

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE January 12, 2016	(3) CONTACT/PHONE Jay Johnson, Senior Planner / (805) 781-4573	
(4) SUBJECT Hearing to consider an appeal by Nipomo Business Center, LLC of the San Luis Obispo County Planning Commission's denial of a request by Nipomo Business Center, LLC for a Conditional Use Permit, DRC 2015-00017, to amend a previously approved Conditional Use Permit to allow an existing, legal, nonconforming billboard to remain for an additional 15 years located on the south corner of Story Street and South Frontage Road in the community of Nipomo, in the South County planning area. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal by Nipomo Business Center, LLC and affirm the decision of the Planning Commission to deny Conditional Use Permit DRC2015-00017.			
(6) FUNDING SOURCE(S) Appeal fee	(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 checked="" type="checkbox"/> Hearing (Time Est. <u>30 minutes</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input 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 M. Howe			
(18) SUPERVISOR DISTRICT(S)  District 4			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Jay Johnson, Senior Planner

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: January 12, 2016

SUBJECT: Hearing to consider an appeal by Nipomo Business Center, LLC of the San Luis Obispo County Planning Commission's denial of a request by Nipomo Business Center, LLC for a Conditional Use Permit, DRC 2015-00017, to amend a previously approved Conditional Use Permit to allow an existing, legal, nonconforming billboard to remain for an additional 15 years located on the south corner of Story Street and South Frontage Road in the community of Nipomo, in the South County planning area. District 4.

## **RECOMMENDATION**

It is recommended that the Board adopt the resolution denying the appeal by Nipomo Business Center, LLC and affirm the decision of the Planning Commission to deny Conditional Use Permit DRC2015-00017.

## **DISCUSSION**

### **Background**

On October 22, 2015, the San Luis Obispo County Planning Commission heard a proposal by Nipomo Business Center, LLC for a Conditional Use Permit (CUP) to amend a previously approved CUP to allow an existing, legal, nonconforming billboard to remain on the site for an additional 15 years. Staff's recommendation to the Planning Commission was for conditional approval. The Planning Commission staff report is contained Attachment 5. During their hearing the Planning Commission discussed the previous conditions of approval and how long the applicant had to act on the sign (15 years), the circumstances in which a non-conforming sign could be rebuilt, if damaged (less than 75 percent of its replacement cost), and they considered the sight distance implication of the sign being located near an intersection. The Planning Commission voted (5-0) to deny the applicant's request based on the following findings:

- The applicant had 15 years to act on the previous condition of approval.
- The establishment and subsequent operation of the proposed project will, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project would extend the presence of an aesthetically unappealing structure for an additional fifteen years, and the structure blocks the view of motorists looking left from northbound South Frontage Road to Story Street and looking right from Story Street to South Frontage Road.

The previously approved CUP (S000182U) was approved by the Planning Commission on April 12, 2001. The approval was for seven residential lots and seven commercial lots. The billboard occupies one of those commercial lots; the remainder of the tract has been built out. At the time of the original approval, and prior to the subdivision of the property,

the billboard was a legal, nonconforming sign on the parent parcel. In approving the original project the Planning Commission determined to place a termination date of September 30, 2015 on the sign rather than require the sign to be removed concurrently with the development of the project.

### **Appeal Issues**

**The applicant [appellant] agrees with the [Planning Commission] Staff Report and its recommendation for approval. The applicant disagrees with the Planning Commission findings per the following (bulleted items):**

- The sign has been in the same physical location and part of the corridor view for over 30 years with a positive visual impact as manifested by the attached photograph (Exhibit G – Sign Elevation of Attachment 6 – Graphics).

*Staff Response: The billboard sign has been part of the visual context of the Highway 101 corridor in Nipomo for many years. If the applicant's request were approved that visual context would remain unchanged. Should the sign be removed the visual context would change exposing the landscape and built features of the nearby residential neighborhood looking northerly and a view of the business park previously developed by the applicant looking southerly. Whether the visual context is better with or without the sign is subjective. However, part of the reasoning for not allowing new billboards in the County is due to the negative impact that a proliferation of billboards has on visual resources within our highway corridors. Because the sign is located in the Commercial Service land use category, it is reasonable to expect the long-term visual context to include a future commercial building and landscape rather than the billboard. (Due to site constraints and setback requirements, it is staff's opinion that the billboard would need to be removed in order to accommodate a building.) A future building would have to comply with applicable design standards and be subject land use permit review.*

- The sign is directional thereby is environmentally friendly by reducing miles driven caused by errant trips to desired location.

*Staff Response: The current sign-copy does advertise a business located in Nipomo and provides advance notice to motorist for the Tefft Street exit. Staff agrees that an unquantifiable number of trips may be saved and the potential for missed opportunities are avoided due to the current copy on the billboard. However, future sign-copy could illustrate or advertise something other than an attraction in Nipomo or located off a nearby freeway exit.*

- The sign was included in Applicant's business plan as part of its Master Planned Commercial and Residential Development and was to remain in place until such time it was economically viable to construct a building on the subject lot which has been prolonged by the economic downturn.

*Staff Response: The Land Use Element of the general plan contains policies and strategic growth principles that would encourage this site to be built with a commercial use that provides jobs, services or shopping opportunities in Nipomo, which would be preferred over a billboard. The timing and economic viability of a project would rest with the applicant.*

- At the time the development was approved (April 12, 2001), Applicant began contributing, at its own volition, a portion of the sign income to the Nipomo Recreation Center as a way to support the Nipomo Community. Contributions have continued, uninterrupted for 14 years, and will continue from future sign income.

*Staff Response: This type of generosity is appreciated but is outside the scope of the County's land use authority.*

### **OTHER AGENCY INVOLVEMENT**

Public Works, Environmental Health and Cal Fire were given the opportunity to comment on the project. Each agency had no comment. In addition, a referral was sent to the South County Advisory Council and no comments were received. County Counsel has reviewed and approved the attached resolution with findings.

## **FINANCIAL CONSIDERATIONS**

This appeal was processed using the appeal fee.

## **RESULTS**

Affirming the Planning Commission's decision and denying the appeal will mean the applicant will be subject to the conditions of approval for Conditional Use Permit S000182U and thereby remove the billboard sign.

Upholding the appeal would mean the Planning Commission's denial of the Conditional Use Permit DRC2015-00017 would be overturned and result in the project being approved as conditioned by the Board of Supervisors.

This hearing is consistent with communitywide results of encouraging a safe, healthy, and livable community.

## **ATTACHMENTS**

Attachment 1 – Board of Supervisors Resolution

Attachment 2 – Findings

Attachment 3 – Appeal Letter, November 2, 2015

Attachment 4 – Minutes, from the October 22, 2015 Planning Commission hearing

Attachment 5 – Staff Report, from the October 22, 2015 Planning Commission hearing

Attachment 6 – Graphics