

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/15/2016	(3) CONTACT/PHONE Holly Phipps, Planner / (805) 781-1162	
(4) SUBJECT Hearing to consider an appeal by Murray Powell of the Planning Commission's approval of a request by Dr. Harvey Billig for a Tentative Parcel Map and Conditional Use Permit to allow the subdivision of a 4.9 acre site into two parcels of 1.46 acres and 3.44 acres and the construction of a 70,419 square foot behavioral health hospital on Parcel 1 and a 36,503 square foot assisted living facility on proposed Parcel 2, located across from Twin Cities Hospital in Templeton. District 1.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal by Murray Powell and affirming the decision of the Planning Commission subject to the modified findings and conditions set forth in the attachments to this staff report.			
(6) FUNDING SOURCE(S) Appeal Fees and Department General Fund	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>280 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 1			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Holly Phipps, Planner

VIA: Bill Robeson, Deputy Director, Permitting

DATE: 3/15/2016

SUBJECT: Hearing to consider an appeal by Murray Powell of the Planning Commission's approval of a request by Dr. Harvey Billig for a Tentative Parcel Map and Conditional Use Permit to allow the subdivision of a 4.9 acre site into two parcels of 1.46 acres and 3.44 acres and the construction of a 70,419 square foot behavioral health hospital on Parcel 1 and a 36,503 square foot assisted living facility on proposed parcel 2, located across from Twin Cities Hospital in Templeton. District 1.

RECOMMENDATION

It is recommended that the Board adopt the resolution denying the appeal by Murray Powell and affirming the decision of the Planning Commission subject to the modified findings and conditions set forth in the attachments to this staff report.

DISCUSSION

Background

The Planning Commission considered the proposed project during two public hearings on December 10, 2015 and January 14, 2016. The Commission took 5 ½ hours of testimony at these hearings. The Commission extensively discussed the project issues including traffic, drainage, fire safety, and height. The Commission ultimately voted to unanimously approve the project as presented and conditioned. On January 28, 2016, Murray Powell filed an appeal of the Planning Commission's approval of the Tentative Parcel Map and Conditional Use Permit (CUP).

Project Description

Assisted Living Facility

A 36,503 square foot (sf) Assisted Living Facility is proposed with a total of 50 rooms with up to 60 beds. The facility is designed to address the needs of persons with memory impairments.

The facility requires Community Care Licensing by the California Department of Social Services. No Office of Statewide Health Planning & Development (OSHPD) permitting or review is required. Vehicular access to the proposed building is taken from the shared drive that runs from Las Tablas Road to the property to the south of the subject site. Parking and a cul-de-sac turnaround are provided in the approach to the building's main entry.

The proposed assisted living facility is included in the Land Use Ordinance definition of "Nursing and Personal Care". This type of land use is defined in the LUO as the following:

Nursing and Personal Care (land use). Residential establishments providing nursing and health related care as a principal use with in-patient beds, including: skilled nursing care facilities; extended care facilities; convalescent and rest homes; board and care homes.

Behavioral Health Hospital

The Behavioral Health Hospital is proposed to have four units for a total of 91 beds to include the following breakdown: a 21 bed children's unit to serve children between the ages of 6 and 12; a 21 bed adolescent unit to serve children between the ages of 13 and 18; a 20 unit bed gero-psychiatric unit to serve adults ages 65 and up; and a 21 bed acute adult psychiatric unit. There will be 4-swing beds on each floor, for 8 additional beds for a total of 91 beds.

This health care facility will be reviewed, permitted and inspected by OSHPD. Parking is largely subterranean (in basement floor level) with some on grade parking alongside the project's primary entry at Las Tablas Road. Additional on grade parking is provided at the structure's southwest and south sides in a parking area shared with the Assisted Living Facility.

The Behavioral Health Hospital will treat children, adolescents, adults, and seniors. This facility will operate similar to a standard hospital without an emergency room. This facility is designed for short term crisis and professional treatment. It is a voluntary facility where patients will be admitted by their physician. It will be a secure facility that will operate like a standard hospital and will have controlled access 24 hours a day.

