



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

June 12, 2015

C.M. Florence
Oasis Associates
3427 Miguelito Court
San Luis Obispo, CA 93401

SUBJECT: Substantial Conformity for DRC2012-00099 TRI W Enterprises Request

Dear Carol:

The land use permit and the environmental determination approved for the above-referenced project have been reviewed for the proposed changes outlined in your request dated May 20, 2015, and the county has determined that the proposed changes (with the removal of the sandwich shop) are in substantial conformity:

- Satisfies all conditions of approval
- Conforms to environmental determination
- Other: Substantially conforms to DRC2012-00099 approved on April 8, 2014, EXCEPT FOR THE SANDWICH SHOP.

Description of proposed changes:

- The land use permit authorized a change of use from an office (former Bank of America) to a restaurant; in an existing building of 3,978 square feet (3,078 square foot restaurant and 900 square foot remaining office space). The applicant is modifying the approval to a 2,000 square foot restaurant and 1,078 remaining space. Additional uses in the 1,078 square foot space shall be reviewed for compliance with the conditions of approval and must be determined to be in conformance by the county.
- Modification to the existing drive-through with the addition of a stop bar/temporary barrier at the north drive through entrance.

Bill Roberson

Bill Roberson, Deputy Director of Permitting
Department of Planning & Building



OASIS ASSOCIATES
LANDSCAPE ARCHITECTURE + PLANNING

20 May 2015

Mr. James Bergman, Director
Mr. Bill Robeson, Deputy Director
PLANNING & BUILDING DEPARTMENT
COUNTY OF SAN LUIS OBISPO
976 Osos Street, Room 200
San Luis Obispo, CA 93408

RE: **REQUEST FOR SUBSTANTIAL CONFORMANCE DETERMINATION
MINOR USE PERMIT - DRC2012-00099/ BOS-2014-89**
1076 Los Osos Valley Road, Los Osos Shopping Center, Los Osos, CA 93402

Gentlemen,

On behalf of Tri-W, the owner of the Los Osos Shopping Center, we are respectfully requesting your consideration of and positive response to making a substantial conformance determination for the noted approval. Fully acknowledging all of the effort that went into the review of this development proposal, there is recognition that, despite how carefully a project is planned, circumstances arise where the applicants proposed changes to what was originally approved.

Clearly, for staff to make a determination whether the proposed modification(s) may be determined as being in substantial conformance, the changes must meet specific "tests" – does the deviation represent a change considered essential to the project's overall design, quality or function?; would the project, as modified, meet the applicable standards of review by the decision-making body; would the proposed deviation represent an upgrade in overall design features and/or materials and will it improve the project's compatibility with the surrounding neighborhood; and lastly, does the proposed deviation involve a change to an aspect of the project that, during the hearing, was identified by a member of the public and acknowledged by the approving body to be of particular importance. It is our contention that the proposed project modifications can meet the noted "tests", as follows.

The noted Minor Use Permit and related Board of Supervisor Resolution approved the following development:

- A change of use from an office (former Bank of America) to a restaurant; in an existing building 3,978 square foot (3,078 square foot restaurant and 900 square foot remaining office space);
- Customer seating limited to 50 seats;
- Modifications to the existing drive-through;
- Hours of operation are as follows: Monday – Thursday 5:00 a.m. to 12:00 a.m. and Friday through Sunday 5:00 a.m. to 1:00 a.m.

This Request for Substantial Conformance is based upon the following minor modifications to the approved development. Modifications are either in **bold** and *italicized* and/or noted with a ~~strikethrough~~.

- A change of use from an office (former Bank of America) to a restaurant; in an existing building 3,978 square foot (*2,000 square foot restaurant and 1,078 square foot remaining food use/office space*);
- ~~Customer seating limited to 50 seats;~~

20 May 2015

OASIS ASSOCIATES, INC.

REQUEST FOR SUBSTANTIAL CONFORMANCE - MUP DRC2012-00099/ BOS-2014-89

1076 Los Osos Valley Road, Los Osos Shopping Center

Page 2 of 2

- Modifications to the existing drive-through *with addition of a stop bar/temporary barrier at the north drive through entrance;*
- -Hours of operation are as follows: Monday - Thursday 5:00 a.m. to 12:00 a.m. and Friday through Sunday 5:00 a.m. to 1:00 a.m.

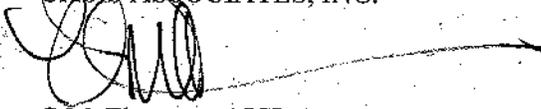
Although the new tenant requires a smaller portion of the existing building, water demand was part and parcel to the ultimate approval of the development and conditioned, accordingly. We have therefore made a comparison of the previously approved tenant's water demand vs. the new tenant's water demand and find water use to be less than the established threshold level. See attached Water Use Calculation table.

While the previously approved tenant utilized branded architecture, the new tenant is proposing architecture that would be compatible in style, color and materials with the existing shopping center, as well as styles within the commercial core of the community of Los Osos.

Thank you in advance for reviewing and finding that the noted minor modifications will enable you to make a determination of substantial conformance. We do want to acknowledge staff's involvement to date to assist us with shaping our request. Should you have any questions, please contact us directly.

Respectfully,

OASIS ASSOCIATES, INC.



C.M. Florence, AICP Agent
TRI W ENTERPRISES, INC.

- Attachments -
- Project Findings/COA Matrix Comparison
 - Approved Site Plan with Stop Bar/Temporary Barrier
 - Revised Building Elevations
 - Water Use Calculations Comparison Table

c: Tri W Enterprises, Inc.
M. Ochylski, Esq.
K. Brown, SLO County Planner
15-0008