Black Lake Canyon bottom and steep side slopes.

There have been five subdivisions recorded within Black Lake Village:

- Tract 1109 – recorded May 25, 1984
- Tract 1228 - recorded June 6, 1985
- Tract 1542 – recorded April 10, 1989
- Tract 1912 – recorded September 8, 1995
- Tract 2264 – recorded February 22, 1999

In May 1998, the Specific Plan was amended to increase residential development from 515 to 559 units, add up to a maximum of 5,000 square feet of food and beverage retail sales and allow for a neighborhood market. All five subdivisions have been built out with single family units and multi-family townhouse units.

If the proposal is authorized, the location and exact number of units would be determined before completion of the project description for the Environmental Impact Report. Staff recommends that the additional units address, in part, workforce and affordable housing.

In addition, if authorized, staff recommends that the Specific Plan be updated to reflect adoption of new and revised elements of the General Plan (i.e, LUCE, COSE), services provided, phasing/buildout of the density allowed under the current plan and other sections that are no longer valid or necessary.

Project Data

- Planning Area: South County
- Community: Black Lake Village
- Assessor Parcel Number: Multiple
- Supervisorial District No. 4

- Area: 515 acres
- Topography: Gently to moderately sloping
- Vegetation: Grasses, ornamentals, eucalyptus, oak woodland
- Water Supply: Community system (NCSD)
- Sewage Disposal: Community system (NCSD)
- Existing Use and Improvements: Residential, recreational and commercial

Surrounding Land Uses (Land Use Categories)

North: Scattered residences (Residential Rural)

South: Scattered residences and small scale agricultural operations (Residential Rural)

East: Scattered residences (Residential Rural)

West: Scattered residences and agricultural operations (Residential Rural, Agriculture Recreation)

General Plan Information

Land Use Element Category: Recreation

Combining Designation: None

Community Planning Standards: Specific Plan included by reference

Authority

Unlike the processing of land use permits, the first step when considering requested amendments to the general plan, specific plan or land use ordinance, is for your Board to determine whether to initiate new legislation to amend the rules. If this amendment request is authorized for processing, the evaluation of the proposed amendments will take place and the environmental review process and staff report will be completed. The item will be then be scheduled for public hearings before the Planning Commission, then before your Board for a final decision.

Appendix F of Framework for Planning – Part I of the Land Use Element (LUE) of the General Plan, provides guidelines for processing General Plan amendment requests. The guidelines include this step when your Board determines whether to authorize processing of the application. The Department of Planning and Building is to provide a preliminary analysis of the major issues likely to be involved in the request and the items that need to be studied in more detail. The Board should consider the following factors and any other issue raised by the proposal:

- Necessity – Are there policies in the LUE that make the proposal unnecessary or inappropriate?
- Timing – Is proposed amendment premature in relation to the inventory of similarly designated land and the timing of projected growth?
- Vicinity – Should the area of the proposed amendment be expanded or reduced based on the site's relationship with surrounding area and surrounding condition?

Staff Response

The major issues likely to be involved include potential impacts to the following environmental issue areas: water resources, stormwater impacts, biological resources, traffic, and air quality and greenhouse gases. Each of these issues will be analyzed, along with others, in a supplemental/subsequent Environmental Impact Report (EIR), which the applicant has agreed to have prepared. The 1998 supplemental EIR and other previously adopted environmental documents will be relied upon to the extent feasible. The applicant has supplied information on water resources and proposed water savings and recharge amounts intended to show that the proposal will not have a negative impact on water availability (see attached project statement). This information includes the following:

- Purchasing supplemental water from the Nipomo Community Services District (NCSD)
- Reduction in turf areas
- Improvement/upgrades to the existing irrigation system
- Waste water recharge from new development
- Reduced groundwater pumping due to reduction in turf wand waste water recharge

Although this may be considered by the decision makers when they evaluate the planning and policy aspects of the proposal, the EIR is required to look at impacts from the proposed project compared to the existing baseline (what currently exists) and the current environmental setting, and include mitigation accordingly.

Based on correspondence received (attached), there is also an issue with allowing new development on the existing golf course. An open space easement was required for Tract 1912 for the golf course area for a period of 10 years, with automatic one year renewals following the initial 10 year period per the Specific Plan (second paragraph page V-8). Based on research of project files, recorded documents and title reports, it does not appear that an open space easement was ever recorded for the golf course area; however, the Specific Plan (first paragraph on Page V-8) appears to set forth a policy that the 18-hole golf course and 9-hole expansion be protected for long term open space character and retention of the recreation orientation of the project. Based on the wording in the Specific Plan, these paragraphs would need to be amended in order to allow the development proposed.

In addition, CC&Rs recorded for the Black Lake Master Association do not allow residential development on the golf course parcels. While the County does have the authority to enforce private CC&Rs, it raises the issue of open space preservation which the Board should consider when determining whether the size and location of proposed residential, resort and commercial development are appropriate for the overall site. The amendment of the CC&Rs will also have to be addressed by the applicant and the Home Owner's Association, with a resolution ultimately presented to your Board for consideration.

Necessity

The residential, commercial and open space components of the Specific Plan are essential for the village's consistency with the County's Strategic Growth Principles, whereas the resort is a non-essential component for this consistency. Therefore, replacing portions of the golf course with increased residential density and adding a neighborhood commercial component do not affect the Specific Plan's overall consistency with the Strategic Growth Principles.

Timing

As stated above, five subdivision maps have been recorded within the Black Lake Village planning area. All five of these tracts are essentially built out. If the Board determines that additional urban level development within the Village Reserve Line (VRL) is suitable for authorization purposes, then due to the fact that there are not many developable parcels left within the VRL, the timing for increasing residential density and adding resort and commercial development would be considered appropriate.

Vicinity

This proposal does not include changes to the Village Reserve Line. However, potential land use compatibility should be considered regarding the existing residential development within Black Lake Village to determine if the number of residential units and the size and scale of the hotel and appurtenant facilities are appropriate to incorporate into the proposal.

Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

- 1. Authorize as Requested.** Authorize the application for processing as requested to amend the Black Lake Specific Plan as requested by the applicant.
- 2. Authorize a Revised Scope.** Authorize the application for processing, as described in number 1 above, with revisions based on Board direction.
- 3. Do Not Authorize.** Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing with a revised scope, the application will be re-referred to all applicable agencies and community advisory bodies. Preliminary review has been conducted by the South County Advisory Council, County Public Works, the Agricultural Commissioner's Office, CalFire,

HEAL SLO and the Air Pollution Control District. Those responses are attached for the Board's review.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing, and the applicant is required to fund the preparation of a supplemental/subsequent EIR.

RESULTS

Authorization of this amendment application will allow continued processing, including preparation of an EIR, draft amendments to the Black Lake Specific Plan, and public hearings at the Planning Commission and Board of Supervisors.

Not authorizing the application will stop the further processing of the proposed amendments; this applicant and other landowners in Black Lake Village may continue to pursue land use entitlements pursuant to the existing Black Lake Specific Plan.

The authorization hearing is consistent with the county-wide goal of providing a well governed community.

ATTACHMENTS

- Attachment A - Graphics
- Attachment B - Applicant's Supplemental Project Statement
- Attachment C - Water Use Calculations (Existing/Proposed)
- Attachment D - Referral Responses
- Attachment E - Correspondence Received