The treatment program will consist of a multidisciplinary treatment team utilizing a cognitive/behavioral approach that is integrated with medication as needed. The team will be comprised of psychiatrist, psychologist, registered nurses, clinical social workers and other specialists as required. The individualized treatment goal of the program is designed to:

- First evaluate the acute phase of the patient's mental illness,
- Second to stabilize the patient and prepare them for transitioning back into the community, and
- Finally, discharging the patient. Once stabilized, the patients will be released by the attending physician who will discharge and refer the patient to the next appropriated level of care.
- Upon discharge, the patient will be referred to the next appropriate level of care such as out-patient care or follow up appointments with their primary care physician.

Admissions to the Hospital can occur at any time during the day, any day of the week. Most admissions will occur during week days following a referral from an outside physician, psychologist or clinic. Discharges could occur at any time; however, discharges are carefully planned and most will be scheduled during normal business hours. The admitting physician writes a discharge order that would include follow-up appointments and medication prescriptions.

This will not be a locked down facility. This facility will not treat criminal patients who are hospitalized at Atascadero State Hospital or incarcerated in the prison system. The facility cannot accept individuals who have complex medical problems that cannot be treated on an outpatient basis. In addition, individuals with a primary diagnosis of drug or alcohol abuse, or an eating disorder, or are a registered sex offender will not be treated at this facility.

The front/public entrance will be unlocked for visitors and the four units will be individually secured at all times. Security will consist of trained staff that is responsible for the patients' safety. All visitors will have to sign in and be approved for access and accompanied by staff when necessary before entering the hospital.

According to information provided by County Behavioral Health Department, there are two potential designations for a proposed facility; one designation is a "LPS Designated" (Lanterman-Petris-Short (LPS) Act) by the County Board of Supervisors, meaning the facility would be able to take patients on an involuntary basis, have a locked setting, and would be required to put all the patients' rights elements into place to ensure due process. The other designation type facility can accept only voluntary patients. This would preclude the facility from "locking" the site to prevent exit; would not have a required patients' rights duty; and would provide a stricter range of admission criteria. The voluntary patient designation is the type of facility being proposed and considered.

Americans with Disabilities Act and Lanterman-Petris-Short Act

The proposed behavioral health hospital is a medical facility that will treat persons disabled due to mental

health issues. The patients at this facility, their health status and medical conditions as well as their treatment are protected from discrimination under the Americans with Disabilities Act and the Lanterman-Petris-Short Act, which apply to the County's decision on this project. These Acts limit the issues your Board may consider concerning the conditional use permit proposed here to land use and environmental issues.

Appeal Issues

Issue #1: Templeton Area Advisory Group's (TAAG) November 30, 2015 Project report – We object to the County Planning Department and Planning Commission's obvious disregard for TAAG's opposition.

Staff Response: The November 30, 2015 letter from TAAG was entered into the record and was considered by both the Planning Department and the Planning Commission. The Planning Commission decision was based on the project's consistency with land use policies and compliance with land use ordinances including TAAG-raised issues such as drainage, traffic, public safety and zoning.

The following are brief responses to the specific issues raised in the TAAG letter:

Community Vision: The letter speculates that the facility will attract too many patients and is too large for the community. There is no evidence in the record to support this speculative claim. Information presented at the Planning Commission hearing indicates there is a range of the number of beds needed per 100,000 people population. The range is from 18 beds per 100,000 people to 50 beds per 100,000 people. The proposed 91 bed facility equates to approximately 30 beds per 100,000 people which is within the acceptable range. The community concern in the TAAG letter seems to focus on the type of patient using the facility. This is not a land use issue and was not considered by staff or the Planning Commission.

Once the type of patient using the hospital is put aside, the community vision issues also appear to be negated. No other substantial developments in the immediate area have been examined so closely or treated so strictly. For example, the proposed hospital is 70,000 square feet in size. Twin Cities Hospital located directly across Las Tablas Rd from the proposed site is over 175,000 square feet with a maximum height of 70 feet. Twin Cities also received a height modification to allow an additional 25 feet above the 45 foot height limitation in the Public Facilities land use category.

The Planning Commission approved an assisted living and senior housing facility approximately 500 feet west of the proposed project site in January of 2016. The proposed buildings on this nearby site are larger (approximately 166,000 sf) than the hospital proposed by this project and were granted a similar height modification to 44 feet. TAAG and others in the community have supported this nearby project which has similar land use issues as the proposed behavioral health hospital project.

County Demographics: There are no County policies or ordinances that guide or dictate the population that must be served by a private facility. This demographic information is not germane to the land use permit review process. The home location of patients at the proposed facility is not relevant to the land use permit process except when analyzing air quality impacts and trip lengths. The County Health Department has indicated that this facility will improve care for the residents who need this level of care.

