

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 9/27/2016	(3) CONTACT/PHONE Stephanie Fuhs, Planner/(805) 781-5721	
(4) SUBJECT Continued hearing to consider an appeal by Michael Peachey for a waiver of the appeal fee and construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo. This item was continued from the August 23, 2016 meeting. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution partially upholding the appeal by Michael Peachey and partially approving the request by Michael Peachey for a waiver of the appeal fee and construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo based upon the findings in Attachment 1.			
(6) FUNDING SOURCE(S) Current budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {x} Hearing (Time Est. ___) { } Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS {x} Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required {x} N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>6/21(hearing), 7/19 (continued), 8/23 (continued)</u>	
(17) ADMINISTRATIVE OFFICE REVIEW			
(18) SUPERVISOR DISTRICT(S) District 4			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 9/27/2016

SUBJECT: Continued hearing to consider an appeal by Michael Peachey for a waiver of the appeal fee and construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo. This item was continued from the August 23, 2016 meeting. District 4.

RECOMMENDATION

It is recommended that the Board adopt the resolution partially upholding the appeal by Michael Peachey and partially approving the request by Michael Peachey for a waiver of the appeal fee and construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo based upon the findings in Attachment 1.

DISCUSSION

Summary

This item was heard at the June 21, 2016 Board meeting. At the hearing, the Board discussed several options for waiving or partially waiving the construction permit processing fees for six rental units that were approved by Minor Use Permit DRC2014-00014 in January 2015.

At the June 21, 2016 meeting, the Board directed staff to draft an agreement that defers payment of fees as long as the units remain affordable (based on the very low to moderate income levels adopted in Title 29 annually). The agreement includes provisions that after a 30-year period if the units remain affordable, the fees are considered waived. If the units do not remain affordable, then the agreement provides that fees will be due based on the number of years still left on the agreement at a proportional rate.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed the resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

Deferral of the fees for the six units that were approved under Minor Use Permit DRC2014-00014 equates to a total of \$72,100 for all six units. The total is \$72,950 with the appeal fee included.

RESULTS

Partially upholding the appeal and allowing a deferral of construction permit processing and refunding the appeal fees would result in processing of construction permits associated with construction two (up to six) 700 square foot single family rental units using the Planning and Building Department budget (approximately \$72,950.00) as long as the units remain affordable, per the terms detailed in the attached fee deferral agreement.

This hearing is consistent with the countywide goals of encouraging livable and well-governed communities.

ATTACHMENTS

Attachment 1 – Resolution with Findings

Attachment 2 - Fee Deferral Agreement