

Reconsideration of Minor Use Permit D010347P

Request by Mike Fisher to amend condition 14 on Minor Use Permit D010347P. The existing condition requires construction of three affordable housing units in the community of Oceano. This condition was adopted prior to the establishment of the County's inclusionary housing ordinance. The replaced condition would instead authorize the applicant to pay inclusionary housing in-lieu fees rather than constructing the three units.

- D010347P authorized the demolition of a 4-unit apartment complex at 1358 Strand Way in Oceano (APNs: 061-021-081 through 083). . The complex was to be replaced by 3 single family residences on individual lots.
- Condition #14 of D010347P required that three affordable housing units be built prior to construction of the second house. This condition was required, as three of the existing apartment units (to be demolished) were occupied by people with below-average income. Where low income residents are displaced, the Coastal Act requires provision of new affordable housing.
- Around 2005, the apartment complex was partially demolished and one house was built on APN 061-021-083. One of the units from the apartment complex was retained, across APNs 061-021-081 and 082. The second and third houses cannot be built until Condition #14 is satisfied.
- The applicant made two previous attempts at constructing three affordable housing units and satisfying Condition 14. Unfortunately due to financing issues, completing the three affordable units was determined to be infeasible.
- The applicant now requests to replace Condition #14. The replaced condition would allow for payment of in-lieu inclusionary housing fees for three housing units, rather than construction.

Reconsideration
9/20/12

GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

SLB/ OCNO

JRC

AR

AS

CAZ

LCP

RMF

SSN

APPLICATION TYPE - CHECK ALL THAT APPLY

- Emergency Permit
- Site Plan
- Conditional Use Permit/Development Plan
- Curb, Gutter & Sidewalk Waiver
- Tree Permit
- Minor Use Permit
- Plot Plan
- Variance
- Surface Mining/Reclamation Plan
- Modification to approved land use permit
- Zoning Clearance
- Other

APPLICANT INFORMATION Check box for contact person assigned to this project

Landowner Name MIKE FISHER Daytime Phone 805 429 2249
 Mailing Address 1352 STRAND WAY OCEANO Zip Code 93445
 Email Address: FISHOK@AOL.COM

Applicant Name _____ Daytime Phone _____
 Mailing Address SAME AS ABOVE Zip Code _____
 Email Address: _____

Agent Name _____ Daytime Phone _____
 Mailing Address _____ Zip Code _____
 Email Address: _____

PROPERTY INFORMATION

Total Size of Site: 60x100 Assessor Parcel Number(s): 061-021-081
061-021-082
 Legal Description: 1352/1362 STRAND WAY OCEANO CA 93445
 Address of the project (if known): _____

Directions to the site (including gate codes) - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc. WEST ON PIER AVE SOUTH ON STRAND WAY.

Describe current uses, existing structures, and other improvements and vegetation on the property:

MULTI FAMILY RESIDENCE

PROPOSED PROJECT

Describe the proposed project (inc. sq. ft. of all buildings): TRANSFER CONDITIONS FROM project # DRC 2009-00022 (SEE ATTACHED COVER PAGE) # D010347 F

LEGAL DECLARATION

I, the owner of record of this property, have completed this form accurately and declare that all statements here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature [Signature]

Date 9/20/2012

FOR STAFF USE ONLY

Reason for Land Use Permit: _____

GENERAL APPLICATION FORM

D010347P RECONSIDERATION

San Luis Obispo County Department of Planning and Building

APPLICATION TYPE - CHECK ALL THAT APPLY

- Emergency Permit
- Tree Permit
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 Email Address: FISHER @ AOL. COM

Applicant Name _____ Daytime Phone _____
 Mailing Address SAME AS ABOVE Zip Code _____
 Email Address: _____

Agent Name _____ Daytime Phone _____
 Mailing Address _____ Zip Code _____
 Email Address: _____

PROPERTY INFORMATION

Total Size of Site: 60 X 100 Assessor Parcel Number(s): 001-021-081
001-021-082
 Legal Description: 1358 / 1362 STRAND WAY OCEANO CA 93445
 Address of the project (if known): _____

Directions to the site (including gate codes) - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc. WEST ON PIER AVE SOUTH ON STRAND WAY.

