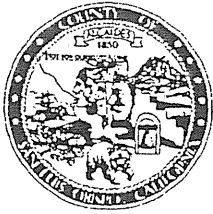


**COUNTY  
STAFF REPORT  
APPROVED BY  
SAN LUIS OBISPO  
PLANNING  
COMMISSION  
(6-1 thru 6-29)**



6-1

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

PLANNING COMMISSION

Promoting the wise use of land  
Helping build great communities

|   |  |  |   |
|---|--|--|---|
| MEETING DATE<br>November 9, 2006  | CONTACT/PHONE<br>Brian Pedrotti<br>788-2788        | APPLICANT<br>LanDev LLC  | FILE NO.<br>TRACT 2652<br>SUB2006-00067 |
| SUBJECT<br>Request by George Newman, Land Development, LLC for a Reconsideration of a Vesting Tentative Tract Map / Conditional Use Permit to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development and a Conditional Use Permit for a mixed use development including: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo, in the Commercial Retail land use category. The site is in the South County (Inland) planning area. |  |  |   |
| RECOMMENDED ACTION<br>1. Consider and rely on the Negative Declaration that was previously adopted on original adoption date.<br>2. Approve a Reconsideration of Vesting Tentative Tract 2652 and Conditional Use Permit SUB2006-00067 based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D.  |  |  |   |
| ENVIRONMENTAL DETERMINATION<br>This project is found to be consistent with the previously approved Mitigated Negative Declaration for Tentative Tract Map and Conditional Use Permit SUB2003-00314 / TR 2652 (ED 04-309).   |  |  |   |
| LAND USE CATEGORY<br>Commercial Retail,<br>Office/Professional  | COMBINING DESIGNATION<br>Central Business District | ASSESSOR PARCEL NUMBER<br>092-572-015, 016, 017,<br>025, & 045 | SUPERVISOR DISTRICT(S)<br>4             |
| PLANNING AREA STANDARDS:<br>Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development.<br>Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer.<br>Sec. 22.112.080.C.1 – Commercial Retail, Central Business District.<br>Does the project conform to the Planning Area Standards – Yes, see discussion   |  |  |   |
| LAND USE ORDINANCE STANDARDS:<br>Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks)<br>Ch. 22.16 – Landscaping<br>Ch. 22.18 – Parking<br>Sec. 22.22.060 – Commercial Retail and Office/Professional Subdivision Design   |  |  |   |
| EXISTING USES:<br>Residences, sheds, detention basin  |  |  |   |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:<br>COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242  |  |  |   |

6-2

|   |  |
|---|--|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:<br>The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, CDF, Nipomo Community Services District, APCD, Parks and Recreation, Cal Trans, RWQCB   |  |
| TOPOGRAPHY:<br>Gently to moderately sloping   | VEGETATION:<br>Grasses, forbs, oak trees, eucalyptus |
| PROPOSED SERVICES:<br>Water supply: Community system (NCSD)<br>Sewage Disposal: Community sewage disposal system (NCSD)<br>Fire Protection: CDF   | ACCEPTANCE DATE:<br>October 5, 2006                  |
| SURROUNDING LAND USE CATEGORIES AND USES:<br>North: Commercial Retail / storage facility                      South: Commercial Retail / shopping center, post office<br>East: Commercial Retail / shopping center, Highway 101<br>West: Commercial Retail / Residential Single Family/ residences, undeveloped |  |

ORDINANCE COMPLIANCE:

*Minimum Parcel Size and Development Standards*

22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square-foot parcels. The density of residential units must be in compliance with Planning Area Standards and Section 22.10.130 for Residential Multi-Family projects. Sections 22.10, 16, and 18 of the Land Use Ordinance establishes Development Standards. The proposed Tentative Tract Map and Conditional Use Permit meets all requirements as follows:

| <u>Standard</u>                   | <u>Allowed/Required</u>  | <u>Approved</u>  | <u>Proposed</u>   |
|-----------------------------------|--|--|---|
| Maximum Floor Area                | 537,966 (65%)  | 243,971 square feet (30%)  | 268,740 square feet (32%)   |
| Minimum Open Area                 | 7.62 acres (40%)   | 12.3 acres (65%)   | 12.3 acres (65%)  |
| Setbacks<br>Front, Side, and Rear | May be set by map with minimum of 6 feet between all structures            | Minimum of 6 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet   | Minimum of 6 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet                                    |
| Height                            | 45 feet  | Approx. 55 feet  | Approx. 55 feet   |
| Parking                           | Total Required<br><br>Approved      668 spaces<br>Proposed      649 spaces | Village West      262<br>Village East      182<br>Restaurant      173<br>Office              116<br>Total spaces      733 spaces | Town Square East      176<br>Town Square North      266<br>Town Square South      305<br><br>Total spaces      747 spaces |
| Landscaping                       | Landscaping Plan required  | Preliminary landscaping plan provided  | Preliminary landscaping plan provided   |
| Fencing/Screening                 | Fencing/Screening Plan required  | Preliminary fencing/screening plan provided  | Preliminary fencing/screening plan provided   |

### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

### *Affordable Housing Fees*

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

### *Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

### PROJECT DESCRIPTION / SITE DESIGN:

The proposed project is a Reconsideration of a Tentative Tract Map and Conditional Use Permit, which were approved by the Planning Commission in August of 2005. The original approval included subdivision of five existing parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres and a Conditional Use Permit to allow construction of a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The revised project includes subdivision of the property into 21 lots ranging from 0.16 to 5.13 acres each and a Conditional Use Permit for a mixed use development including: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The revised project still includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street and the construction of two stormwater retention basins. The revised project does not increase the amount of required parking spaces from the original 668, but rather decreases the overall parking requirement to 649.

