



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

February 7, 2014

Oasis Associates, Inc.
Attn: Carol Florence
3427 Miguelito Court
San Luis Obispo, CA 93401

MWF Properties
PO Box 6149
Santa Maria, CA 93456

Mel Cruz
3800 Kilroy Airport Wy #200
Long Beach, CA 90806

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: February 6, 2014

**SUBJECT: MWF PROPERTIES / MCDONALDS /
County File Number: DRC2012-00099**

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Planning Commission, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

Appeal to the Board. This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$850.00.

Appeal to the Coastal Commission. This coastal development permit action is not appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, and the criteria and procedures that must be followed to appeal this action. If this action is not appealable to the Coastal Commission, then the County's coastal development permit action is effective subject to its terms and conditions. If this action is appealable to the Coastal Commission, then the Coastal Commission's 10-working day appeal period begins the

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, February 06, 2014

PRESENT: Commissioners Ken Topping, Jim Irving, Don Campbell, Eric Meyer, and
Chairman Tim Murphy

ABSENT: None

PLANNING COMMISSION RESOLUTION NO. 2014 - 004
RESOLUTION RELATIVE TO THE GRANTING
OF A
CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 6th day of February, 2014, grant a Minor Use Permit, County File Number: DRC2012-00099 and approves the Mitigated Negative Declaration. The site is in the Commercial Retail land use category and is located on the north side of Los Osos Valley Road, in the community of Los Osos, in the Estero planning area. Assessor Parcel Number(s) / APN(s): 074-301-018.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 6th day of February, 2014, does hereby grant the aforesaid Permit No. DRC2012-00099.

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/Coastal Zone Ordinance Section 22.64.070/23.02.050 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/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Topping, seconded by Commissioner Meyer, and on the following roll call vote, to-wit:

AYES: Commissioners Topping, Meyer, Irving and Chairman Murphy

NOES: Commissioner Campbell

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Tim Murphy
Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

FINDINGS - EXHIBIT A

Environmental Determination

- A. 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 December 26, 2013 for this project. Mitigation measures are proposed to address public services, transportation/circulation, and water and are included as conditions of approval.

Minor 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 23 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 project 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 the project 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 Los Osos Valley Road, an arterial road constructed to a level able to handle any additional traffic associated with the project

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. a change of use from an office (former Bank of America) to a restaurant; in an existing building of 3,978 square feet (3,078 square foot restaurant and 900 square foot remaining office space);
 - b. customer seating is limited to 50 seats;
 - c. no drive-through is allowed,
 - d. hours of operation are as follows: Monday through Thursday 5:00 am to 12:00 am and Friday through Sunday 5:00 am to 1:00 am.

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

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. Revised plans shall show the elimination of the drive-through.
3. **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

4. **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.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from Golden State Water Company stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

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

Signage

7. **Prior to issuance of a construction permit**, the applicant shall submit a final signage plan consistent with Section 23.04.310 of the Title 23. The monument sign and base shall not exceed 5' in height. All the signage associated with the drive-through shall be eliminated.

Mitigation Measure - Water Resources

8. **Prior to issuance of building permits**, the applicant shall retrofit (outside of the prohibition zone) enough homes, businesses, etc. plumbing fixtures to offset their water demand by a total of 698 gallons per day. The applicant may provide an alternative offset as approved by the Planning Director.

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

9. **Prior to occupancy or final inspection**, the applicant shall provide the Department of Planning and Building with the reciprocal parking agreement for the Vons shopping center.
10. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection / establishment of the use. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
11. **Prior to occupancy or final inspection**, the applicant shall stripe the northern portion of the parking lot for an additional 74 parking spaces for a total of 324 parking spaces.
12. **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.
13. **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)

14. 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 23.02.050 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 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
15. 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 23.10.160 of the Land Use Ordinance.