



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

PLANNING COMMISSION

Promoting the wise use of land
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MEETING DATE April 14, 2014	CONTACT/PHONE Brandi Cummings Project Manager 805-781-1006 bcummings@co.slo.ca.us	APPLICANT David Sansone Co.	FILE NO. DRC2013-00020
SUBJECT Hearing to consider an appeal by DAVID SANSONE CO. INC. of the Planning Department's determination to withdraw an application pursuant to Coastal Zone Land Use Ordinance Section 23.02.056 for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 49 unit mini-storage facility, and for an existing 1,164 square-foot (sf) residence to be utilized as an on-site manager's unit. The project will result in the disturbance of the entire 22,000 sf parcel. The proposed project is within the Residential Multi-Family land use category and is located at 9270 Avonne Avenue, approximately 0.2 miles southeast of the Highway 1 and Pico Avenue intersection, in the village of San Simeon. The site is in the North Coast Planning Area.			
RECOMMENDED ACTION 1. Deny the appeal by David Sansone Co. Inc.; and 2. Affirm the decision of the Planning Department to withdraw Minor Use Permit DRC2013-00020 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Local Coastal Plan	ASSESSOR PARCEL NUMBER 013-071-023	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: San Simeon Village			
EXISTING USES: Single-Family Residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/vacant <i>East:</i> Residential Multi-Family/vacant <i>South:</i> Commercial Retail/lodging <i>West:</i> Residential Multi-Family/condos			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Environmental Health, Building Division, Cal Fire, San Simeon Community Services District, California Coastal Commission			
TOPOGRAPHY: Nearly level		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: San Simeon CSD Sewage Disposal: San Simeon CSD Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	
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			

DISCUSSION

Background

The proposed project was applied for on October 3, 2013. The original proposal was for a 30,433 sf, 214-unit mini-storage facility and 1,164 sf manager's residence, to be constructed in three phases. The original proposal also included development on APN: 013-071-024. On the same date as this application, the applicant also applied for a Lot Line Adjustment (SUB2013-00028) to adjust the boundary between this parcel and the adjacent one, which is also owned by the applicant (APN: 013-071-024).

When this project was submitted, mini-storage facilities ("warehousing") were listed as a "Special Use" within the Residential Multi-Family zoning, and was subject to special standards. Specific standards included minor use permit approval, and a finding that the proposed storage facilities were designed to primarily serve the needs of apartment residents in the same land use category. At the time the County was in the process of revising Local Coastal Plan (LCP) to prohibit mini-storage as an allowable use in the Residential Multi-Family land use category. The intent of removing mini-storage as an allowable use on multi-family land was to meet the needs of lower income housing and to avoid development of multi-family land at low residential densities or with non-residential uses.

On October 30, 2013, this application was placed on information hold due to the proposed scale of the facility. In particular, staff couldn't make the required finding that the proposed project was necessary to meet the storage needs of San Simeon residents living in the Residential Multi-Family land use category.

The applicant submitted revised plans in April 2015. The revised plans reduced the scale of the project to an 8,220 sf, 49-unit mini-storage facility with the existing 1,164 sf residence to be used as an on-site manager's unit. The revised project also limited development to APN: 013-071-023.

This revised project application was not accepted as complete for processing due to the lack of a will-serve letter for water service from the San Simeon CSD. Cal Fire, through their referral response (attached), indicated that this project would require a commercial water system, several new fire hydrants, and a commercial fire sprinkler system. The San Simeon CSD also submitted referral comments (attached) indicating concerns regarding the proposed water source for the increased water demand of the project. To date, the applicant has not submitted a valid will-serve letter and the application remains incomplete.

On December 11, 2015, while this project was still on hold pending submittal of a will-serve letter, the Coastal Commission certified an LCP amendment that removed mini-storage ("warehousing") as an allowed use in the Residential Multi-Family land use category. Specifically, the amendment modified Table 'O' (the LCP's table of allowed land uses for each of the coastal zone's thirteen land use designations) of the Coastal Framework for Planning document by deleting warehousing as a special use in Residential Multi-Family designations. This amendment was reviewed by your Commission on January 22, 2015 and approved by the Board of Supervisors on March 24, 2015.

Section 23.01.033 of the CZLUO requires that "...when an application is accepted for processing pursuant to this section...The proposed use is identified as an "A", "S" or "P" use by Table O, Part I of the Land Use Element in the land use category where the site for the proposed use is located..." Since the proposed mini-storage facility is no longer identified as an allowable use, it is inconsistent with the Land Use Element of the General Plan and cannot be approved. Although the rules changed while this project was in process, land use permits are

subject to the rules that are in place when they are acted upon by the review authority (not when they are submitted or accepted for processing).

