

#850



INLAND APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: Rick Quinn-Opolo Vineyards File Number: DRC2004-00276

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: _____

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing Officer
- Subdivision Review Board
- Planning Commission
- Other _____

Date the application was acted on: March 29, 2012

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)
Please see attached basis of appeal

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number #1e,#1i, #64 Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: Rick Quinn- Opolo Vineyards
 Address: 2801 Townsgate rd. # 123 Westlake Village, CA
 Phone Number (daytime): 805-371-0101

We have completed this form accurately and declare all statements made here are true.

[Signature]
Signature

4/11/12
Date

2012 APR 11 PM 2:37
SLO COUNTY
PLANNING/BUILDING
DEPT

OFFICE USE ONLY
 Date Received: 4/11/12
 Amount Paid: \$850.00

By: [Signature]
 Receipt No. (if applicable): 02890

Condition 1e: Regulation of Industry Wide Events and Unadvertised Events

Appellant Response:

Land Use Ordinance Definition for winery 'Special Events':

- i. **Special events.** For the purposes of this section special events are defined as any of the following events when there is the possibility that 50 people or more individuals will attend: concerts (with or without amplified sound), weddings, advertised events (including fund raising, but not including industry-wide events), and advertised winemaker dinners open to the general public. Does not include normal patronage of the tasting room or non-advertised events.

Condition 1.e should be revised to exclude the limitations on Industry Wide Events and Unadvertised Events for the following reasons:

1. County Land Use Ordinance, Section 22.30.070 D(2)i defines Winery Special Events. The winery 'Special Event' definition specifically exempts Unadvertised and Industry Wide Events from the winery 'Special Event' definition. Since these types of events are specifically exempted from the 'Special Event' definition they are not subject to regulations and therefore should not be restricted through the Land Use Permit process.
2. Regulating Industry Wide Events and Unadvertised Events as part of the Opolo Vineyards application is unfair to the applicant as it is a limitation that places their business at an economic/financial disadvantage when compared to other approved wineries. All other approved wineries are allowed to participate in Industry Wide Events and Unadvertised Events without restrictions. Industry Wide Events at Opolo Vineyards generates a significant amount of income through ticket and wine sales. Limiting Industry Wide Events and Unadvertised Events at Opolo Vineyards would create a financial hardship for the business.
3. Conditioning Industry Wide Events and Unadvertised Events as part of the Land Use Permit process on a single application is precedent setting. To our knowledge, no other winery Land Use Permit has had limitations placed on Industry Wide Events and/or Unadvertised Events through conditions of approval.
4. When the Winery Ordinance was adopted in 2001 the Board of Supervisors made a decision to specifically not regulate Industry Wide Events or Unadvertised Events. If there is now a concern about Industry Wide Events or Unadvertised Events in the rural area(s) then this concern should be addressed through the Land Use Ordinance Amendment process, not on a project by project basis.

Further, the applicant incorporated additional noise mitigation measures as part of the project proposal to ensure continued compliance with the 65 dB (and under) noise levels at the property line.

Based upon the information in the record which supports the required findings for outdoor amplified music after 5:00 pm the applicant is requesting that Condition 1i and Condition 64 be modified as follows:

Condition 1i (Approved Development relating to Outdoor Amplified Music):

Outdoor amplified music between the hours of 10:00am and ~~5:00pm~~ 10pm

Condition 64 (Outdoor Amplified Music limitation):

N-1 On-going condition of approval (valid for the life of the project), outdoor amplified music and sound levels shall be limited to an average 70dBA and shall not exceed 90 dBA at the position seven feet in front of the speakers. ~~Amplified music or sound shall cease at 5pm.~~

Conclusion:

As discussed above, the County Land Use Ordinance provides clear definitions for winery 'Special Events', specifically to the types of events that are considered 'Special Events' and those that are not considered an event (i.e. 'Exempt'). It is clear in the 'Special Events' definition that Unadvertised and Industry Wide events are exempted from the special event definition. For this reason the appellant is requesting the Board of Supervisors to amend the project approval to remove any limitations on these Industry Wide and Unadvertised Events.

Additionally, the County Land Use Ordinance provides modification to the winery special event noise standards so long as the finding can be made that outdoor amplified music will not exceed 65dB at all property lines. The project's acoustical analysis concluded that the projected special event outdoor amplified music was well below County standards, which provided the necessary information staff needed to make a finding for approval. Thus, the information supports the findings necessary for outdoor amplified music after 5:00pm.

Based on the information provided, in compliance with the winery land ordinance, we would like to respectfully request that the Board of Supervisors approve the project with the condition changes included in this transmittal.

Sincerely,

Jamie Kirk
Kirk Consulting

Noise

64. N-1 On-going condition of approval (valid for the life of the project), outdoor amplified music and sound levels shall be limited to an average 70 dBA and shall not exceed 90 dBA at the position seven feet in front of the speakers. Amplified music or sound shall cease at 5 p.m.
- a. During events that include outdoor amplified music, the owners shall monitor and record noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed 65 dB and those prescribed in the County Land Use Ordinance.
 - b. During events that include outdoor amplified music, sound equipment shall be affixed with a sound level meter that does not allow the music levels at the noise source to exceed 90 db.
 - c. Amplified music and sound is limited to a maximum 65 dB at all property lines.