

ATTACHMENT 3

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, July 28, 2005

PRESENT: Commissioners Eugene Mehlschau, Penny Rappa, Chairman Bob Roos

ABSENT: Commissioner Sarah Christie

RESOLUTION NO. 2005-029
RESOLUTION RELATIVE TO THE GRANTING
A RECONSIDERATION OF A CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 28th day of July, 2005, grant a Reconsideration of Vesting Tentative Tract Map (TRACT 2312) to NIPOMO RETAIL LLC to allow subdivision of an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road). The proposed project is within the Commercial Retail land use category and is located between Hill Street and Grande Avenue, west of Highway 101 in the community of Nipomo, in the South County (Inland) planning area. COUNTY FILE NO: SUB2004-00091 / TRACT 2312. APN's: 092-130-054, -055, -057, -058. Supervisorial District: 4.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

FINDINGS - EXHIBIT A

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, 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 commercial, office, and residential development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because commercial, office, and residential development is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on South Frontage Road, Hill Street, and Grande Avenue, which are collector roads constructed to a level able to handle any additional traffic associated with the project

Residential in Commercial Retail or Office and Professional land use categories

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the use will contribute to and enhance the community shopping and office opportunities of the community.

EXHIBIT B - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Approved Development

1. This approval authorizes
 - a. a reconsideration of approved Vesting Tentative Tract Map 2312 to approve a new tentative tract map to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road).
 - b. maximum height is 45 from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Provision of two-car garages in individual units and appropriate re-design of the site layout to accommodate the garages, **or**;
 - b. Provision of individual storage areas in each unit with an area of at least 64 square feet, **or**;
 - c. Provision of a central storage unit on the site to provide equivalent storage area for all units on the site.

AND

 - d. If two-car garages in individual units are not provided, the applicant shall provide a revised plan showing wood trellis elements over at least 50% of the outdoor parking spaces. Plantings of fast-growing vines shall be provided to cover the wood trellis elements.
3. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that

neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 8, 2005.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.
7. At the time of application for construction permits, the applicant shall submit a comprehensive sign plan for the project to the Department of Planning and Building and Department of Public Works for review and approval. The sign plan will need to ensure placement of all signs provides for adequate sight distance for all driveways.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

8. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin