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

Tentative Notice of Action

MEETING DATE October 14, 2016	CONTACT/PHONE Kate Shea (805) 781-4097 kbshea@co.slo.ca.us	APPLICANT David Friedberg/Lynne Schmitz	FILE NO. DRC2015-00109
EFFECTIVE DATE October 28, 2016			
SUBJECT A request by DAVID FRIEDBERG and LYNNE SCHMITZ for a Minor Use Permit (DRC2015-00109) to allow for the demolition of one unoccupied single family dwelling and construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage. The project will result in the disturbance of the entire 0.79 acre parcel. The proposed project is within the Commercial Retail land use category and is located at 972 K St., on the northeast corner of the intersection at 9th St., within the community of San Miguel. The site is within the Salinas River sub-area of the North County planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2015-00109 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 18, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, and water/hydrology and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER 021-322-004	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Compliance with the San Miguel Design Plan; Paso Robles Groundwater Basin; Cultural Resources <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Fencing and Screening; Height; Noise; Setbacks; Storm Water Management; Landscaping <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on October 28, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: One unoccupied single family dwelling, otherwise vacant			
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			

SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Commercial Retail / single-family residence(s) / undeveloped <i>South:</i> Commercial Retail / undeveloped <i>East:</i> Residential Multi-Family / single-family residences <i>West:</i> Commercial Retail / Park & Ride / State Highway 101	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Council; Building Division; Public Works; Public Health; San Miguel Community Services District; Caltrans; CA. Department of Fish & Wildlife	
TOPOGRAPHY: Level	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: Community System (SMCSD) Sewage Disposal: Community System (SMCSD) Fire Protection: San Miguel Fire Department (SMCSD)	ACCEPTANCE DATE: April 25, 2016

DISCUSSION

SUMMARY

The applicant is seeking a Minor Use Permit for the demolition of one unoccupied single family dwelling and construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage.

The project site is located in the urban area of San Miguel at the northeast corner of K Street and 9th Street, immediately east of Highway 101's 10th Street off ramp and Park & Ride Lot. The parcel is rectangular in shape with frontages on K Street (western boundary), 9th Street (southern boundary) and a rear alley (eastern boundary). The project site is a level rectangular parcel of 34,560 square feet partially developed with one small residential structure (to be removed) and is otherwise vacant. On-site vegetation consists of annual grasses and shrubs. Deciduous trees, oaks, and pines are scattered throughout the neighborhood. Surrounding properties consist of vacant and underutilized parcels designated for commercial retail and residential development. The project site is visible from Highway 101 and adjacent local streets; the section of Highway 101 north of the City of Paso Robles to the County line is not designated as a State scenic highway, but is listed as a "suggested scenic corridor" on Table VR-2 of the General Plan Conservation and Open Space Element.

PLANNING AREA STANDARDS

Paso Robles Groundwater Basin – The project site is located in the San Miguel Urban Reserve Line and will receive water service through the San Miguel Community Services District. As a result, it is not subject to the Paso Robles Groundwater Basin standards in Section 22.94.025 (former Section 22.104.020). However, the project is subject to the water conservation requirements of the Countywide Water Conservation Program which requires all new development in the Paso Robles Groundwater Basin Area to be water neutral through water use offset requirements for new building construction. The Building and Construction Ordinance Title 19 Section 19.07.042 includes water conservation provisions that will require the applicant to offset new water demand at a 1:1 ratio.

Cultural Resources – A Phase I archaeological survey of the project site was prepared by Dudek Environmental Consultants on April 13, 2016. The study includes a records search and an archaeological field survey of the project area with the participation of a Native American monitor. No evidence of cultural resources was noted on the property. However, the survey notes that four previously recorded cultural resources were identified within one-half mile of the project. Given the proximity of the Mission San Miguel Archangel to the project site, a mitigation measure requires archaeological monitoring during ground disturbance activities. Furthermore, the project is conditioned to require construction to cease in the event that resources are discovered during earthwork.

Tree Planting – A conceptual landscape plan was prepared by E.G. Landscape Architecture on March 22, 2016. The plan shows tree planting along K Street and 9th Street in accordance with the San Miguel Community Standards for Commercial Retail.