Staff sent the applicant a letter on December 21, 2015 detailing the Coastal Commission's hearing and advising that staff would be unable to recommend approval. Staff requested a formal statement as to how the applicant would like to proceed (withdrawal of project or hearing with denial). The applicant asked to proceed to a hearing and requested that the project be elevated to the Planning Commission.

Appeal

Section 23.01.042(b)(1)(iii) of the Coastal Zone Land Use Ordinance (CZLUO) allows determinations of consistency with the Land Use Element made by the Director of Planning and Building and Planning Department staff to be appealed to the Planning Commission.

Staff comments: The applicant has requested in writing that the determination by Planning Department staff that this application is deemed withdrawn due to inconsistency with the Land Use Element be appealed to the Planning Commission.

PROJECT ANALYSIS

Ordinance Compliance

Section 23.01.033 - Consistency with the Land Use Element and Local Coastal Plan Required. No new use of land, buildings, division of land or other development shall be established, and no application for such use, land division or other permit required pursuant to this title shall be approved, unless the proposed use or division is determined to be allowable in the land use category where the proposed site is located, pursuant to subsections a through e of this section. When an application is accepted for processing pursuant to this section and Section 23.02.020 (Applications and Procedures) et seq., such application shall not be approved unless:

- a. The proposed use is identified as an "A", "S" or "P" use by Table O, Part I of the Land Use Element in the land use category where the site for the proposed use is located, or the proposed parcel size in a land division is within the range of parcel sizes allowed for the land use category by Sections 23.04.024 et seq. of this title; and
- b. The proposed use or division satisfies the standards of the Land Use Element (Part II) applicable to the specific planning area in which the site is located, including any standards that may limit the type of land uses or parcel sizes normally allowable in a given land use category; and
- c. The proposed use or division satisfies any combining designation planning area standards applied to the site by the Land Use Element (Part II), including any such standards that may limit the type of land uses or parcel sizes normally allowable in a given land use category.
- d. The proposed use or division satisfies any policies, programs and standards contained in the Local Coastal Plan Policy Document (except for Appendices a, b, and c) that are applied to the site or the proposed development by provisions of Chapter 23.04 or 23.08 or other applicable provision of this title.
- e. The proposed use or division satisfies the terms, conditions and other requirements of all implementing regulations adopted as part of the Local Coastal Program including but not limited to any categorical exclusion.

Staff comments: The proposed project does not comply with this section as mini-storage facilities ("Warehousing") are not an allowed use in Residential Multi-Family zoning. Warehousing is an allowed use on Agriculture (non-prime soils), Rural Lands, Commercial Service, Industrial, and Public Facilities zoning. See "Background" for further discussion.

Section 23.04.430 – Availability of Water Supply and Sewage Disposal Services

This section states that a land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines there is adequate water and sewage disposal capacity available to serve the proposed development.

Staff comments: The proposed project does not comply with this requirement because the applicant has not submitted a will-serve letter from the San Simeon CSD verifying the availability of water to service the proposed development. Per Cal Fire requirements, the proposed project will be required to install a Fire Alarm System as well as a commercial fire sprinkler system. A will-serve letter is required to verify enough flow for the fire suppression requirements. The applicant has submitted a letter from the San Simeon CSD showing verification of existing water service to the existing single-family residence.

Planning Area Standards

Traffic Mitigation – Highway One. Proposed development shall be reviewed to identify any potential adverse impacts to coastal resources, including any potential impacts to levels of service on Highway One. Inadequate road capacity may be grounds for denial unless mitigation measures are incorporated to ensure that adequate levels of service can be provided. An increase in traffic that detracts from the rural, scenic nature of Highway One shall not be permitted. The acceptable level of service (LOS) for Highway One is LOS D within the San Simeon Acres Village Reserve Line.

Staff comments: This application was withdrawn prior to acceptance, and traffic impacts were not evaluated.

Design Considerations. Measures to increase scenic quality from Highway One shall be encouraged through the design review process. Appropriate measures could include installation of sidewalks, street furniture, street trees, and decorative street lights.

Staff comments: This application was withdrawn prior to acceptance, and the visual impacts were not evaluated.

Urban Design Compatibility with Natural Features. New development shall respect the natural setting of its location. Building materials, exterior colors, and architectural features shall be carefully chosen to blend with the surrounding landscape. Structures and natural surroundings shall complement each other, and the impact of development on the site shall be minimized. Unique and attractive features of the landscape, including, but not limited to, unusual landforms, scenic vistas, sensitive habitats, and native vegetation shall be preserved and protected.