This significant development extends from North Frontage Road west through Mary Avenue, and from Juniper Street on the north to the rear of commercial uses along W. Tefft Street. For the most part, parking areas are located to the rear and interior. The project includes a redistribution of the original two large surface retention basins centrally located near the assisted living facility to a number of smaller underground basins throughout the project.

### Assisted Living Facility

As with the original proposal, a three-story assisted living facility is proposed along the western side of the site, which includes 160 beds. The square footage of the facility has increased from 97,600 to 128,162 square feet, and has remained at three stories in height. The overall structure is approximately 40 feet in height, with tower elements extending to between 50 and 55 feet. The approved elevations were well-detailed, and included Craftsman and Arts & Crafts styles, with stone veneer and wood siding. The revised elevations do not provide the same level of detail, but remain true to the intent of the West Tefft Corridor Design Plan (see design plan discussion below).

C-4

### Retail and Office Development

Retail and office building locations have been re-arranged to establish three focal "squares", with parking areas centrally located and buildings surrounding on the perimeter to take advantage of the surrounding streets. The revised plan includes an enhanced pedestrian environment along Juniper Street and the northern portion of Mary Avenue. The previously approved plan included two office buildings in a cluster on either side of Mary Avenue which included a pedestrian bridge across the right-of-way. This element has been eliminated in favor of two office buildings on the east side of Mary Avenue, with an open park on the other side of the street.

### Restaurant/Open Space Area

Based on discussions with the applicant, the primary focus of the proposed changes is to provide a more "destination" type of development for the community of Nipomo. These changes are reflected in the moving of the restaurant/conference center (Building "R") north to create and surround a central open park area along Mary Avenue. The park and assisted living facility are intended to be the focal point of the development. In working with the applicant, staff expressed the importance of keeping buildings along Mary Avenue to provide a pedestrian environment along the street. Although buildings have been removed from the west side of Mary Avenue, the pathways and park area along the west side also should provide a similarly effective pedestrian experience.

### PLANNING AREA STANDARDS:

The project site is located within the Nipomo Urban Area. The applicant worked closely with staff to provide revisions to the original project to meet site planning and design objectives. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and pedestrian pathways, and includes conditions addressing traffic noise. The project will also be connected to the NCSD sewer.

| <u>Planning Area Standard</u> | <u>Allowed/Required</u>  | <u>Complies?</u>          |
|-------------------------------|--|---------------------------|
| Right-of-way dedication       | For public streets, pathways, bicycles                           | Yes, dedications shown    |
| Traffic noise mitigation      | Mitigation based on location, layout, berms, structural measures | Yes, as conditioned       |
| Sewer connection              | Community sewer required   | Yes, will connect to NCSD |

### Section 22.12.020 Areawide Standards

#### 22.12.020.C – Circulation Planning:

1. Land divisions shall provide offers of dedication for public streets, bikeways and pathways.
2. Gross acreage may be utilized to calculate the allowable number of parcels.
3. Traffic noise mitigation required in the form of setbacks/open space, site layout, earthen berms, or structural measures, in that order of priority.
4. Transit-oriented standards

***As conditioned, the project meets these standards. Mary Avenue, Juniper Street, and Magenta Lane will be dedicated to county standards, which provide sufficient width for street and pathway improvements. The project includes sound walls to mitigate for traffic noise. The project includes a number of measures to provide a transit-oriented development, including bicycle, carpool, and vanpool parking, implementation of a Transportation Choices Program, and implementation of shuttle/mini bus service.***

6-5

Section 22.112.080 Nipomo Urban Area Standards

22.112.080.A – Community-wide standards:

1. Connection to community sewers.

*As proposed, the project meets these standards. Community sewer is anticipated through the Nipomo Community Services District.*

22.112.080.C – Commercial Retail:

1. Central Business District – Achieve an intensive, compact and pedestrian-oriented commercial development pattern. Compliance with design and circulation plan. Minor use permit plan required.

*Mary Avenue, Juniper Street, and Magenta Lane will be dedicated to county standards, which provide sufficient width for street and pathway improvements. These roads follow the design and circulation plan of Nipomo which connects Mary Avenue from Juniper Street to Tefft Street. The project proposes a vibrant mixed-use development of commercial retail and offices uses, with a central assisted living facility.*

OTHER ISSUES

West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project generally meets the principles and standards of the draft design plan. Buildings are located along the street frontages, with parking to the rear and center of the site. The project is pedestrian-friendly, with walkway connections as envisioned in the design plan. Streetscape features of wide sidewalks, landscaping, gathering spaces, and public art have been incorporated in the project as amenities.

COMMUNITY ADVISORY GROUP COMMENTS: The Nipomo Community Advisory Council will hear the item at their October 23<sup>rd</sup> meeting and staff will present their recommendation to the Planning Commission on November 9, 2006.

AGENCY REVIEW:

Public Works - Recommend approval with revised conditions.

Environmental Health - Applicant has provided preliminary evidence of water and sewer. No additional comments.

County Parks – Pay applicable Building Division fees for residential units. No additional comments.

CDF - See attached fire safety letter dated June 27, 2004. No additional comments.

Nipomo Community Services District – Issued an intent-to-serve letter for the project with conditions. No additional comments

APCD - Proposed infill development is consistent with Clean Air Plan. Includes recommendations for dust control, developmental burning, mixed-use incompatibilities, and operational mitigation measures. No additional comments.

Cal Trans – Concerns with overall development along the W. Tefft Street corridor (see attached letter). No additional comments.

LEGAL LOT STATUS:

The existing lots were legally created by a recorded map at a time when that was a legal method of creating lots.