Drainage and Topography: The intermittent blue line stream that is a concern to TAAG has been used as a drainage course by all existing projects upstream and downstream of the project site. The Preliminary Hydrology Report prepared for the project (Civil Design Studio 2014) indicates a sub-surface drainage detention basin is proposed to reduce post development peak storm water runoff discharge rates. The preliminary grading plans indicate both detention and retention basins are proposed on the site. The applicant's grading and drainage plans conform to the land use ordinance

requirements.

Traffic: The traffic study used the Institute of Traffic Engineer's Manual to estimate the number of trips generated for the proposed project. The traffic analysis and associated greenhouse gas (GHG) emission analysis are very conservative in regard to estimating GHG impacts of the project. The applicant will mitigate any cumulative impacts through payment to the Templeton Circulation Fee Program. This fee mitigation is used by every other project in the area. The recently approved independent living and assisted living facility located 500 feet to the west of the hospital site that generates more traffic than the proposed hospital project is also subject to the fee.

Parking: Ordinance Section 22.18.050 identifies parking space requirements for various land uses. Hospitals are required to provide one (1) space per bed and one (1) space per office. The hospital contains 91 beds and 10 offices and requires 101 parking spaces. The hospital project is proposing 162 parking spaces with 111 located inside the structure and 52 surface spaces. Assisted living facilities are required to provide one (1) space per four (4) beds. The project includes 60 beds and requires 15 spaces. The assisted living facility is proposing 47 parking spaces. Both proposed facilities provide more than minimum required parking. In addition, a reciprocal access, parking, and utility easement will be recorded with the parcel map.

Public Safety: The Sheriff's response states the proposed project will not increase calls for service beyond the normal cumulative increase in service needs for all development projects. This response, along with the statements from the Sheriff's Office and other law enforcement personnel, acknowledges that the facility will not pose a security threat to the community and, in fact, will provide better services to the community that will have the effect of benefitting public safety overall.

The Templeton Fire Department acknowledged reviewing the projects development plans in a letter dated October 17, 2014. The Fire Department did not state that the Department's equipment was inadequate for the proposed facility. Height modifications for structures (e.g. Twin Cities Hospital directly across from this project) higher than that proposed for this hospital have been approved in the recent past with no negative reaction on behalf of the Fire Department. A height modification request was approved for an independent living facility approximately 500 feet west of the site in January 2016 with no negative reaction (from TAAG or the Templeton Fire Department).

Zoning: The subject site is in the Office and Professional (OP) land use category. The proposed hospital is included in the Land Use Ordinance (LUO) definition of "Health Services" which is an allowed use in OP. The proposed assisted living facility is included in the Land Use Ordinance definition of "Nursing and Personal Care" and is also an allowed use in OP.

Economic Impact: Speculative economic effects are not land use issues considered in this process. Government Code section 65996 provides that payment of school fees is the exclusive method of considering and mitigating impacts on schools. The applicant is subject to the required school fees as set by the Templeton Unified School District at the time of issues of construction permits.

State Law: The County Planning Commission approved the project following two public hearings, significant testimony and evidence entered into the record. The Commission approved the project based on the required findings that the project complies with the California Environmental Quality Act, the County General Plan, and the Land Use Ordinance in addition to the required findings for health, safety, and welfare, neighborhood character and traffic safety. (See Attachment 1 Resolution with attached findings)

Issue #2: Failure of the San Luis Obispo (SLO) County Planning Department to comply with (California Environmental Quality Act (CEQA). The Planning Department did not base its conclusions and approval of the project on careful judgement or on scientific and factual data.

Staff Response: The information used to support the Mitigated Negative Declaration for the project, the

recommendation by the Planning Department and the decision of the Planning Commission is based on studies and reports prepared by professionals and experts in their field as follows:

- Air Quality & GHG Impact Analysis, Hospital and Assisted Living Facility, Templeton CA, by Yorke Engineering, LLC, September 2014;
- Archeological and Paleontological Evaluation Report and Mitigation Plan, by Cogstone, July 2006);
- Archeological Inventory Survey, by Cultural Resource Management Services (CRMS), May 12, 2003;
- Mitigation and Monitoring Plan, Templeton Care Facility, USACE File # 22356-1S, by Althouse and Meade, Inc., May 2006;
- Biological Report, Las Tablas Road Medical Facility, by Althouse and Meade, Inc., March 21, 2014, Revised July 23, 2015 and 2006;
- Traffic and Circulation Study, Templeton Psychiatric Hospital Project, by Associated Transportation Engineers, November 19, 2013;
- Geologic Site Reconnaissance and Review of Soils Engineering Report, Billing Subdivision, by Brian Papurello, CEG 2226, April 24 2014;
- Preliminary Hydrology Report, Templeton Behavioral Facility and Assisted Living Facility, by Civil Design Studio, July 2014;
- Templeton Medical Facility Creek Analysis, by Keith V. Crowe, PE, September 21, 2006.

In addition to these special studies, the Department cited numerous County policies and ordinances in the analysis of the project. These documents include, but are not limited to the following:

- Framework for Planning (Inland)
- General Plan (Inland, includes all maps/elements; more pertinent elements:
 - Conservation & Open Space Element
 - Housing Element
 - Noise Element
 - Parks & Recreation Element/Project List
 - Safety Element
- Land Use Ordinance (Inland)
- Public Facilities Fee Ordinance
- Real Property Division Ordinance
- Affordable Housing Fund
- Energy Wise Plan
- North County Area Plan
- Templeton Community Design Plan
- Biennial Resource Summary Report
- Templeton Circulation Study

In addition, the Planning Commission considered the information in the staff report that totaled over 275 pages of information, heard over four hours of public testimony and closely questioned staff and the applicant regarding details of the proposed project.

Issue #3: The approved permit does not restrict the facility’s future operations to the applicant’s designation as a “voluntary facility”.

Staff Response: The Planning Commission December 10, 2015 staff report described the hospital in detail. The description includes the following statement:

“According to information provided by County Behavioral Health Department, there are two potential designations for a proposed facility; one designation would be “LPS Designated” (Lanterman-Petris-Short (LPS) Act) by the County, meaning the facility would be able to take

patients on an involuntary basis, have a locked setting, and would be required to put all the patients' rights elements into place to ensure due process. The other designation type facility could accept only voluntary patients. This would preclude the facility from "locking" the site to prevent exit; would not have a required patients' rights duty; and would provide a stricter range of admission criteria. This is the designation that is part of this proposed project description."

This detailed description of the approved land use permit is part of the record of Planning Commission action. Any changes to the Planning Commission approval will be subject to the provisions of Land Use Ordinance Section 22.64.050 – Changes to an Approved Project. Subsection b states that any change to an approved project that was a specific consideration by the Review Authority in the approval of a Conditional Use Permit, a new Conditional Use Permit approval shall be obtained. In this case, if the facility proposed to change its operational nature as suggested in the appeal, the Department will use Section 22.64.050 to determine if a new Conditional Use Permit (CUP) is required.

The new CUP would be subject to the same requirements as the original CUP application including agency review, environmental analysis, consistency with the Community Plan and Land Use Ordinance and noticed public hearing.

Issue #4: Failure to determine the impact that out of county patients will have on San Luis Obispo (SLO) County – The number of beds/thousand population has not been established. The applicant has failed to support claims that a 91 bed facility is needed to “serve our community”.

Staff Response: Information presented to the Planning Commission included a range of beds needed per 100,000 population. The range of resultant need was defined as anywhere from 18 beds to 50 beds per 100,000. The number of beds needed in SLO County (2015 population of approximately 273,000) is:

1. $2.73 \times 18 = 49$ beds or
2. $2.73 \times 50 = 136$ beds

The proposed 91 bed facility is in the range of needed beds. However, there is nothing in the project description or in County policy or ordinance that would restrict where future patients of the hospital may originate. The size of the building and its context, its associated traffic generation and air quality effects will vary by the size and occupancy of the facility. However, the patient's area of origination has no other effect on the project analysis or the ultimate decision on this land use permit. For a discussion on numbers of vehicle trips and length of trips, see Issue #10 below.

Issue #5: Negative impact on Templeton Unified School District (TUSD) – The Planning Commission did not consider the impact on the Templeton Unified School District of school aged children at the facility.

Staff Response: As stated in the Planning Commission staff report, Government Code section 65996 provides that payment of school fees is the exclusive method of considering and mitigating impacts on schools. The Government Code states: "...a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate". The applicant will pay the required school fees as set by the TUSD at the time of issuance of construction permits. For commercial developments (including institutional uses such as the hospital) school fees in the TUSD are \$0.54/sq. ft. Based on testimony provided to the Planning Commission, it is extremely unlikely that any child from out of the area would enroll in the Templeton Unified School District during their hospital stay.