Describe current uses, existing structures, and other improvements and vegetation on the property:

MULTI FAMILY RESIDENCE

PROPOSED PROJECT

Describe the proposed project (inc. sq. ft. of all buildings): TRANSFER CONDITIONS FROM project # D010347 F TO PROJECT # DRC 2009-00022 (SEE ATTACHED COVER PAGE)

LEGAL DECLARATION

I, the owner of record of this property, have completed this form accurately and declare that all statements here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

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INFORMATION DISCLOSURE FORM

San Luis Obispo County Department of Planning and Building

File No _____

TIME LIMITS FOR PROCESSING AND PUBLIC NOTICE DISTRIBUTION REQUIREMENTS - California state law (California Government Code Section 65941.5) requires that the county provide the following information to applicants, when a permit application is filed:

Not later than 30 days after a land use or land division application is received, the county must notify the project applicant or designated representative in writing either that the application is complete, or that items are necessary to complete the application. If you are not notified in writing, the application is considered complete. Any land use or land division application must be approved or denied within three months of adoption of the Negative Declaration or determination that the project is exempt, or within six months of the certification of an Environmental Impact Report. The County of San Luis Obispo processes the land use application and the environmental review concurrently, so these decisions are made simultaneously. (Government Code Sections 65943 and 65950, et seq.)

A project applicant may make a written request to the county to receive notice of any proposal to adopt or amend the general plan and the land use, real property division, building and construction, road name and addressing, and growth management ordinances which might reasonably be expected to affect that applicant's project. The county offers a subscription service for notification of either: (1) all applications received by the county, or (2) Planning Commission agendas. The cost for each of these services is established by the county fee ordinance. (Government Code Sections 65945, 65945.3 and 65945.5)

When a property was created through recordation of a final or parcel map, and it is within five years of recordation, the county cannot withhold or condition the issuance of building permits for residential units based on conformance with conditions that could have been imposed as conditions of the tentative map, except where: (1) A failure to do so would place subdivision residents or residents in the immediate area in a condition perilous to health, safety or both; or (2) The condition is required in order to comply with state or federal law. (Government Code Section 65961)

Copies of Government Code Sections are available at the County of San Luis Obispo Law Library, County Government Center, San Luis Obispo, California.

RIGHT TO FARM DISCLOSURE - The County of San Luis Obispo recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16. of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations ("agricultural operation") from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts which are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

- (1) The agricultural operation must be conducted or maintained for commercial purposes;
- (2) The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;
- (3) The agricultural operation predated the affected use(s) on your property;
- (4) The agricultural operation has been in existence for more than three years; and
- (5) The agricultural operation was not a nuisance at the time it began.

If your property is near an agricultural operation in the unincorporated area of the County which satisfies the above requirements, you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, night time lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the San Luis Obispo County Agricultural Commissioner's Office.

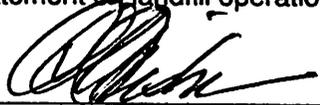
HAZARDOUS WASTE AND SUBSTANCE SITES AND LANDFILL DISCLOSURE - Please verify whether your project is on the Known Hazardous Waste and Substances Sites List pursuant to AB 3750 and if you are within 1/2 mile of certain landfills (see back of sheet).

PLEASE COMPLETE AND SIGN BELOW

I acknowledge that I have read and understand the information and policy and detailed above: (1) Time Limits for processing and (2) Public Notice Distribution requirements and (3) the Right to Farm Disclosure.

AND

I acknowledge that I have reviewed the list of Identified Hazardous Waste and Substances Sites List and the Landfill Disclosure on the back of this form and find the following: (1) The site is not shown on the list of Identified Hazardous Waste and Substances Site; (2) The site is not shown on the list dated April 1998, or any later list published by the State Office of Planning and Research and (3) I have read the disclosure statement on landfill operations.



Signature

9/20/2012

Date

Print Name:

MIKE FISHER

Mike Fisher
1358 Strand Way
Oceano, CA 93445

September 12, 2012
Matt Jensen
Hearing Officer
Planning Department Hearings
County of San Luis Obispo Department of Planning and Building

RE: Minor Use Permit No.D101347P

The purpose of this letter is to provide some background information regarding my request before the Board. I cannot state how important this matter is to me. With the collapse of the local real estate market coupled with my attempts to satisfy the property conditions, I am in the position of having multiple pieces of property that have been heavily mortgaged. It is my sincere hope the Board will agree that the transfer of property conditions would benefit the County greatly with a ten-unit mixed use development being built in the heart of Oceano. Without the granting of the Permit Application, I cannot envision a way for me to develop any of the current properties. The Minor Use Permit Application is the only opportunity I have and I sincerely ask for your help.

In this Permit Application, I pray for the Board to approve my request that Section 14 of the Conditions for Approval on my 1358 and 1362 Strand Way properties be transferred to my Highway 1 property.

In 2003, I subdivided my 1358 Strand Way property into three separate lots. One of the conditions placed upon the subdivision was the following Affordable Housing condition:

“Prior to issuance of a construction permit for the second house, the applicant shall comply with the affordable housing replacement requirements of CZLUO section 23.04.092(b)(1) and (2). Compliance with this section requires the construction of three affordable housing units in the community.”