Staff comments: This application was withdrawn prior to acceptance, and the design compatibility impacts were not evaluated.

Building Scale. New development shall be at a scale and size that reflects the existing features of the site and vicinity. Scale is the relationship of the size of the structure to its surrounding features, both natural and man-made. Development shall not be too massive for the lot size, shall not block light and air for smaller neighboring homes or structures, and shall not diminish the architectural harmony and character of the community.

Staff comments: This application was withdrawn prior to acceptance, and no development is authorized.

Compatibility with Existing Structures. All development shall be located and designed to minimize the impacts of noise, light, glare, privacy loss, and odors on adjacent areas. Traditional building styles of early coastal buildings shall be encouraged. Roof lines and building exteriors shall be compatible with buildings in the surrounding area.

Staff comments: This application was withdrawn prior to acceptance, and no development is authorized.

Commercial Design. Commercial development shall reflect the character of the area by incorporating distinctive design elements that are compatible with the surrounding community. On-site parking shall be located at the rear of commercial structures where possible. Commercial structures shall be designed to maximize the visibility of shops and store fronts from the pedestrian eye level.

Staff comments: This application was withdrawn prior to acceptance, and no development is authorized.

Commercial Signs. Signs shall be limited to reduce the potential for visual clutter and distraction. Existing signs that do not meet the following standards may be continued as set forth in Section 23.09.032 - Nonconforming Signs. New signs shall be monument style, low profile, and shall not compete visually with existing signs in the area. Signs shall be subtle, unobtrusive, energy efficient, weather resistant, and reflect the existing community character. Signs shall be at a scale and size oriented toward pedestrian traffic in areas where pedestrians are present.

Staff comments: This application was withdrawn prior to acceptance, and no signs are authorized.

Landscaping. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. Prohibited Plant Materials. Non-native, invasive, fire prone, and water intensive (e.g., turf grass) landscaping shall be prohibited on the entire site. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.

Staff comments: This application was withdrawn prior to acceptance, and no construction is authorized.

Archaeological Resource Protection. New development projects that have the potential to impact archaeological resources shall be referred to the affected Native American tribe. In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist in consultation with appropriate Native American representatives and reviewed and approved by the Planning Director, is completed and implemented. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report

verifying that the approved mitigation plan has been completed shall be submitted to the Planning Director prior to occupancy or final inspection, whichever occurs first. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Staff comments: This application was withdrawn prior to acceptance, and no development is authorized.

COMBINING DESIGNATIONS

Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the project is proposed within a Coastal Special Community and because "Warehousing" is not listed in Table "O" as a principally permitted (P) use.

Local Coastal Program Area (LCP)

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

COMMUNITY ADVISORY COUNCIL COMMENTS

The North Coast Advisory Council (NCAC) met on November 20, 2013 and recommended denial of this project based on the following concerns:

- 1) It violates the needs test of CZLUO 23.08.402, and the goals of the North Coast Area Plan
- 2) The proposed lot line adjustment would be unnecessary pending the denial of the mini-storage facility
- 3) A representative for the residents of San Simeon presented a list of concerns, including, the lack of need, the proposed exterior lighting, out of character for the area, impacts to traffic and noise, and improper use of the space for potential criminal activities.

AGENCY REVIEW

Public Works – Per attached referral response (Tomlinson, October 28, 2013), project would require curb/gutter/sidewalk improvements, road improvement fees, and a drainage plan.

Building Division– Per attached referral response (Riha, November 1, 2013), all plans shall comply with current building and safety codes.

Environmental Health – Per attached referral response (October 16, 2013), no comment at this time.

Cal Fire – Per attached referral response (Rose, October 24, 2013), project will require a Fire Alarm System as well as a commercial fire sprinkler system in all buildings over 1,000 square-feet. A Knox box is required for any gates or building access. The access road must be 20 feet wide and able to support a fire engine.

San Simeon Community Services District – Per attached referral response (Grace, November 5, 2013), the proposed water source and will-serve questions are unanswered, there will be potential impacts to the existing fire flow/storage shortages of water. Direct impacts will be to other way and avenue streets due to increased traffic. (Attached Cal Fire's letter re recommendations for master planning for the San Simeon water system).

California Coastal Commission – No response.

LEGAL LOT STATUS

The one existing lot is a portion of Lot 7, Block E, of the Arbuckle Tract (itself a portion of Lot A of Rancho San Simeon) and was legally created by deed at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Airlin Singewald.