Issue #6: Failure to consider the lack of mental health care support services in the area – There are virtually no mental health support services operating in the Templeton area.

Staff Response: The proposed Behavioral Health Hospital will operate as any standard medical hospital. According to the applicant (and SLO County Health Agency) the goal of the hospital is to stabilize the distressing or life-threatening symptoms of the patients who are in the throes of the acute phase of mental illness. Patient stays at the hospital will be relatively short term (10 to 14 days). At the conclusion of this period of treatment, the patient will be released by the attending physician who will discharge and refer the patient to the next appropriate level of care and typically return to their previous location in the care of the referring physician.

Issue #7: Failure to assess county costs of the facility – Patients that leave the facility may require treatment at the County facility incurring unreimbursed County expense.

Staff Response: The appellant's scenario is speculative. Patients at the facility are there for a relatively short time (10 to 14 days). There is no information or facts in the record to indicate that patients at this facility will have any effect on County operated facilities and incur unreimbursed costs. The County Mental Health Plan will continue to serve any medical eligible individual who meets medical necessity. Individuals with private insurance do not pose a burden to the County services.

Issue #8: The proposed facility will not serve approximately half of the SLO County residents – The appellant estimates that approximately 50% of the county population would not be eligible for treatment at this facility.

Staff Response: 50% of the county population will not require acute in-patient care. The facility is proposing a total 91 beds with the following breakdown based on age:

- 21 bed children's unit to serve children between the ages of 6 and 12
- 21 bed adolescent unit to serve children between the ages of 13 and 18
- 20 unit bed gero-psychiatric unit to serve adults between the ages of 65 and up
- 21 bed acute adult psychiatric unit
- 4-swing beds on each floor.

The child and youth beds, comprising 50% of the facility, would be medical eligible. The senior beds, another 25%, would be medical and Medicare eligible. Lastly, there are no County policies or ordinances that guide or dictate the population that must be served by a private facility.

Issue #9: Mistaken assumption the proposed facility is a "typical medical facility" - Assuming the hospital is a typical medical facility results in erroneous conclusions (Traffic and Air Quality).

Staff Response: The project's air initial quality analysis used a typical medical facility (hospital) for baseline assumptions such as number of vehicle trips and length of vehicular trips in lieu of a behavioral health hospital. The air quality effects of the proposed project differ from a typical medical facility in that trip lengths tend to be longer and the number of trips tends to be fewer. In December 2015, a revised air quality analysis was conducted that accounted for traffic generated by the proposed behavioral health hospital facility and included the following:

1. Quantified the reductions in daily trips to the facility due to the longer patient stays with a behavioral health hospital relative to a standard hospital;
2. Identified the distance to use for out of county patients/visitors (see file: PatientVisitorTripDistanceEstimationAJM.xlsx); and
3. Evaluated the project's air quality impacts with the assumption that 1/3 of the patient/visitor trips would be from outside of the county.

The San Luis Obispo County Air Pollution Control District (SLOCAPCD) has concurred with the approach used by air quality consultant.

The updated report demonstrates that the project, with 1/3 of the trips being from out of the county, would be below the CEQA significant level of 25 lb/day of ozone precursor emissions. Further, SLOCAPCD ran the California Emissions Estimator Model (CalEEMod) model to investigate what the impacts would be if 50% and 100% of the patient/visit trips came from outside of the county. The results are that neither of these scenarios would result in the ozone precursor emissions being more than the 25 lb/day threshold. This is the same conclusion as the September 2015 version of the air quality report which did not account for patient/visitor trips from outside of the county. The project has been conditioned to mitigate these impacts to less than significant levels, in accordance with the APCD's CEQA Guidelines.

Issue #10: Approval of height variance and disregard for the Templeton Design Plan – The project was approved with a height variance of up to 50 feet instead of 35 feet as required.

Staff Response: The height requirement cited by the appellant may be adjusted by a "height modification" as identified in Land Use Ordinance Section 22.10.090(C)(2). The Planning Commission considered the height modification (44 feet from average natural grade) and included specific findings to approve the modification.