After developing and selling the first of the three Strand Way lots, I immediately began a series of actions attempting to satisfy the Affordable Housing condition. In 2005, I located property in San Miguel to build the affordable housing units. After drafting plans, applying for permits, and being in a position to purchase the property, I was informed through my discussions with the Department of Planning and Building that the units built on the property would not satisfy the Affordable Housing condition because the property was not “in the community”, as required.

I actively searched for other property within the Oceano coastal area that would satisfy the Affordable Housing condition. In 2006, I purchased and subdivided the Paso Robles Street lot in Oceano. After ensuring the property met the condition’s requirements, I constructed three single-family residences on the lot with the intent to sell the properties at the required affordable housing price. However, the final construction costs for the project greatly exceeded the original estimates. Then, the real estate market crashed. The dual effects of the housing market crash and local job losses caused a substantial reduction of the price for which the homes could be sold and satisfy the Affordable Housing condition. Before their

completion, I applied to have the Affordable Housing condition removed from the three Paso Robles street properties in an effort to recoup my losses and build the homes under more affordable conditions. However, I am still unable to list these homes for sale due to the continued depression of the local housing market. In order to make their mortgage payments, I have rented out the homes until the market improves. Because of unforeseeable market collapses, the net effect of building this property, which I did in order to satisfy the Affordable Housing condition, was to leave me heavily indebted without any progress towards satisfying the requirement.

In 2009, I took what remaining credit I had available, including taking out equity of my home, and purchased the unimproved property at 1991 21 st. Highway 1 in Oceano. With a beautiful and functional design, I proposed a three-story mixed-use building with four (4) residential units, three (3) office units, two (2) ground floor retail units, and common areas. The 50'x140' lot sits near the Great American Melodrama, Central Market, Chachos Mexican Food, and other well-established Oceano businesses. With the intent of satisfying the Affordable Housing condition, the following language was included within the Conditions of Approval for this approved development:

“Upon completion of this project (certificate of occupancy), Condition 14 of Minor Use Permit D010347P, pertaining to affordable housing, shall be considered satisfied. Condition 12 of this report addresses the requirement for affordable housing.”

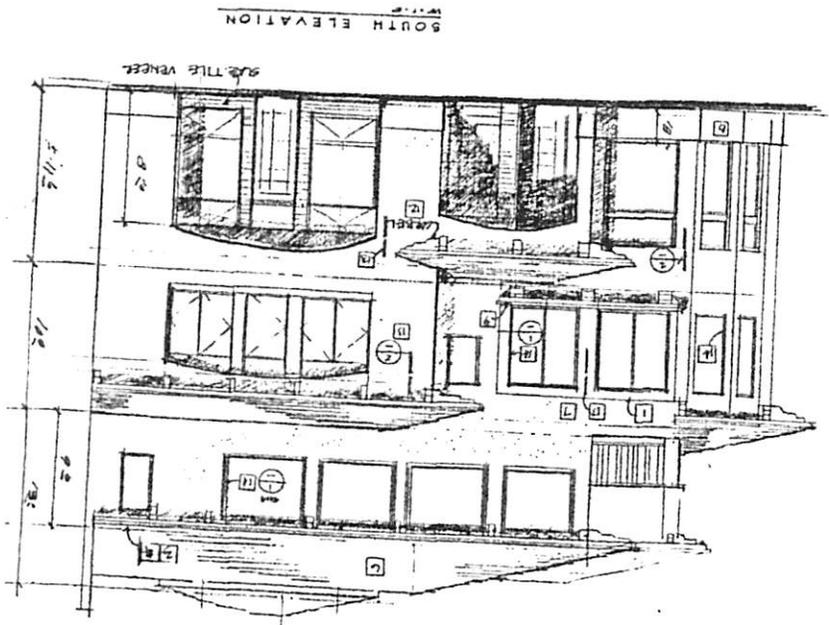
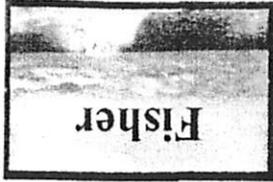
I am at a standstill and unable to move forward with the Highway 1 project because I lack the cash to do so. I became heavily indebted purchasing and building the Paso Robles street project and buying the Highway 1 lot, which remains free of any liens. I do not have access to credit lines necessary to fund the construction costs for the Highway 1 project; my lifesavings and all of assets are tied up in satisfying this Affordable Housing condition. In order for me to complete these projects, I must have access to money. If the Affordable Housing condition on the Strand Way properties were transferred to the Highway 1 property, then I would be able to market the properties. Without these funds, I cannot take any action. The status quo results is a loss for the community of the tax revenue from the properties' construction, sales, and the ongoing business activities in the Oceano community.