LAND USE ORDINANCE STANDARDS:

Allowed Use, Permit Requirement – General retail stores are an allowed use in the Commercial Retail land use category subject to the maximum floor area provisions of Title 22. The San Miguel Design Plan requires Minor Use Permit approval for new development in San Miguel.

General Property Development Standards

<p>Exterior Lighting 22.10.060</p>	<p><i>Exterior lighting shall be designed such that neither the bulb nor the reflective surfacing are visible from off-site.</i></p> <p>As conditioned, the project will be required to submit an outdoor lighting plan consistent with this standard.</p>
<p>Fencing and Screening 22.10.080</p>	<p><i>Commercial Retail projects shall screen roof-mounted mechanical equipment with architectural features from the view of abutting streets. Equipment at grade shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.</i></p> <p>The project is conditioned to comply with this standard.</p>
<p>Height Measurement 22.10.090</p>	<p><i>Structures are limited to a height of 35 feet above average natural grade.</i></p> <p>The project complies with this standard. The proposed single story structure is proposed with a maximum height of 25 feet.</p>
<p>Setbacks 22.10.140</p>	<p><i>Required structural setbacks are as follows: 10-foot front setback (along K Street), 10-foot side setback (along interior and 9th Street), and 0-foot rear setback.</i></p> <p>The project complies with these setbacks.</p>
<p>Solid Waste Collection and Disposal 22.10.150</p>	<p><i>The solid waste collection area and recycling area shall be located within 100 feet of the building serviced, but shall not be located in a front setback.</i></p> <p>The project complies with this standard.</p>
<p>Storm water Management 22.10.155</p>	<p><i>A storm water control plan is required.</i></p> <p>A storm water control plan application was provided with submittal of this project, and the project is conditioned to comply with this standard.</p>
<p>Inclusionary Housing 22.12.080</p>	<p><i>New commercial development with a cumulative floor area of 5,000s.f. or more is subject to the inclusionary housing (or in-lieu fee) requirements.</i></p> <p>The project is conditioned to comply with this standard.</p>

Parking 22.18	<p><i>The proposed project requires 26 parking spaces (1 per 300 square feet of sales area, and 1 per 600 square feet of storage area).</i></p> <p>The proposed project complies with this standard. The parking lot includes 27 parking spaces with an additional 2 spaces designated for handicapped parking.</p> <p><i>Parking lots with 20 or more spaces shall provide one bicycle rack space for each 10 parking spaces.</i></p> <p>The project is conditioned to comply with this standard.</p>
Signage 22.20.060	<p><i>Signs shall be allowed in the Commercial Retail category with a maximum aggregate of 100 square feet of signing per site.</i></p> <p>The project is conditioned to comply with this standard.</p>

Landscaping

Landscaping plans are required for development projects in the Commercial Retail land use category. A conceptual landscape plan was provided with submittal of this project. As conditioned, the project is required to submit a final landscape plan, prior to issuance of a grading permit.

Environmental Review

A Negative Declaration was prepared for this project. Due to the project location in known Kit Fox range, the Negative Declaration was submitted to the State Clearinghouse for 30 day agency review. No comments have been received from state agencies. The proposed Negative Declaration identified potentially significant impacts to air quality, biological and cultural resources and water. Mitigation measures have been proposed to reduce these potentially significant impacts to less than significant levels.

COMMUNITY ADVISORY GROUP COMMENTS:

The San Miguel Advisory Council (SMAC) reviewed this project at their meeting on April 27, 2016. At that time, SMAC voted to recommend approval of the Minor Use Permit.

AGENCY REVIEW:

Public Works - Project triggers curb, gutter, and sidewalk improvements. Project meets the applicability criteria for Storm Water Management for which a Storm Water Control Plan Application and Coversheet was provided. The project is within a drainage review area, for which a preliminary drainage plan was provided.

Building - Standard construction permit requirements apply.

San Miguel CSD - Provided a letter expressing the intent to serve the project with water and sewer. The project received a will-serve letter for water from the CSD in April, 2016.

LEGAL LOT STATUS:

The one existing parcel consists of a portion of Section 20, Township 25 South, Range 12 East, Mount Diablo Base and Meridian, and was legally created by deed at a time when that was a legal method of creating parcels. Certificate of compliance C01-0296, Parcel 1 was issued and recorded on June 18, 2002 (Document No. 2002-049595).

Staff report prepared by Kate Shea and reviewed by James Caruso.