In addition to this project, the Commission approved four (4) other height modifications in the neighborhood:

- Lewan Trust – Independent living building located approximately 500 feet west of the project site approved with a height modification of 44 feet above natural grade instead of 35 feet.
- Twin Cities Hospital – Hospital located directly across Las Tablas Rd from the project site approved with a height modification of 70 feet instead of 35 feet.
- Hotel on Las Tablas opposite the project site approved with a height modification of 39 feet instead of 35 feet for one commercial building and a hotel building with a height modification of 43 feet 9 inches instead of 35 feet.

The proposed project was evaluated in the same height modification process as these other requests.

Issue #11: SLO APCD's revised pollution assessments

Staff Response: The applicant's consultant conducted a revised air quality analysis in December 2015. The updated report included: 1) Quantified the reductions in daily trips to the facility due to the longer patient stays with a behavioral health hospital relative to a standard hospital; 2) Identified the distance to use for out of county patients/visitors; and 3) Evaluated the project's air quality impacts with the assumption that 1/3 of the patient/visitor trips would be from outside of the county.

The APCD has accomplished detailed reviews of these changes and concurs with the approach used by Yorke Engineering, the applicant's air quality consultant. The criteria cited in the updated report demonstrates that the project, with 1/3 of the trips being from out of county, would be below the CEQA significant level of 25 lb/day of ozone precursor emissions. Further, SLOCAPCD ran the CalEEMod model to investigate what the impacts would be if 50% and 100% of the patient/visit trips came from outside of the county. The results are that neither of these scenarios would result in the ozone precursor emissions being more than the 25 lb/day threshold. This is the same conclusion as the September 2015 version of the air quality report which did not account for patient/visitor trips from outside of the county.

The December 2015 revised report evaluated the impacts of out of county patients/visitors. SLOCAPCD's expanded evaluation showed that even if 100% of the patients/visitors came from out of the county no changes are needed for air quality mitigation for the project relative to the September 2015 report; however there would be more Greenhouse Gas (GHG) impacts, but the way to mitigate the impacts would not change and the impact, with mitigation, would continue to be less than significant. Staff is requesting modifications to Condition of Approval 58 to clarify the mitigation. The following provides the original condition as well as the proposed Condition 58:

Original Condition:

58. (AQ-8) Prior to final inspection or at least 6 months prior to occupancy, the applicant will work with the APCD to define applicable offsite GHG mitigation to bring the project's GHG impacts to a level of insignificance.

Proposed Condition:

58. (AQ-8) Prior to final inspection or at least 6 months prior to occupancy, the applicant shall verify with the APCD that all applicable air quality mitigations (including site design, energy efficiency, and transportation measures) reduce operational GHG emissions to a level below the thresholds identified in the SLOAPCD CEQA Guidelines. A combination of measures from the following list shall be incorporated into the project and shown on applicable plans:
- a. Land Use & Site Enhancement. Increase transit accessibility;
 - b. Commuting. Trip reduction through commute programs, employee vanpool/shuttle, provide ride sharing programs;
 - c. Area Sources.
 - i. assure use of low VOC cleaning supplies
 - ii. landscape equipment – use 100% electric leaf blowers,
 - iii. architectural coatings – use only 100 g/l paints;
 - d. Energy Use. Building Energy –
 - a. exceed Title 24 standards by 20%;
 - b. install high efficiency lighting,
 - c. install energy efficient appliances;
 - e. Water Use. Indoor water use – low flow bathroom faucets, low flow kitchen faucets, etc. Outdoor use – efficient irrigation systems.

Issue #12: Design does not correlate to the demographics of the county - The project description does not present an accurate description of the proposed operation.

Staff Response: The applicant's project description is extremely clear and operational plans are adequately described in the file, proposed negative declaration, staff report and proposed conditions of approval all of which are available for public review. The demographic information is not germane to the land use permit review. Refer also to Issue #8.

Issue #13: Negative impact on County Sheriff's Office – The project will have a significant negative impact on the Sheriff's Office.

Staff Response: The Sheriff's Office response to this project is the same as their response to any other similar project. The effect of the project and all other projects is referred to as cumulative effects. The Sheriff's response states the proposed project **will not increase calls for service beyond the normal cumulative increase in service needs for all development projects**. This response, along with the statements from the Sheriff's Office and other law enforcement personnel, acknowledges that the facility will not pose a security threat to the community. Refer also to Issue #1 (See Attachment 3 – Sheriff response letter included)

Issue #14: Templeton Fire Department approval and service limitations - The Templeton Fire Department may not be able to access the structures due to height of the buildings.