I have worked in good faith for almost a decade to satisfy the Affordable Housing condition, since I completed the construction of the first Strand Way lot. I have purchased multiple properties, viewed countless others, and invested all of my assets in completing this requirement. I see no other possible means of resolving this without the transfer of the Affordable Housing condition. I hope that, through the short history I can provide in this letter, you can see I have exhausted all available remedies and the only means by which the projects can be developed is through the transfer of the condition. A decision to reject my transfer request will leave me in this ongoing situation of despair, without any solution in sight. A decision to allow this transfer would not only make this a potential remedy with what is adequate collateral for transfer, but also a possibility for all of us to have these conditions fulfilled. The decision is in your hands.

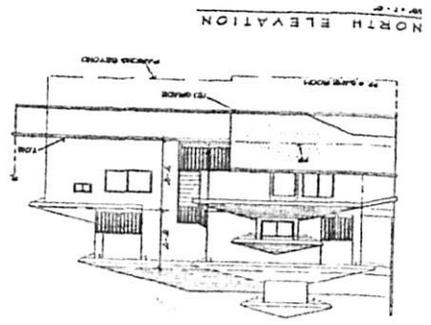
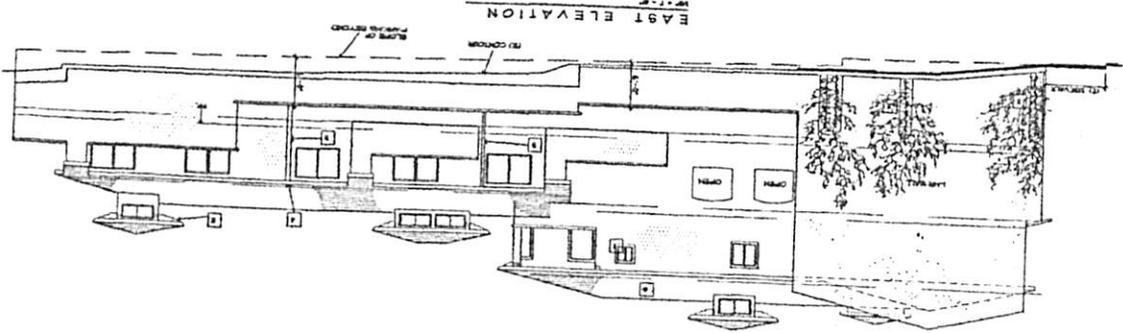
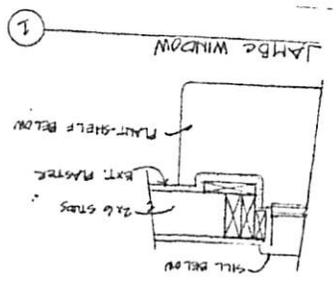
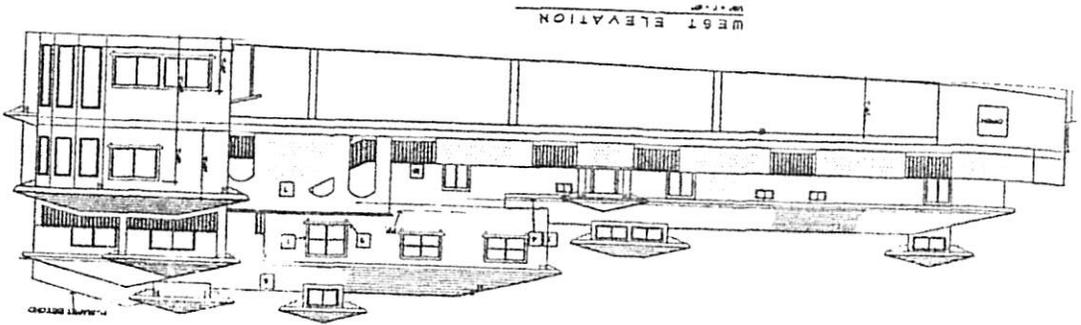
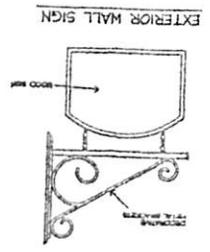
Sincerely,



Mike Fisher



- EXTERIOR ELEVATION NOTES
1. Finish wall & ceiling as shown.
 2. Finish wall & ceiling as shown.
 3. Finish wall & ceiling as shown.
 4. Finish wall & ceiling as shown.
 5. Finish wall & ceiling as shown.
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 8. Finish wall & ceiling as shown.
 9. Finish wall & ceiling as shown.
 10. Finish wall & ceiling as shown.
 11. Finish wall & ceiling as shown.
 12. Finish wall & ceiling as shown.



HIRSH USE FOR
 BEACH FRONT BUILDERS
 ATN: PHIL FISHER JR.
 1700 BEACH CA 94404
 PROJECT LOCATION

LIVING ENVIRONMENTS
 ARCHITECTURE & SOLAR SPACE HEATING
 GREGORY D. SOTO ARCHITECT
 P.O. BOX 1392 ARROYO GRANDE, CA 93421
 Lic. # 014980 (805) 481-1056