Staff Response: The file contains a letter from the Templeton Fire Department as cited by the appellant, acknowledging the project's development plans. The Fire Department did not state that the Department's equipment was inadequate for the proposed facility. Height modifications for structures (e.g. Twin Cities Hospital directly across from this project) higher than that proposed for this hospital have been approved in the recent past with no negative reaction on behalf of the Fire Department. A height modification

request was approved for an independent living facility approximately 500 feet west of the site in January 2016 with no negative reaction from the Templeton Fire Department. Refer also to Issue #1 (See Attachment 3 – Templeton Fire Department response letter included)

Issue #15: Failure to disclose a review of the 60 bed assisted living facility's operations - SLO Planning records do not indicate any details of the proposed assisted living facility's operation such as rates, patient support services, insurance, term and level of staffing.

Staff Response: The size, capacity, operation and other land use oriented information of the assisted living facility are all adequately described in the proposed Negative Declaration, staff reports, and conditions. Such aspects of the operation as rates, insurance and patient amenities are not considered in a land use permit process.

Issue #16: Failure to consider the needs of the community – Issues raised in TAAG letter of November 30, 2015 were ignored.

Staff Response: The November 30, 2015 letter from TAAG was entered into the record and was considered by both the Planning Department and the Planning Commission. The Planning Commission decision was based on the project's consistency with land use policies and compliance with land use ordinances including TAAG-raised issues such as community vision, drainage, traffic, parking, public safety and zoning. See response to Issue # 1 for a detailed response to the issues raised.

Issue #17: Project applicant's loss of credibility in the community - The appellants assert the applicant has issued misleading information regarding the proposed facility.

Staff Response: The decision makers reached a decision on the proposed project based on the facts in the record and testimony at the Planning Commission hearing.

Issue #18: Other applicant's false and misleading statements - The applicant's efforts to claim the facility does not pose a security threat are false.

Staff Response: The letters from the Sheriff's Office and other law enforcement personnel are attached. The Sheriff's Office has stated that the facility does not pose a security threat to the community. Refer to Issue #1 and #13.

Issue #19: Absence of reliable data to support the need for a 91 bed facility

Staff Response: As previously stated, the home location of patients of this facility is germane only to land use issues such as air quality and traffic. Refer to Issue #4.

Issue #20: Project will exclude 50% of SLO County residents from treatment - The appellants assert that facility will be eligible to treat a small percentage of county residents.

Staff Response: This demographic information is not germane to the land use permit review process. As stated elsewhere, the home location of patients at the proposed facility is not relevant to the land use permit process except when analyzing air quality impacts and trip lengths. Refer to Issue #1, #4 and #8.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to County Public Works, Templeton Fire Department, Environmental Health, Air Pollution Control District, Templeton Community Services District and the Templeton Area Advisory Group.

In addition, County Counsel has reviewed and approved the attached Resolution with findings and conditions.

FINANCIAL CONSIDERATIONS

This appeal was subject to an \$850.00 appeal fee. This appeal was processed using department allocated general fund support as well as the fee.

RESULTS

Affirming the Planning Commission's decision and denying the appeal will mean the Tentative Parcel Map and Conditional Use Permit SUB2013-00052 is approved.

Upholding the appeal would mean the Planning Commission's approval of the Tentative Parcel Map and Conditional Use Permit SUB2013-00052 would be overturned and result in the project being denied.

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

ATTACHMENTS

Attachment 1 -Resolution Denying Appeal with Findings and Revised Conditions of Approval

Attachment 2 -Appeal Letter

Attachment 3 -Agency Responses

Attachment 4 -Minutes from Planning Commission Hearings of December 10, 2015 and January 14, 2016

Attachment 5 -Air Pollution Control District Review of December 2015 revised air quality report and supporting documents

Attachment 6 -Staff Report from the Planning Commission hearing of December 10, 2015 and supporting documentation

Attachment 7a-Correspondence_12_10_15_Pages 1-100

Attachment 7b-Correspondence_12_10_15_Pages 101-200

Attachment 7c-Correspondence_12_10_15_Pages 201-300

Attachment 7d-Correspondence_12_10_15_Pages 301-400

Attachment 7e-Correspondence_12_10_15_Pages 401-500

Attachment 7f-Correspondence_12_10_15_Pages 501-674

Attachment 8 -Staff Report from the Planning Commission January 14, 2016 and supporting documentation